

ACTS AND RESOLUTIONS

PASSED AT THE

EXTRA SESSION

OF THE

NINTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA,

WHICH CONVENEED AT THE CAPITOL, IN DES MOINES, ON THE THIRD DAY OF
SEPTEMBER, A. D. 1862.

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Ex

TO THE
ADDRESS

C O N T E N T S .

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L A W S O F I O W A .

C H A P T E R 1 .

T O P R O T E C T T H E N O R T H - W E S T E R N F R O N T I E R .

A N A C T t o p r o v i d e f o r t h e P r o t e c t i o n o f t h e N o r t h - W e s t e r n F r o n t i e r o f I o w a f r o m H o s t i l e I n d i a n s .

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa:* That the Governor of the State of Iowa, be and he is hereby authorized and required, to raise a volunteer force in the State of Iowa from the counties most convenient to the North-Western border of said State, of not less than five hundred mounted men, and such other force as he may deem necessary, to be mustered into service by a person to be appointed by the Governor, at such place as he may designate, to be stationed at various points in the North Western counties of said State, in such numbers in a body as he may deem best for the protection of that portion of the State from hostile Indians, at the earliest possible moment.

Not less than 500 mounted men to be raised by the Gov. and stationed on the N. W. border. Mustering officer appointed by Gov.

SEC. 2. That the Governor shall appoint a time and place, where all of said volunteers shall meet for the purpose of organizing, and they shall organize by the election of officers under the same rules and regulations, which now govern the organization of a like force of volunteers for the service of the United States, and with the same number of regimental and company officers, who shall be elected by the companies, severally, and by the regiment, and shall be commissioned by the Governor as officers of like grade are now commissioned.

Gov. to designate rendezvous. Rules and regulations same as U. S. service. Officers elected.

SEC. 3. That said force shall be organized and stationed at the earliest possible moment, and shall be armed, so far as possible, with the State arms now in the North-Western part of the State; and each member of said company shall be required to furnish his own horse and subsistence, and to furnish his arms if a sufficient number cannot be supplied as aforesaid, and shall receive

Force to be organized; recruits furnish their own horses. Pay same as regulars, out of War and Defense Fund.

the same pay for such horse and subsistence, and the same pay for his personal services, as now provided for like troops and officers in the regular service of the United States: all of which shall be paid out of the War and Defense Fund of said State, or out of any other funds in the State Treasury, or by Warrant drawn upon said Treasury, the same as any other expenses of a like nature are now paid.

SEC. 4. Said force, or so much thereof as the Governor shall deem expedient, shall be held in service so long as he may deem necessary; and during that time, the persons so volunteering shall be exempt from draft.

SEC. 5. That there be and is hereby appropriated out of the War and Defense Fund, and out of any other funds in the State Treasury, a sufficient sum to pay the expenses incurred as aforesaid.

SEC. 6. That the Governor be and is hereby authorized to settle with the Government of the United States, for any expenses incurred as aforesaid, and to receive pay therefor, for the benefit of the State, to be appropriated to the several funds out of which the sums may have been paid.

SEC. 7. This Act shall take effect from and after its publication in the Des Moines Daily Times and the Daily Register, the said Act being deemed of immediate importance.

Approved September 9th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 13th, 1862, and in the Des Moines Times September 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 2.

RECORD UNITED STATES DISTRICT COURT.

AN ACT to repeal Chapter 155 of the Laws of the Ninth General Assembly of the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Chapter 155, Laws of the Ninth General Assembly, being an Act entitled "An Act requiring the Recorders of Deeds and Mortgages of the several Counties of Iowa, to procure and keep on

No records to be furnished by county officers.

file in their respective offices, a report of the decrees and judgments rendered in the District Court of the United States for the District of Iowa," be and the same is hereby repealed.

SEC. 2. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Des Moines Times, newspapers published in Des Moines.

Approved September 9th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 13th, 1862, and in the Des Moines Times September 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 3.

NOTARIAL ACTS OF E. CUMMINGS LEGALIZED.

AN ACT to legalize the official acts of Ephraim Cummins, a Notary Public of Appanoose County.

WHEREAS, the commission of Ephraim Cummins, a Notary Public of Appanoose county, expired in April eighteen hundred and sixty-two, (1862,) and whereas the said Ephraim Cummins performed official acts as Notary Public after the time his Commission expired as aforesaid, in good faith, not knowing his Commission had expired, therefore:

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all of the official acts of the said Ephraim Cummins, by him performed as a Notary Public, after the expiration of his Commission as aforesaid, be and the same are hereby legalized.

SEC. 2. This act being deemed of immediate importance shall take effect from and after its publication in the Daily State Register and the Weekly Appanoose Democrat. a paper published in Centerville. Appanoose county, provided that said publication shall not be at the expense of the State.

Approved September 9th, 1862.

I hereby certify that the foregoing act was published in the Daily State Register September 13th, 1862, and in the Appanoose Democrat September 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 4.

NOTARIAL ACTS OF M. ALLISON LEGALIZED.

AN ACT to legalize the official acts of M. Allison a Notary Public of Dubuque County.

WHEREAS, the Commission of M. Allison, a Notary Public of Dubuque county expired in July, 1862, and whereas, the said M. Allison performed official acts as Notary Public after the time his Commission expired said Allison, in good faith, not knowing his Commission had expired, therefore :

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all of the official acts of the said M. Allison by him performed as a Notary Public after the expiration of his Commission as aforesaid, be and the same are hereby legalized.

Approved September 9th, 1862.

CHAPTER 5.

CLARK COUNTY DISTRICT COURT.

AN ACT to legalize the proceedings of the District Court of Clark County, at its April Term, A. D. 1862.

WHEREAS, The April Term of the District Court of Clark county for 1862, was held at the time fixed by the Act of 1860, commencing on Monday the 21st day of April; and whereas, the Act of 1862, requiring said Term to commence on Thursday the 17th day of April, took effect by publication on the 19th day of April, 1862, therefore :

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all proceedings, judgments, decrees and orders, had, done and entered of record at the April Term of the District Court of Clark county, for the year 1862, are hereby declared to be legal and valid, to all intents, and for all purposes, as though the same had been had and done at the time fixed by the Act of the General Assembly approved April 7th, 1862, and entitled "An Act fixing the times of holding Courts in the Third Judicial District : " *Provided*, That nothing

April term,
1862, legal-
ized.

herein contained shall be so construed as to legalize and declare valid any judgment or proceeding in said Court, otherwise illegal or irregular than for the causes hereinbefore stated.

SEC. 2. This Act being deemed of immediate im-^{Take effect.}portance, shall take effect, and be in force from and after its publication in the Iowa State Register and Des Moines Times.

Approved September 9th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register September 17th, 1862, and in the Des Moines Times September 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 6.

PROTECTION OF NORTH-WESTERN BORDER.

AN ACT to amend an Act entitled "An Act to provide for the protection of the North-Western Frontier of Iowa from hostile Indians.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Act passed at the present ^{Gov. may purchase horses and subsistence.} Session of the General Assembly of the State of Iowa, entitled "An Act to provide for the protection of the North-Western Frontier of Iowa from hostile Indians," be, and the same is so amended, as to authorize the Governor of said State, in case he may deem expedient, to furnish the arms, horses and subsistence provided for by said Act, to be paid as provided by said Act, instead of requiring the parties volunteering to furnish themselves.

SEC. 2. This Act shall take effect immediately from ^{Take effect.} and after its publication in the Iowa State Register and the Des Moines Times, the same being deemed of immediate importance.

Approved September 9, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register September 17, and in the Des Moines Times September 17, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 7.

CLAIMS.

AN ACT to provide for auditing the claims of Jacob Wily, Absalom Black and Geo. W. Jones.

J. Wily, Benton county. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Commissioners appointed by the State to audit claims against the War and Defense Fund, be and they are hereby authorized to adjust and audit the claim of Jacob Wily, of Benton County, for clothing furnished by the order of Captain Jacob S. Hunt, to Company G, of the Fifth Regiment of Iowa Volunteers, as far as the same may be found right and proper.

A. Black, Marion county. SEC. 2. That said Commissioners be and they are hereby authorized to adjust, audit and allow the claim of Absalom Black, of Marion County, for clothing and supplies furnished by order of William Horner to Captain J. C. Ferguson's Company of the Eighth Regiment of the Iowa Volunteers, so far as the same may be found just and proper; and the claim of George W. Jones of Indianola, Warren County, for clothing furnished Captain Ogg's Company of the Third Regiment.

G. W. Jones, Warren co.

Take effect. SEC. 3. This Act is to take effect and be in force from and after its publication in the State Register and Des Moines Times.

Approved September 9th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 13th, 1862, and in the Des Moines Times September 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 8.

REVENUE.

AN ACT to amend Chapter 173 of the Acts of the General Assembly of 1862, to correct a clerical error therein.

Error corrected. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section two of Chapter 173 of the of the Acts of 1862, is hereby amended by strik-

ing out of the 8th line from the top thereof, the word "June," and inserting therein the word "January" in place thereof.

SEC. 2. This Act shall take effect on the 1st day of January next.

Approved September 9th, 1862.

CHAPTER 9.

CITY OF KEOKUK.

AN ACT rendering valid the plat of Leighton's Addition and Mason's upper Addition to the City of Keokuk, Lee County, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the plat of Leighton's addition and Mason's upper addition to the City of Keokuk, Lee County, and State of Iowa, heretofore made and now on file in the office of the Recorder of Deeds of said County in said City, shall, and the same is hereby declared to have the same force and effect in law and in equity as if the County Judge of the said County had entered thereon an order that the same be recorded as prescribed by Section 636 of Chapter 41 of the Code of Iowa, and as if the same had been duly recorded in the manner and within the time prescribed by law.

Leighton & Mason's Addition legalized.

SEC. 2. The said plat shall be received in evidence in any of the Courts of this State for all purposes whatever, and shall have the same force and effect as if it had been legally and formally executed and recorded, anything in any law heretofore passed to the contrary notwithstanding.

SEC. 3. This Act shall take effect and be in force from and after its publication in the Daily State Register, published at Des Moines, and the Daily Gate City, published at Keokuk, without expense to the State.

Approved September 10th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 16th, 1862, and in the Gate City September —, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 10.

APPROPRIATION.

AN ACT making appropriations for the payment of the mileage and per diem of the Members and Officers of the Special Session of the Ninth General Assembly, and for other purposes.

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 out of any money in the State Treasury not otherwise appropriated, for the purposes hereinafter designated.

Appropriation.

Mileage & per diem of members and officers, includ'g Lieut. Gov.

State Treas'r shall pay up on Auditor's Warrants.

Certificate by presiding officer.

Lieut. Gov.

Speaker of the House.

Postmaster, House and Senate.

Ass't Adj't General's salary.

W. Redhead, stationery.

Postage—J. Teesdale P.M.

SEC. 2. For the payment of the mileage and per diem of the members and officers of the Special Session of the Ninth General Assembly, including the Lieutenant Governor, the sum of twelve thousand dollars, or so much thereof as their certificates shall entitle them to.

The money thus appropriated shall be paid by the Treasurer of State upon Warrants issued by the Auditor of State, which Warrants shall be issued by the Auditor to each member and officer of the two Houses according to certificates signed by the presiding officer, and attested by the Secretary or Chief Clerk of the House to which he may belong, certifying that such person is a member or officer of the Senate or House, as the case may be, and the amount to which he is entitled.

SEC. 3. To Lieutenant Governor Needham, for nine days' services as President of the Senate, \$6 00 per day, \$54 00.

SEC. 4. To Rush Clark, Speaker of the House of Representatives, for nine days' services at \$3 00 per day \$27 00.

SEC. 5. To A. B. Burrhus for nine days services as Post Master and Mail Carrier at \$4 00 per day \$36 00.

SEC. 6. For the payment of the salary of the Assistant Adjutant General for the term ending December 31, 1863, or so much thereof as he shall be entitled to by law the sum of \$1,400 00.

SEC. 7. To Wesley Redhead & Co., for stationery as per Bill, \$22 60.

SEC. 8. For the payment of the Postage of the Special Session of the Ninth General Assembly the sum of one hundred dollars or so much thereof as shall be found necessary, upon an examination of the accounts of the Post Master by the Secretary of State, who shall certify the same to be correct to the Auditor of State.

SEC. 9. To George G. Strathern for four days ser-

vices as Fireman before the meeting of the last Regular Session and as pro tem. officer, at \$3 00 per day \$12 00.

SEC. 10. This Act being deemed of immediate importance shall take effect and be in force from and after its publication in the Daily State Register and Des Moines Times. Geo. G. Stra-
thern.
Take effect.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 19th, and in the Des Moines Times Sept. 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 11.

RELIEF OF SOLDIERS.

AN ACT to amend Chapter 113 of the Acts of the Ninth General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section one of Chapter 113 of the Acts of the Ninth General Assembly, being an Act, entitled, "An Act to exempt the property of Iowa Volunteers in the military service of the United States from levy or sale," approved April 7th, 1862, be and the same is hereby amended by striking out the word "Volunteer" from the second line of the said Section. Soldier's prop-
erty to be
exempt from
execution.

SEC. 2. *And be it further enacted*, That any property of any such soldier now or hereafter levied upon, or held by a writ of attachment, or by any other process issuing from the Courts of this State, shall be released from any such levy or attachment for the time named in the Act herein before mentioned. Property of
soldier at-
tached to be
released.

SEC. 3. In cases where this Act, or the Act to which this is amendatory, is applicable and is applied to any soldier or to the property of such soldier, the said Acts shall be applicable, and shall be applied to any and all sureties, bound for such soldier in the debt, cause of action or matter to which the legal proceedings relate, and to the property of such surety and such levy, attachment or other lien shall be released and postponed in regard to the property of any such surety for the same time, in the same manner and to the same extent as in regard to such soldier. Surety of sol-
dier to be ex-
empt from
suit.

Statute of limitation shall cease to run. SEC. 4. The Statute of Limitation or the provision of law limiting the time within which actions may be commenced, shall cease to run in favor of any such soldier and his surety during the time their property is exempt from attachment, levy, sale or lien, by virtue of the provisions of this Act and the Act to which this is amendatory.

Exemption applies to officers. SEC. 5. *And be it further enacted*, That the first Section of the Act above referred to, of 7th of April, 1862, be and the same is hereby further amended by striking out the words "and not above the rank of Captain," occurring in the third and fourth lines thereof, which words are hereby repealed.

Take effect. SEC. 6. This Act being deemed of immediate importance, shall take effect from its publication in the Iowa State Register and the Des Moines Times, newspapers published in the City of Des Moines.

Approved September 10th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register September 17th, 1862, and in the Des Moines Times September 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 12.

MEDICAL EXAMINERS.

AN ACT to amend an Act, entitled "An Act to amend the Militia Law of the State of Iowa," approved May 28th, 1861.

Board of Medical Examiners—1 at Keokuk, 1 at Des Moines, 1 at Dubuque. SECTION 6. *Be it enacted by the General Assembly of the State of Iowa*, That the Governor shall appoint three Medical Examiners, one of whom shall be the Professor of Surgery in the Medical Department of the Iowa State University. One of said Examiners shall be situate and attend to the duties pertaining to the Office at Keokuk, one at Dubuque and one at Des Moines City.

Three years' practice entitles physician to examination without diploma. SEC. 2. Any Physician who shall give reasonable evidence that he has been a reputable practitioner of medicine for the term of three years next preceding the time of application, whether he shall have a Diploma or not, shall be admitted to an examination and reported upon, as now provided for by law; and said Medical Examiner shall be allowed as an entire compensation for

his services the sum of Five Dollars, which shall be paid by such person examined by him.

SEC. 3. A certificate from any one of said Medical Examiners, shall be sufficient evidence of qualification, to be appointed Surgeon or Assistant Surgeon to the Volunteer Regiments of Iowa. One examin'r may give certificate.

SEC. 4. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed. Repeal.

SEC. 5. This Act to take effect and be in force from and after its publication in the Iowa State Register, Des Moines Times and Iowa Homestead. Take effect.

Approved September 10th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register September 17th, 1862, in the Des Moines Times September 17th, 1862, and in the Iowa Homestead September 25th, 1862.
ELIJAH SELLS, Secretary of State.

CHAPTER 13.

PENITENTIARY.

AN ACT authorizing the Auditor of State to audit the claim for salary of the Physician of the State Penitentiary.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Auditor of State is hereby authorized and required to audit the claim of the Physician of the State Penitentiary for salary as fixed by Section ten of Chapter forty-eight of the Laws of the regular session of the Ninth General Assembly. Pay of Physician.
Provided, that such claim shall be presented as other claims for salary are presented, and subject to the same regulations and requirements.

SEC. 2. This Act being of immediate importance, shall take effect from and after its publication in the Des Moines Times and the Daily State Register, papers published in Des Moines City.

I hereby certify that the foregoing Act was published in the Des Moines Times September 17th, 1862, and in the Daily State Register September 16th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 14.

GOVERNOR'S CONTINGENT FUND.

AN ACT making an appropriation to meet the extraordinary expenses of the Executive Department, and to provide for the relief of the sick and wounded soldiers in the service of the State of Iowa, or in the service of the Government of the United States, from the State of Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That there is hereby appropriated out of any money belonging to the State and not otherwise appropriated, the sum of Thirty Thousand Dollars, Ten Thousand Dollars of which shall be subject to the Executive control of the Governor of this State to meet the extraordinary expenses of his office, and also to be used under his direction for the relief of sick and wounded soldiers in the service of the State of Iowa, or who are now, or may hereafter be in the service of the United States from the State of Iowa. The remaining Twenty Thousand Dollars shall be under the control of the State Census Board, to be disposed of as hereinafter provided.

Appropriation—\$30,000

\$10,000 under control of the Gov., at his direction.

\$20,000 under control of the Census Board

State Census Board may make allowance to the Governor.

Gov. to report disposition of said fund.

Take effect.

SEC. 2. Whenever the said sum of ten thousand dollars (together with the unexpended portion of the appropriation made by Section 24 of Chapter 133 of the Laws of the Ninth General Assembly for the purposes herein set forth) shall have been expended, should any further sum of money be required for such purposes, it shall be the duty of the State Census Board to make an allowance to the Governor of the State, out of the money placed under their control by the provisions of this Act, of such sum or sums of money as in their opinion the circumstances may require.

SEC. 3. It shall be the duty of the Governor of this State to report to the next regular session of the General Assembly a full and complete statement of the manner in which the money appropriated by this Act has been expended, with the proper vouchers therefor.

SEC. 4. This Act being of immediate importance, shall take effect and be in force from and after its publication in the Daily Register and Des Moines Times.

Approved September 10th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 16th, 1862, and in the Des Moines Times September 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 15.

ROAD.

AN ACT to amend Section 1, Chapter 12, of the Acts of the Ninth General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section 1, Chapter 12, of the Acts of the Ninth General Assembly be so amended as to read as follows: "The terminus of said road being on the county line between Van Buren and Henry Counties." Correcting an error as to line of road at its terminus.

SEC. 2. This Act being deemed of immediate importance, shall be in force from and after its publication in the Daily State Register and Daily Gate City.

Approved September 10th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 16th, 1862, and in the Daily Gate City September —, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 16.

PENITENTIARY.

AN ACT to provide for leasing the Convict labor in the Iowa Penitentiary after the expiration of the lease now in force.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Edward Johnstone and J. C. Walker of Lee County, together with the Warden of the Penitentiary, are hereby appointed and constituted Commissioners on behalf of the State of Iowa, with full power and authority to enter into a contract or lease with such person or persons, and upon such terms as they may deem for the interest of the State, leasing or hiring the labor of the convicts in the Penitentiary for a period of time not exceeding ten years, and said Commissioners are hereby authorized and required to enter into a written agreement or contract with the person or persons with whom they contract, in which the terms and stipulations of the contract shall be clearly set forth. Commissioners to lease convict labor. Term of lease. Written agreement.

Com'rs to
take and sub-
scribe oath.
Oath to be
filed in Secy's
office.

Acts Com'rs
to be appr'vd
by State Cen-
sus Board.

SEC. 2. Said Commissioners shall each take and subscribe an oath, faithfully to discharge their duties under this Act, which oath shall be reduced to writing, signed by said Commissioners, and filed in the office of the Secretary of State.

SEC. 3. That all the acts of said Commissioner shall be approved by the State Census Board before they shall be binding on the State, and that the labor of said convicts shall not be leased for less price than thirty-five cents per day for any term of time.

Approved September 10th, 1862.

CHAPTER 17.

SOUTHERN BORDER.

AN ACT to provide for the better protection of the Southern Border of this State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Governor of the State of Iowa be, and he is hereby authorized and required to raise a volunteer force in the State of Iowa, from the County of Wapello and each of the Counties in the Southern tier of Counties bordering on the State of Missouri, not less than one Company of mounted men, to be mustered into service by a person, or persons, appointed by the Governor, at such time and places as he may designate, for the protection of the Southern border.

Gov. author-
ized to raise
mounted men
for protection
of S.-W. border.
Mustered in
by officer ap-
pointed by
the Governor

The Govern'r
shall appoint
time & place
of meeting for
election of of-
ficers.
Officers rank.
Battalions or-
ganized and
Majs. com'd
by the Gov.

SEC. 2. The Governor shall appoint a time and place of meeting of each of said Companies for organization, and when so convened they shall proceed to the election of one Captain and one First Lieutenant, and the Captain shall appoint one Orderly Sergeant and one Bugler. The Captain and Lieutenant, when so elected, shall be commissioned by the Governor as officers of like grade are now commissioned, and the Governor shall organize said Companies into Battalions, and shall appoint and commission a Major for each Battalion.

Conflict. Gov.
appoints, and
Co's. elect
Majs. of Bat-
tallions.

SEC. 3. The Battalions shall be numbered First, Second, Third and Fourth Battalions.

The Majors commanding the several Battalions shall be numbered in the same manner, and each Battalion shall elect a Major at such time and place as the Governor

shall direct, and the Majors so elected shall be commissioned by the Governor.

SEC. 4. The place of rendezvous of each of said Companies shall be at the County Seat of the County in which such Company is raised, or at such other place within said County as the Commanding officer shall designate; but said Company shall not be required to remain at the rendezvous, and only such force as may be detailed for duty from day to day shall be put on duty by the Commanding officer.

Place of rendezvous.

Detail for duty.

The Commander of the Company may detail from the members thereof ten or more men daily, who shall act as scouts and shall guard the border of their County and shall report their observations to the Commanding Officer, and the Commanding Officer in case of necessity, shall call the Company together at the place of rendezvous or such other place as he may designate, and the whole Company when called together shall remain on duty and be subject to the order of the officers thereof as long as in the opinion, of the Commanding Officer, it may be necessary.

No. of scouts to guard border & report.

Comd'ng officer may call company together for such time as he may deem proper.

SEC. 5. The members of the different Companies, shall receive pay only for the time they are actually detailed for guard duty as aforesaid, except in case the Commanding Officer of such Company deems it best for the safety of the border, to call out a larger number, when they shall be paid for the actual time so engaged.

To be paid only while on duty.

SEC. 6. That said Companies and Battalions shall be organized at the earliest possible moment, and shall be armed so far as possible, with the State arms, and each member of said Company or Battation shall be required to furnish his arms, if a sufficient number cannot be supplied as aforesaid and shall be required to furnish his own horse and subsistence and shall receive the same pay for such horse and subsistence, and the same pay for his personal service, as now provided for like troops and officers in the regular service of the United States, all of which shall be paid out of the War and Defense Fund of said State, the same as any other expenses of a like nature are now paid.

To be organized at the earliest possible moment.

Soldier to furnish his horse and subsistence.

To be paid out of War and Defense Fund.

SEC. 7. Said force, or so much thereof as the Governor shall deem expedient shall be held on service so long as he may deem necessary, and during that time the persons so Volunteering shall be exempt from draft, and the enrolment list shall be the same, as though said men were in the United States service.

Governor may keep troops in service at his discretion.

SEC. 8. That there be and is hereby appropriated

Appropriat'n out of the War and Defense Fund a sufficient sum to pay the expense incurred as aforesaid.

Pay roll to be transmitted to the Paymaster Gen'l. SEC. 9. On the first day of each month the officer Commanding shall transmit to the Paymaster General of the State, a pay-roll of his Company, the name and rank of each member of his Company and the number of days each man and officer was in actual service during the preceding month, which shall be certified to by such Commanding Officer to be correct, and if any such officer shall willfully make an incorrect certificate to such pay roll, he shall be liable to be removed and dismissed from the service.

Penalty for rascality.

Governor to squeeze expenses out of Uncle Sam.

SEC. 10. That the Governor be, and is hereby authorized to settle with the Government of the United States for any expenses incurred as aforesaid, and to receive pay therefor for the benefit of the State, to be apportioned to the several funds out of which the same may have been drawn.

Take effect.

SEC. 11. This Act being deemed of immediate importance by the General Assembly, shall be in force and effect from and after its publication in the State Register and Des Moines Times, papers published in Des Moines City.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register Sept. 16th, 1862, and in the Des Moines Times Sept. 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 18.

NORTHWESTERN BORDER.

AN ACT explanatory of an Act entitled an Act for the protection of the North-Western Frontier from hostile Indians.

Explanatory of former act on same subject. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Act entitled an Act to provide for protection of the North-western Frontier of Iowa from hostile Indians, passed at the Extra Session in 1862, is hereby declared to be understood to mean that the Governor of the State of Iowa is required to raise, arm equip, and provide for the volunteer force in said Act provided for, only at such times and in such number as in his judgment the danger to the frontier settlers may require such action.

SEC. 2. That all expenses incurred under the said Act to which this is amendatory, shall be audited by the Auditing Commissioners, and paid out of the War and Defense Fund. Expenses paid out of War and Defense Fund.

SEC. 3. No other equipments for the troops raised under said Act, and the Acts amendatory thereto, shall be paid for by the State, except those specified in said Act. Pay for equipments.

SEC. 4. This Act being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Times, newspapers published at the City of Des Moines.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register September 17th, 1862, and in the Des Moines Times September 17th, 1862.

EIJAH SELLS, Secretary of State.

CHAPTER 19.

REDUCTION OF SALARIES.

AN ACT fixing the Salaries of certain officers.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That on and after the taking effect of this Act, the salary of the Superintendent of the Hospital for the Insane shall be twelve hundred dollars per annum, and residence in the Hospital. The salary of the Assistant Physician shall be six hundred dollars per annum, and residence in the Hospital. Sup't of Insane Hospital —salary reduced. Salary of As't Physician.

SEC. 2. That the salaries of the Judges of the District Courts of the several Districts of this State, after the last day of December next, shall be the sum of thirteen hundred dollars per annum. Dist. Judges.

SEC. 3. That the salary of the Judges of the Supreme Court shall, after the several terms of office of the present incumbents expire, be the sum of eighteen hundred dollars per annum. Salary of Supreme Judges

SEC. 4. That the salaries of the Secretary of State, the Auditor, the Treasurer of State, the Register of the State officers Salary of State officers

Land Office and the Secretary of the Board of Education, shall severally be the sum of thirteen hundred dollars per annum.

Salaries Dist. Attorneys. SEC. 5. That the salaries of the several District Attorneys shall be six hundred dollars per annum, and the fees allowed by law.

Repealed. SEC. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Take effect 90 days after date. SEC. 7. This Act shall take effect and be in force from and after its publication by law.

Approved September 11th, 1862.

CHAPTER 20.

DOGS.

AN ACT to repeal Chapter 76 of the Acts passed at the regular session of the Ninth General Assembly, entitled "An Act providing for the registry of Dogs and defining the duties of township officers in certain cases, and other provisions relating thereto."

Correcting the record. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all of Chapter 76 of the Acts passed at the regular session of the Ninth General Assembly of the State of Iowa, entitled "An Act providing for the registry of Dogs and defining the duties of township officers in certain cases," with the exception of section 9 of said Chapter, be and the same is hereby repealed.

Dog certifies legal tender in payment of school bill. SEC. 2. Every person who has registered a dog, under and in accordance with the provisions of said Chapter, shall, upon the presentation of his certificate of registry of said dog to the Board of Directors for the Township, City, or independent School District in which he resided at the time of the registry of said dog, be entitled to receive from said Board of Directors a warrant on the School Fund of said District for an amount of money equal to that paid by him for said registry less the amount of the fee of the Township Clerk for registering said dog, and said Board of Directors are hereby authorized and required to issue said warrant, and the Treasurer of said District is hereby authorized and required to pay said warrant in the same manner as other warrants on said fund are paid.

SEC. 3. It shall be lawful for any person to kill any

dog caught in the act of worrying, maiming or killing any sheep or lambs or other domestic animal, or any dog attacking or attempting to bite any person outside of the enclosure of the owner, and the owner shall be liable to the party injured for all damages done by his dog. Unruly dogs may be killed

SEC. 4. All actions commenced under the provisions of said Chapter shall be discontinued upon the payment by the defendant of all costs that have accrued up to the time of said payment. Actions discontinued by payment of costs.

SEC. 5. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, Des Moines Times, and Iowa Homestead. Take effect.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 16th, 1862, in the Des Moines Times September 17th, 1862, and in the Iowa Homestead September 25th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 21.

HOUSE AND SENATE JOURNALS.

AN ACT to provide for the publication and distribution of the Journals of the Senate and House of Representatives of the Special Session of the Ninth General Assembly.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there shall be published two thousand copies of the Journals of the Senate and House of Representatives of the Special Session of the Ninth General Assembly of the State of Iowa. 2,000 copies to be published.

SEC. 2. The Secretary of the Senate and the Clerk of the House of Representatives are authorized and required to transcribe the Journals of their respective Houses, in books furnished for that purpose by the Secretary of State, and after having certified to the correctness of the same, deliver them to the Secretary of State for preservation in his office. Journals to be transcrib'd and copy delivered to the Sec'y of State for preservation.

SEC. 3. The Secretary and Clerk shall superintend the printing and indexing of their respective Journals, and it shall be the duty of each to deliver a carefully prepared copy thereof to the State printer, written up in solid paragraphs as nearly as practicable, which copy Duty of Sec'y and Clerk.

Penalty for failure. shall be delivered within two months from the day of the adjournment of the Legislature, and upon a failure to deliver within the time above prescribed, they shall be entitled to receive only one-half of the compensation hereinafter provided.

SEC. 4. As soon as the Journals are printed (which shall be done within ninety days after they shall have been delivered to the State Printer,) it shall be the duty of the Secretary and Clerk to distribute the same as herein provided. The State Printer shall receive but half of the usual compensation for a failure on his part as above provided.

SEC. 5. Each member of the Senate and House of Representatives shall be entitled to three copies of the Journal of the House of which he is a member, and one copy of the Journal of the other House; and three copies shall also be sent to each organized County in the State, directed to the Clerk of the District Court thereof, and one copy to each officer and reporter of the General Assembly; and the State Librarian shall preserve at least fifteen copies of each Journal in the Library.

SEC. 6. As a compensation for the services herein required, the Secretary and Clerk shall each receive three hundred dollars, to be paid out of the State Treasury, one-half of which shall be allowed and paid when the copy is furnished to the State Printer, and the transcribed Journal filed in the office of the Secretary of State, and the remainder when the Secretary and Clerk shall have certified under oath that they have distributed the Journals according to the provisions of this Act.

SEC. 7. This Act shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Times.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register September 17th, 1862, and in the Des Moines Times September 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 22.

MAJORS MAY SWEAR.

AN ACT to provide for the acknowledgment of instruments by the soldiers in the military service and for the administration of oaths.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Major in each Regiment of Infantry and any Major in each Regiment of Cavalry of the Iowa forces in the military service of the United States shall be authorized to take the acknowledgment of instruments in writing required to be acknowledged by the laws of this State, and to administer oaths or affirmations in cases where an oath (or affirmation) is required or permitted by the laws of this State. Majors of regiments authorized to administer oath and acknowledge instruments in writing.

SEC. 2. Such Major is authorized to take such acknowledgment and to administer such oath (or affirmation) only in cases when the same is done out of the limits of this State and only in transactions and business in which an Iowa soldier is a party or is concerned. Limit to exercise of Major's functions

SEC. 3. Such officer, in the exercise of his duty under this Act, is authorized to use a scroll instead of a Seal, writing his surname and the initial letters at least, of his Christian name within the scroll and distinctly referring to the Seal in the certificate. Make seal to suit necessity of case.

SEC. 4. Such officers are also authorized to take depositions, and depositions taken by them shall be receivable in evidence in causes in law and equity the same as if taken by any other officer authorized thereto. Majors may take depositions.

SEC. 5. Such Major shall sign his certificate, officially stating his rank and the Regiment to which he belongs in substantially the following form: A. B. Major of — Regiment of Iowa Infantry, (or Cavalry) as the case may be. Maj's certificate—how signed—form.

SEC. 6. Each Major herein authorized to act shall take an oath to discharge his duty under this Act, truly, faithfully and impartially to the best of his knowledge and ability, which oath in writing may be taken before and certified by the acting Adjutant of any Iowa Regiment and the same with the signature of such Major shall be transmitted by mail or otherwise to the Secretary of State who shall file and keep the same in his office. Majors shall take oath, to be filed with Sec. of State.

SEC. 7. Such officer shall be authorized to demand and receive fifty cents for each acknowledgment taken Majors' fees.

and certified and twenty-five cents for each oath (or affirmation) administered and certified.

Take effect. SEC. 8. This Act being deemed of immediate importance shall take effect from its publication in the Iowa State Register and the Des Moines Times, papers published at Des Moines.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register September 17th, 1862, and in the Des Moines Times September 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 23.

CHANGING A NAME.

AN ACT to change the name of Buncombe County to Lyon.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the name of Buncombe county be changed to that of Lyon.

Approved September 11th, 1862.

CHAPTER 25.

THIRD JUDICIAL DISTRICT.

AN ACT to amend Chapter 114 of the Acts of the Ninth General Assembly entitled, "An Act fixing the times of holding Courts in the Third Judicial District.

Changing time of holding Court in Adams Co. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section one of Chapter 114 of the Acts of the Ninth General Assembly of the State of Iowa is hereby amended to read as follows, to-wit: At Quincy in the County of Adams on the fifth Thursday after the fourth Monday in March and September.

SEC. 2. This Act being deemed of immediate importance by the General Assembly, shall take effect and

be in force from and after its publication in the Iowa State Register and Des Moines Times.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register September 17th, 1862, and in the Des Moines Times September 17th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 25.

CITIES AND TOWNS.

AN ACT Supplemental to an Act for the Incorporation of Cities and Towns, Chapter 51 of the Revision of 1860.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Charter of any City or Town heretofore granted by the General Assembly may be abandoned, and such City or Town, may be organized into a City or Town, with the same territorial limits under the Act for the Incorporation of Cities and Towns. Chapter 51 of the Revision of 1860 to which this Act is supplementary by pursuing the course hereinafter prescribed.

Charter may be abandoned and city be organized under chap. 51, Rev. 1860.

SEC. 2. Upon the petition of fifty legal voters in any such Incorporated City or Town to the City Council or Trustees praying that the question of abandoning the Charter be submitted to the legal voters of such City or Town, it shall be the duty of the City Council or Trustees to immediately direct a Special Election to be held, at which such question shall be decided.

Abandoning of old charter to be referred to a vote of the people.

SEC. 3. At the same meeting of the Council or Trustees, at which such election is directed, the Council or Trustees shall specify by Resolution, the time and place or places of holding the same, and appoint the Judges and Clerks of the Election.

Council shall fix time and place of holding election.

SEC. 4. It shall be the duty of the Mayor, or in case there is no Mayor, the President of the Council or Board of Trustees, to at once issue a Proclamation giving notice of the election so directed to be held, of the question submitted to the electors and the time and place of holding the election; the said Proclamation shall be published for four consecutive weeks in some newspaper, if there is one published in such City or Town

Election proclamation must issue.

and if there is none published therein, then such Proclamation shall be published by posting a copy thereof in five public places within the Corporate limits of such City or Town, one of which shall be on the door of the Mayor's office.

Manner of voting.

SEC. 5. At such election those who desire to vote in favor of the abandonment of the Charter shall deposit a ballot on which shall be written or printed the words "In favor of abandonment," those desiring to vote against the abandonment shall deposit a like ballot with the words "Against abandonment."

Mode of conducting.

The Election shall be conducted in other respects, as Elections for City officers are conducted under the Charter.

Returns of election made to city council.

The abstract of votes shall be returned to the City Council or Board of Trustees, who shall canvass the same and declare the result, which shall be entered on the Journal.

Change of charter to be dependent on the vote of the legal voters.

SEC. 6. If a majority of the votes cast at such Election shall be in favor of the abandonment of the Charter, the said Charter shall without further proceedings be taken as abandoned, subject to the provisions of Section 1140 of the Revision of 1860 and such City or Incorporated Town shall be considered organized, and shall have all the rights and be subject to all the limitations of a City of the first or second class, or of an Incorporated Town, according to the number of its population, under the General Act for the Incorporation of Cities and Towns.

In case a majority of the votes shall be against such abandonment no further proceedings shall be taken under this Act, until after the expiration of one year from the time of such Election.

Vested rights not to be affected by change.

SEC. 7. All rights and property of every description which were vested in any municipal corporation under its former organization shall be deemed and held to be vested in the same municipal corporation under the organization made by this Act, and no right or liabilities either in favor of or against such corporation existing at the time of taking effect of this Act, and no suit or prosecution of any kind shall be affected by such change, but the same stand or progress as if no such change had been made: *Provided*, That when a different remedy is given by the Act to which this is supplemental, which can properly be made applicable to any right existing at the time such change is made, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

SEC. 8. Chapter 51 of the Revision of 1860 shall not apply to any City or Incorporated Town which was Incorporated before the 18th day of July, 1858, upon the adoption thereof as above provided.

Approved September 11th, 1862.

CHAPTER 26.

AGRICULTURAL COLLEGE.

AN ACT to accept of the grant and carry into execution the trust conferred upon the State of Iowa by an Act of Congress entitled, "An Act donating public Lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and the Mechanic Arts," approved July 2, 1862.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the lands, rights, powers and privileges granted to and conferred upon the State of Iowa, by the Act of Congress, entitled, "An Act donating public lands to the several States and Territories, which may provide Colleges for the benefit of Agriculture and the Mechanic Arts," approved July 2, 1862, be and the same are hereby accepted by the State of Iowa, upon the terms, conditions and restrictions contained in said Act of Congress.

SEC. 2. The Governor is hereby authorized and required to appoint one Commissioner to select and locate the lands donated by the said Act of Congress, under such restrictions as the Governor may direct. *Provided,* That in selecting the lands mentioned in this Act, only so many acres shall be selected in any County, as there may be acres in such County subject to entry at one dollar and twenty-five cents per acre, over and above the number of acres of Swamp Lands selected in such County and that no lands selected as Swamp Lands, shall be selected by the Commissioner appointed under this Act.

SEC. 3. The Commissioner shall report to the Governor at such time as he shall designate a full and complete list and description of the lands selected, which the Governor shall lay before the Board of Trustees of the Iowa State Agricultural College and Farm at their first annual meeting thereafter for their approval and sanction; and when so approved, the Governor shall take

measures to have the same certified to the State by the Secretary of the Interior.

List to be recorded upon confirmation
 SEC. 4. Upon the receipt by the Governor of the confirmation of the lands so selected, from the Secretary of the Interior, the Governor shall cause the list to be recorded, with a description thereof, in a book or books to be kept for that purpose, in the Office of Register of the State Land Office.

Compensati'n of Com'r.
 SEC. 5. The Commissioner appointed under this Act shall receive four dollars per day for the time actually employed in selecting and locating said lands in full compensation therefor.

Auditing bills
 SEC. 6. Bills allowed under this Act shall be Audited and Warrants drawn upon the State Treasurer by the Auditor of State, when certified as correct by the Governor.

Appropriat'n
 SEC. 7. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this Act.

Not to interfere with Swamp lands.
 SEC. 8. All selections must be made so as not to conflict with the selections made by the several Counties and known as Swamp and Overflowed Lands.

Take effect.
 SEC. 9. This Act being deemed of immediate importance, will take effect from and after its publication in the Daily State Register, Iowa State Journal and Iowa Homestead, or any two of them.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 20th, 1862, in the Des Moines Times September 24th, 1862, and in the Iowa Homestead September 25th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 27.

BOARD OF SUPERVISORS.

AN ACT to confer additional powers upon Boards of Supervisors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That when any duties are to be performed or acts done, which cannot be performed by the Board of Supervisors without too much delay or inconvenience, such Board may confer the power to perform such acts and discharge such duties upon the Clerk
 Board of Su-
 pervis'rs may
 transfer pow-
 er to Clerk of
 Dist. Court.

of the District Court, and it shall be the duty of such Clerk to exercise the authority so conferred and discharge the duties so imposed.

SEC. 2. It shall be the duty of the Board of Supervisors to approve and cause to be filed with their Clerk all Bonds of County Officers, including those of Justices of the Peace and Constables. *Provided*, That said Board may delegate such power to the Clerk of the District Court in the manner and under the circumstances specified in Section first of this Act: *Provided further*, That such Clerk shall neither file or approve his own Bond.

Board of Supervisors to approve and cause to be filed bonds of officers.
May delegate power to the Clerks.

SEC. 3. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Times and Register, newspapers published in the City of Des Moines.

Take effect.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times Sept. 24, 1862, and in the Register Sept. 24, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 28.

FIFTH JUDICIAL DISTRICT.

AN ACT changing the times of holding Court in the Fifth Judicial District.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That so much of Chapter two of the Acts of the Regular Session of the 9th General Assembly of the State of Iowa, as fixes the times of holding Courts in the Counties of Polk and Dallas, be and the same is hereby repealed, and there is enacted in lieu thereof the following Section: In the County of Dallas the several terms of the District Court shall be held on the second Monday of March and on the first Monday in October of each year. In the County of Polk, the several terms of the District Court shall be held on the fourth Monday in January and July of each year.

Repealing former act.
Fixing time for holding Court in Polk and Dallas.

SEC. 2. This Act being deemed of immediate importance, shall take effect and be in force from and after its

Take effect.

publication in the Iowa State Register and the Des Moines Times.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register October 1, 1862, and in the Des Moines Times Sept. 24, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 29.

ELECTION FOR SOLDIERS.

AN ACT to amend Title IV of the Revision of 1860, so as to enable the qualified electors of this State in the Military Service, to vote at certain elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That every white male citizen of the United States, of the age of twenty-one years, and who shall have been a resident of Iowa six months, and of some County therein sixty days next preceding his entering the military service of this State, or of the United States, shall be entitled to vote at all the elections authorized by law, as provided in this Act, and every such citizen shall thus be entitled, in the manner herein prescribed, whether at the time of voting he shall be within the limits of the State or not.

SEC. 2. Every volunteer or soldier in the military service of this State or the United States, including officers and their staffs, Surgeons and Assistant Surgeons, Chaplains and Commissioners appointed under this Act, shall, if possessed of the qualifications set forth in Section one (1) of this Act, be entitled to the benefits of the provisions thereof.

SEC. 3. Each elector voting by virtue of the provisions of this Act, shall be considered as voting in the County in which he has resided for sixty days next preceding his entering the military service: that is, he shall have the right (so far as authorized by this Act,) to vote for the same officers, and no others, that he might lawfully have voted for in the County in which he had resided at the time of his entering the military service.

SEC. 4. The elections under this Act shall be held on the same day that is provided for by Title IV of the Revision for similar elections within the State.

Qualification
of voters.

Who are enti-
tled to vote.

May vote for
such officers
as he would
be entitled to
vote for if he
was voting in
the Co. of his
residence.

Election to be
held 2d Tues-
day in Oct,

SEC. 5. At the election to be held on the second Tuesday of October, A. D. 1862, each elector authorized to vote by this Act, shall have the right to vote for the following officers, to-wit: Secretary of State, Auditor of State, Treasurer of State, Attorney General, Register of the State Land Office, Member of Congress of the proper District, Judges of the District Court, District Attorney and Member of the Board of Education of the proper District, and Clerk of the District Court, or any County officer except Constables, Justices of the Peace and County Supervisors.

At the general election for A. D. 1863, and afterwards at other elections, all persons authorized to vote under this Act, so long as it shall be in force, may vote for all the officers to be chosen at such elections, except Constables, Justices of the Peace, Township officers and County Supervisors.

SEC. 6. The provisions of Title IV of the Revision of 1860, so far as applicable, and not qualified by the provisions of this Act, shall be applied to all elections held under and by virtue of this Act.

SEC. 7. The Governor of the State is hereby charged with the duty of seeing that this Act shall be properly executed and carried out, and for that purpose is authorized and required to take such steps from time to time as may be necessary, not inconsistent with law, on this Act.

SEC. 8. At the elections herein provided for, a poll shall be opened at every place, whether within or without the State, where a Regiment, Batallion, Battery or Company of Iowa soldiers may be found, or stationed; and at such election all persons may vote who are thereto entitled by law and by the provisions of this Act.

SEC. 9. A poll shall be opened for each Iowa soldiers at the same place.

Any Company or detached portion of a Regiment may, if not practicable for all to vote together, open a separate poll, and the electors present shall choose from their number three Judges of Election from the qualified electors present, whose duty it shall be to act.

It is the object and design of this Act, that every Regiment and every Company on detached service shall have the opportunity to enjoy its privileges, and to this end any such Regiment or Company are authorized to open polls as aforesaid, whether they have been visited or seen by the Commissioners herein provided for or not.

SEC. 10. The Judges of the Election shall appoint the Clerks of the Election.

Judges and
Clerks to be
sworn.

SEC. 11. Before opening the polls, each of the Judges and Clerks shall take the following oath: I, A. B., do solemnly swear that I will impartially and to the best of my knowledge and ability, perform the duties of (Judge or Clerk) of this election, and will studiously endeavor to prevent fraud, deceit and abuse in conducting the same.

Com'rs and
Judges em-
powered to
administer
oaths.

SEC. 12. Each Commissioner and each Judge of the election is empowered to administer oaths; and the Judges of the Election may administer the oath to each other. The oaths of the Judges and Clerks shall be entered in the poll books, subscribed by the persons taking the same, and certified to by the Commissioner or Judge of the Election administering it.

Opening and
closing polls.

SEC. 13. The polls shall be opened at 9 A. M., or sooner, if necessary, or as soon thereafter as practicable, and shall remain open at least three hours, and if necessary, in the opinion of the Judges, in order to receive the ballots of all the electors, they may keep the polls open till 6 o'clock, P. M. Proclamation thereof shall be made at or before the opening of the polls, and one hour before closing them.

Ballot boxes.

SEC. 14. The Judge shall prepare boxes or other suitable receptacles for the ballots.

Form of bal-
lot.

SEC. 15. The ballots to be voted at the election held under this Act, shall have printed or written at the top of each ballot, the name of the County in which the person offering to vote is a voter. Each ballot, in addition to the name of the County, shall have printed or written on it all of the officers which may properly be voted for. The ballot on its face to be arranged thus: 1st—the name of the County, as above; 2d—names of the Governor, Lieutenant Governor, and State officers to be voted for; 3d—For Congress, (naming the number of the Congressional District of which the County at the head of the ballot is a part); 4th—For District Judge, District Attorney, and Member of the Board of Education, (naming in each instance the number of the Judicial District of which the County at the head of the ticket is a part); 5th—All other officers to be voted for under this Act. The ballot shall be folded, (if folded at all,) so as to show on the outside the name of the County, and the Judges shall refuse to receive any ballot which does not thus show the name of the County. The ballot thus prepared shall be on one piece, and all the ballots to be deposited in one box. And it is the duty of the Judges of the Election to be satisfied that the person offering to vote is

a legal voter of the County which is shown at the top of the ballot.

In canvassing the votes thus cast, the Judges shall reject all votes cast for any officer of a District, (whether Congressional, Judicial or otherwise,) not composed in part of the County named at the head of the ballot. For example, Lee County is in the First Congressional District. If a ballot be headed Lee County, and in it the voter has cast a vote for the Second Congressional District, such vote is not to be counted, so far as Congressman is concerned, and the same principle shall apply to all officers who are elected by Districts. Ballots may be rejected.

The following is an example form of the ballot provided for in this Section, viz: Example ballots.

SCOTT COUNTY.

For Secretary of State,.....
 For Treasurer of State,.....
 For Auditor of State,.....
 For Attorney General,.....
 For Register of State Land Office,.....
 For Congress—2d District,.....
 For Judge of District Court—7th District,.....
 For District Attorney—7th District,.....
 For Clerk of District Court,.....
 and so of other officers, Where an officer is elected from a District, the ballot shall specify the number of the District.

SEC. 16. The Judges of the Election are required, unless they have been furnished therewith by the Commissioner, to prepare and have present at the polls, two poll books, having each of them a sufficient column for the names and the County of the residence of the voters a column for the number, and sufficient blank leaves for the oaths, certificates and returns. Said books may be substantially as follows: Poll books.

| Name of voter. | Residence voter. | No. Reg't and Co. |
|----------------|-------------------|--------------------|
| John Smith,... | Lee County, Iowa. | 5th Reg't, Co. A. |
| John Jones,... | Scott Co., Iowa. | 11th Reg't, Co. B. |

At the time of voting, the elector must declare his name and the name of the County in which he had resided for sixty days next preceding his entering the military service, and also the number of the Regiment and Company to which he belongs, and these must be written down by the Clerk on the poll books as above shown. Each Clerk shall keep a poll book, so that there may be a double list of voters. The electors shall deliver their ballots to one of the Judges, who shall deposit them in the ballot-box, but no elector shall vote at the same elec- Duty of elector when offering his ballot.

tion at two different polls, and for no officers except such as are provided for by Section 3, and the other provisions of this Act.

Voter may be challenged. SEC. 17. Any person offering to vote may be challenged as unqualified by either of the Judges, or by any person who is an elector in this State, and it is the duty of each of the Judges to challenge any person offering to vote whom he knows or suspects not to be duly qualified.

Judges' duty to challenge voter. SEC. 18. When any person is so challenged, the Judges shall read or explain to him Sections 1, 2 and 3 of this Act, and may examine him as to his qualifications, and if the person insists that he is qualified to vote, and the challenge is not withdrawn, one of the Judges shall

Oath of challenged voter. swear that you are a citizen of the United States: that you are twenty-one years of age, as you verily believe; that you have resided in the State of Iowa six months, and in County in said State sixty days next preceding the time you entered the military service, and that you have not voted at this election ;" and if he takes such oath his vote shall be received.

Canvass. SEC. 19. When the poll is closed, the Judges shall immediately proceed to canvass and ascertain the result.

Canvass shall be public. SEC. 20. The canvass shall be public, and shall commence by a comparison of the poll lists from the beginning, and a correction of any errors which may be found therein, until they shall be found or made to agree. If two or more ballots are found so folded together as to present the appearance of a single ballot, and to convince the Judges that they were cast as one, they shall not be counted, but they shall have the words "rejected as double" written upon them, be folded together again and kept as herein directed.

Rejected ballots. SEC. 21. If at any stage of the canvass, a ballot not stating for what office the person therein named is voted for, is found in the box when officers of different kinds are to be elected, it is to be rejected.

SEC. 22. If a ballot be found containing the names of more persons for an office than can be elected to that office, and such ballot form an excess above the number of voters, it shall be rejected as to that office, (the cause of rejection being endorsed thereon,) and disposed of as hereinafter directed ; and if it does not form such excess, so many of the names first in order as are required, shall be counted.

Each Clerk to keep a tally list. SEC. 23. As a check in counting, each Clerk shall keep a tally list.

SEC. 24. A return in writing shall be made in each

poll book, setting forth, in words at length, the whole number of ballots cast for each officer, (except those rejected,) the name of each person voted for, and the number of votes given to each person for each different office; which return shall be certified as correct, signed by the judges and attested by the clerk. Such return shall be substantially as follows :

Election re-
turns.

“At an election held by the electors of
Regiment of Iowa soldiers, or by Company of
. Regiment at [describing the place] there
were ballots cast for the office of Secretary of
State, of which A. B. had votes; C. D. had
. votes. For Treasurer of State, votes
were cast, of which E. F. had votes; G. H.
had votes.

For Auditor of State votes were cast, of
which J. K. had votes; L. M. had votes.

For Attorney General votes were cast, of
which P. Q. had votes; D. F. had votes.

For Register of the State Land office, there were
. votes cast, of which N. T. received
votes, and N. B. received votes.

For Congress in the First Congressional District
. votes were cast, of which N. O. had
votes; P. Q. had votes.

For Congress in the Second Congressional District
. votes were cast, of which R. S. had
votes; T. W. had votes, (and so on, giving
result as to each of the six Congressional Districts, giv-
ing in each case No. of District.)

For District Attorney of First Judicial District.
votes were cast, of which A. B. had votes;
and C. D. had votes; (and so on, as to each
of the eleven districts.)

*For Member of the Board of Education, same return
as to Judges.*

For Clerk of the District Court of county
. votes were cast, of which G. H. had
votes; L. M. had votes; and in the same man-
ner as to any other officer voted for.

In making the returns as to Congress, Judges and all
other officers elected by Districts, the return shall spe-
cify the number of the District, as in the form above
given. When a County is a District, or alone elects an
officer, the name of the county shall be specified in the
return.

At the end of the return the judges shall certify in
substance, as follows, giving, if officers, their rank and

No. of their Regiment ; if privates, the number of their Regiment and Company, viz :

A TRUE RETURN:

L. M., } Judges
 N. O., } of the
 P. A., } Election.

ATTEST: } Clerks
 R. S., } of
 T. U., } Election.

SEC. 25. One of the poll books containing such re-
 turn shall be mailed by the judges to the Secretary of
 State; another poll book with its return shall be en-
 closed, sealed, superscribed and delivered to one of the
 Judges of Election, who shall deliver the same to one of
 the Commissioners herein provided for, if such Commis-
 sioner calls for the same in ten days. If not so called
 for, the Judge shall transmit the same by mail or other
 safe mode as soon as practicable to the Secretary of
 State of this State, addressed to him at Des Moines.

SEC. 26. When the result of the election is ascer-
 tained, the Judges shall cause all the ballots, including
 those rejected, with the tally list, to be preserved and be
 delivered to the Commissioner or transmitted to the
 Secretary of State with the poll book.

SEC. 27. The votes of all elections held under this
 Act shall be Canvassed by the Board of Canvassers for
 the State in the manner as near as practicable provided
 for in Sections 519 to 529 of the Revision of 1860.

SEC. 28. Where an election is held under this Act
 for such officers as the County alone elects or for such as
 are not Canvassed for by the Board of State Canvassers
 the County or District Canvass shall not be closed nor
 the result declared anything in title IV of the Revision
 to the contrary, until the State Canvassers have acted
 and the County Canvassers have had transmitted to them
 an abstract of the State Canvass as to such Officers. It
 is hereby made the duty of the Board of State Can-
 vassers to transmit such an abstract to the several Coun-
 ties without delay. If there is none such to transmit
 the County Canvassers shall then declare the result, and
 the County Canvassers after canvassing the votes cast in
 the County in the manner provided by law, shall adjourn
 said canvass for such a time or times as will enable them
 to receive the result of the State Canvass or ascertain
 that there is no return to be made by the State Can-
 vassers to the County. When the abstract shall have
 been received by the County or District Canvassers from
 the Board of State Canvassers, it shall be the duty of

One poll book
 to be marked
 to Sec'y of
 State, and the
 other deliver-
 ed to Comm'r
 or forwarded
 to Sec'y State.

Ballots and
 tally lists for-
 warded to the
 Sec'y of State.

State Canvas-
 sers to for-
 ward to Dist.
 and Co. Can-
 vassers the
 vote of their
 respective
 Districts and
 Counties.

Canvass may
 be adjourned.

the County or District Canvassers to canvass and count the same before declaring the result of the election.

SEC. 29. The returns of the Judges to the State Canvassers shall be presumed correct and shall govern them accordingly. But in case the ballots have been returned to the State Canvassers, then any person interested in the election may require the ballots to be re-canvassed by the State Canvassers; if the latter are satisfied that there is a mistake in the returns they shall rectify the same.

Ballots may be re-canvassed.

SEC. 30. That for the purpose of carrying out this Act, it is hereby made the duty of the State Census Board, to appoint and commission under the Seal of the State of Iowa, one Commissioner having the qualifications of an Elector in this State, to each of the Regiments of Iowa Volunteers in the service of the United States or of this State, and shall apportion the work among the Commissioners. If any of them refuses, or neglects to act, or dies, or otherwise becomes unable to act, the Governor has the power, and it is made his duty, to supply the place of such by the appointment of another or other Commissioners. If in the opinion of the Governor, it shall become necessary properly to carry out the provisions of this Act, he may appoint additional Commissioners.

State Census Board to appoint Com'r.

Additional appointed by the Gov.

Such Commissioners, before they act, shall take and subscribe an oath, and cause the same to be filed with the Secretary of State, to the following effect:

I, A. B., appointed Commissioner under the Act of the General Assembly of the State of Iowa, entitled "An Act to amend Title IV of the Revision of 1860, so as to enable the qualified electors of this State in the military service to vote at certain elections," do solemnly swear that I will support the Constitution of the United States and the State of Iowa, and impartially, fully and without reference to political preferences or results, perform, to the best of my knowledge and ability, the duties imposed on me by the said Act, and that I will studiously endeavor to prevent fraud, deceit and abuse, not only in the Election held under the same, but in the returns thereof, and that I will not in any manner attempt to influence or control the vote of any soldier.

Oath of Commissioner.

The Secretary of State shall have charge of, and it is made his duty to have a sufficient number of poll books, blank forms for oaths, and certificates and instructions, and copies of the Act at once prepared and printed by the State Printer, and to send or deliver the requisite

Sec'y of State to prepare poll books and instructions.

number of each to the Commissioners appointed under this Act.

Penalty for violation of oath.

SEC. 31. Any of the provisions of Chapter 171 of the Revision, entitled "Offences against the right of suffrage," are hereby declared applicable to the election held under this Act, and to the voters, Judges and Commissioners. In addition thereto, it is hereby provided that any Commissioner appointed by or under this Act, who shall knowingly violate his duty, or knowingly omit or fail to do his duty under this Act, or shall violate any part of his oath, shall be liable to indictment in the County of which he is a resident, and upon conviction shall be punished by fine not exceeding one thousand dollars, or imprisonment in the Penitentiary not exceeding one year, or both in the discretion of the Court.

Comm'r to deliver poll books and laws to Regiments, &c., after election receive and return to the Sec'y of State

SEC. 32. It shall be the duty of such Commissioners to deliver, as far as practicable, two of said books and ten or more printed copies of this Act to the Commanding officers of every Regiment or part of Regiment, or detached Company of Iowa soldiers in the actual military service of the United States, or of this State, and to make suitable provision and arrangement for the opening of polls under this Act. It is also the duty of said Commissioners, as soon as practicable after the day of election, to call upon the Judges of the Election and procure one poll book and the ballots, and safely to preserve the same, not only from loss, but from alteration, and deliver the same without delay to the Secretary of State.

Compensat'n of Comm'rs.

SEC. 33. Said Commissioners shall receive in full compensation for their services under this Act, ten cents per mile in going to and returning from their respective Regiments, estimating the distance of travel from the Capitol of the State by the usually traveled route, and it is hereby made the duty of the Auditor of State to audit the same and issue warrants on the State Treasury therefor.

Proceedings not to be void for informality.

SEC. 34. No mere informality in the manner of carrying out or executing of any of the provisions of this Act shall invalidate any election held under the same or authorize the Judges of the Election or the State or County Canvassers to reject the returns or set the same aside. Nor shall any failure on the part of the Commissioners to reach or visit any Regiment or Company or the failure of any Regiment or Company to vote, invalidate the election.

Officers to aid Comm'rs.

SEC. 35. All Commanding and other officers are requested to aid the Commissioners herein appointed and

to give them all proper facilities to enable them to carry out the design and intention of this Act.

SEC. 36. This Act being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Daily State Register and Des Moines Times, newspapers published in the City of Des Moines, and the Daily Davenport Gazette, a newspaper published in the City of Davenport, or any two of them. Take effect.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 14th, 1862, in the Des Moines Times September 17th, 1862, and in the Davenport Gazette September —, 1862.
 ELIJAH SELLS, Secretary of State.

CHAPTER 30.

LEGALIZING ACTS OF BOARDS OF SUPERVISORS.

AN ACT to legalize appropriations made by the Boards of Supervisors for the payment of Bounties for enlistments, and for the support of the families of persons in the military service of this State, or of the United States and to authorize the levy and collection of a Special Tax for the payment of the same, also to legalize the levy of certain Taxes heretofore levied.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the appropriations made by the respective Boards of Supervisors of the different Counties of this State for the purpose of paying Bounties for enlistments in the service of the United States or for the support of families of persons in the military service of the United States, or of this State, be and the same are hereby legalized and declared to be legal and binding on said Counties, in the same manner and with the same effect as if said Boards of Supervisors had possessed full power and authority by law to allow the same at the time of making any such appropriations whether the same be paid out of the ordinary County fund or of the Special fund hereafter provided for, or out of the Swamp Land fund. Bounties granted to volunteer soldiers legalized.

SEC. 2. That the said Boards of Supervisors shall have full power and authority to cause any Warrants, issued or to be issued under any appropriations specified in the first Section of this Act, to draw interest at any Warrants may draw interest.

rate not exceeding ten per centum per annum and to be receivable in payment of this Special Tax, in the same manner as County Warrants are receivable for County Taxes.

SEC. 3. That the Boards of Supervisors of the several Counties of the State (which have made or may make such appropriations) are hereby empowered to vote Bounties for enlistments in the service of the United States and this State, and to make appropriations for the support of the families of persons in the military service of this State or service of the United States, and in addition to the taxes they are now directed to levy by law, shall for the current year at their regular meeting in October, or at a special session to be held by them for that purpose, if they shall deem it necessary, at such time as they shall direct, and annually hereafter whenever they shall deem it necessary, at the time when they levy the other taxes now required by law, levy a special tax for the payment of said appropriations for bounties for enlistments, or any part thereof, or the interest thereon, or for the support of families of persons in the military service of the United States or of this State, with the same power and effect as they are now authorized by law to do for ordinary county purposes, which taxes may be paid in warrants, as provided in section two of this Act, and the said special tax shall be collected in the same manner as other county taxes are collected, shall draw interest at the same rate, shall be subject to the same penalties for non-payment, and in the collection thereof generally, shall be treated as the ordinary taxes for county purposes: *Provided*, that in case the Board of Supervisors of any county has heretofore levied any special tax for the purpose of paying such appropriations as those named in section one of this Act, the levy of such tax is hereby made and declared to be valid and binding, and shall have the same force and effect as if such Board of Supervisors had been fully authorized and empowered by law to levy such tax when the same was done, and in such county no future levy is required to be made, but it shall be at the option of the Board of Supervisors of such county to proceed to collect such special tax under such levy or to make a new levy under the provisions of this section.

May vote bounties and provide for the support of families of volunteers.

May levy a special tax for the payment of bounties or for support of families of Volunteers.

Former Acts legalized.

Disposition of revenue from special Act.

SEC. 4. Said special tax when collected shall constitute a special fund for the payment of any and all warrants, and the interest thereon, issued or to be issued by any County in this State in payment of any bounty for

enlistments, or for the support of families as mentioned in the first section of this Act.

SEC. 5. This Act being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and the Des Moines Times, newspapers published in the City of Des Moines. Take effect.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 20th, 1862, and in the Des Moines Times September 24th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 31.

SCHOOL HOUSE TAX IN IOWA CITY.

AN ACT to legalize the assessment and levy of School and School House Taxes in Iowa City, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the assessment and levy of taxes hereafter made in Iowa City, Johnson County, Iowa, for Schools and School House purposes in the year 1860, on the valuation of 1858, be and the same are hereby declared legal and valid in every respect, as if the same had been regularly and legally made. Assessment and levy of tax legalized.

SEC. 2. This Act being deemed of immediate importance shall take effect from and after its publication in the Des Moines Times and State Register, newspapers published at Des Moines, without expense to the State. Take effect.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 20th, 1862, and in the Des Moines Times September 24th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 32.

MC GREGOR.

AN ACT to legalize certain acts of the Town Council of McGregor.

SECTION 1. *Be it enacted by the General Assembly of*

Anexation of territory legalized. *the State of Iowa*, That all the acts of the Town Council of McGregor in the annexation of territory to said town, and especially a Resolution passed by said Town Council on the 13th day of June, 1860, in relation thereto, be and the same are hereby legalized and confirmed, anything in said proceedings to the contrary notwithstanding.

Take effect. SEC. 2. This Act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Daily Des Moines Times, without expense to the State.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 20th, 1862, and in the Des Moines Times September 24, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 33.

PUBLICATION AND DISTRIBUTION OF THE LAWS.

AN ACT to provide for the publication and distribution of the Laws of the Special Session of the Ninth General Assembly.

Number of copies to be published. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the Secretary of State shall cause to be published twenty thousand copies of the Acts, Joint Resolutions and Memorials passed at the Extra Session of the Ninth General Assembly of the State of Iowa.

Printer to complete his work within 60 days. SEC. 2. It shall be the duty of the State Printer to complete his part of the work on said laws within sixty days after the copy has been furnished him by the Secretary of State.

Binder to complete his work within 40 days. SEC. 3. It shall be the duty of the State Binder to have said twenty thousand copies of said laws bound and ready for delivery to the Secretary of State, within forty days after the State Printer has completed his part of the work on said laws.

Sec'y of State prepare copy. SEC. 4. It shall be the duty of the Secretary of State, to prepare a manuscript copy of the Laws passed at said Special Session of the Ninth General Assembly, arranged in chapters, and numbered in the order of their approval, with marginal notes, and with a full and

complete index. Said Secretary of State shall superintend the publication, and distribute said laws as follows: To each State and Territory, two copies; to the State Library, fifty copies; to the State Historical Society, eighty copies. Said copies for the State Historical Society, the State Library, and exchanges with the States and Territories, shall be bound in sheep. To each officer, member and reporter of said General Assembly, two copies; to the publisher of each newspaper in the State, one copy; fifteen thousand copies to be distributed to the several organized Counties of this State, in the ratio of population, delivering to no County a less number than ten copies to each organized township in said County; the Laws for the several Counties shall be delivered to the Clerk of the Board of Supervisors, and by the said Clerk of the Board of Supervisors be distributed to the County and township officers.

Distribution of laws.

SEC. 5. The Secretary of State shall receive for superintending the publication, preparing marginal notes, indexing and distributing under the provisions of this Act, five hundred dollars.

Secretary's compensation

SEC. 6. This Act being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register and Des Moines Times.

Take effect.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register Sept. 20th, 1862, and in the Des Moines Times Sept. 24th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 34.

BONDS AND COUPONS.

AN ACT regulating the right of defense to suits on bonds and coupons, against Municipal Corporations.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That in all actions now pending or hereafter brought in any of the Courts held in this State, on any bond or coupon issued or purporting to be issued by any county, incorporated city, town or village in this State, for railroad purposes, a former recovery against such corporation, on any one or more or any

Suits on bonds or coupons shall not bar or estop defence which has been or might have been made.

part of such bonds, or coupons, shall not bar or estop any defense such corporation has made or might have made, to such bonds or coupons in the action in which such former recovery was had; but the corporation sought to be charged in any such action now pending or hereafter brought, may allege and prove any matter of defense in such action to the same extent and with the same effect as though no former action had been brought or former recovery had.

Take effect.

SEC. 2. This Act being deemed of immediate importance by the General Assembly, shall take effect from and after its publication in the Daily State Register and Des Moines Times, newspapers published at Des Moines, Iowa.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 20th, 1862, and in the Des Moines Times September 24th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 35.

MILITIA.

AN ACT for the organization and discipline of the Militia, and to amend an Act entitled "An Act to amend the Militia Law," (being Chapter 175 of the laws of the Ninth General Assembly.)

Persons subject to military duty.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all able bodied white male citizens of this State between the ages of eighteen and forty-five years, and not exempt by the laws of the United States, excepting, however, all persons in the Army or Navy of the United States, shall be subject to military duty.

Distinction abolished.

Militia to be immediately organized.

SEC. 2. The distinction between the active, or Volunteer Militia, and the Reserve Militia, is hereby abolished; and the entire Militia of the State are hereby required, and it is made their duty, to organize immediately into companies of Infantry, and meet for the purpose of drill and discipline, at their respective places of rendezvous, at such times as may be determined by each Company, and whenever the Governor shall so order.

SEC. 3. Each member of the Militia shall, so far as

practicable, furnish himself and bring to the place of rendezvous, and use in drilling and discipline, his own arms. Members of Companies are not required to uniform themselves, but furnish arms, &c. when any Company prefers to do so, such Company may adopt its own uniform.

SEC. 4. Companies of Cavalry and Artillery may be organized whenever in the opinion of the Governor it is deemed necessary, and in such manner as he shall direct. Cavalry and Artillery may be organized.

SEC. 5. Whenever, in the opinion of the Governor, it is deemed necessary, he may require the Militia of the State, or any portion of it, in any particular part of the State, to meet at their respective places of rendezvous and drill so many hours each day as the Governor may by general order designate, and every member of the Militia who shall fail, refuse or neglect to obey any such order of the Governor, as is authorized in this section, unless prevented by sickness, shall pay a fine of one dollar into the County Treasury for each day such person shall fail, refuse or neglect so to drill, such fine to be recovered before any Justice of the Peace, on information, for the benefit of the School Fund. Gov. may put the Militia into rendezvous for drill, &c. Penalty for disobedience.

SEC. 6. Companies, when organized, shall consist of not less than eighty-three nor more than one hundred and one privates, including one Captain, one First Lieutenant, one Second Lieutenant, each to be elected by the Company, and an Orderly Sergeant, four Sergeants, four Corporals, and a Company Clerk, to be appointed by the Captain or commanding officer; but the number of privates may be increased or diminished in such cases as the Governor deems proper. The commissioned officers shall be commissioned by the Governor, and the non-commissioned officers shall each receive a warrant from the commander of the Company. Organization of Companies

SEC. 7. Regiments may be organized by the Governor whenever he deems it necessary, and when organized shall be composed of ten Companies, and shall have a Colonel, a Lieutenant Colonel, a Major, a Surgeon, an Adjutant and a Quarter-Master, to be elected by the Companies composing the Regiment, and who shall be commissioned by the Governor. Any less number of Companies than ten may be organized into a separate Battalion, whenever in the opinion of the Governor it is deemed necessary, and such Battalion, if composed of more than five Companies, may elect the same officers as a Regiment, with the exception of a Colonel; and if composed of less than five Companies, may elect all the officers of a Regiment except Colonel and Lieutenant Colonel. Organization of Regiments & Battalions.

Bond given for the safe keeping of arms, &c. SEC. 8. Before any arms, ammunition or equipments shall be delivered to any Company, Battalion, Battery or Regiment, the commanding officer of such Company, Regiment, Battalion or Battery, shall file in the Quartermaster General's office a good and sufficient bond, with two or more sureties, to be approved by the Governor, in double the value of such arms, ammunition or equipments, conditioned that such arms, ammunition and equipments shall be carefully kept and used, and shall be faithfully returned whenever so ordered, in good condition, wear and use only excepted.

Rolls for drafting shall be taken as rolls of the Militia of the State. SEC. 9. The rolls of the Militia, when completed, and which are now being prepared by the Drafting Commissioners appointed by the Governor in the several Counties, under the order of the War Department at Washington, for the purpose of drafting, shall be taken and considered to be the rolls of the Militia of the State for all purposes under this Act. And the said Drafting Commissioners are hereby required to furnish certified abstracts of the whole number of Militia in each Township, and the whole number in the County, as appears on said rolls when completed, to the Adjutant General.

Drafting Comm'r to report completed roll to Adj. General. SEC. 10. The Assessor in each County shall annually, and at the same time they are engaged in taking the assessment or valuation of real and personal property, include in their assessment roll the names of all persons in their respective districts liable to be enrolled under the laws of this State subject to military duty, together with the ages of such persons. Such Assessors shall give notice to every person whose name they shall include in their military roll, that he is so enrolled. Such notice may be given by informing said person thereof, or by giving such information to some person of suitable age and discretion at his place of residence or business.

Assess'r shall enumerate persons required to perform military duty. SEC. 11. The Assessor shall return said military roll with the assessment book of real and personal property, and at the same time, to the Clerk of the Board of Supervisors, and shall also cause notices to be put up in three of the most public places in the township, which notices shall set forth that the Assessors have made their roll of all persons liable to be enrolled in the Militia according to the laws of this State, and that the same is left with the Clerk of the Board of Supervisors, where the same may be seen and examined until the regular meeting of the Board of Supervisors for correcting the assessment of property, when said Board will review such enrollment. Such review shall be made at the same

Assessor to give notice to persons enrolled.

Assessor to make return of Militia roll and post notices in townships, &c.

Board of Supervisors may review muster roll.

time and place the Board of Supervisors meet to review the assessment of real and personal property.

SEC. 12. Any person who claims that he is not liable to be enrolled in the Militia, may on or before such review, and not after, deliver to the Board of Supervisors, or the Clerk thereof, an affidavit stating such facts, on which he rests his claims, and such other proof as he may desire, and the said Board shall hear and determine such claim. Such affidavit may be made before any person authorized to administer oaths, and shall be filed in the office of the Clerk of said Board, and if any person shall swear falsely in such affidavit, he shall be guilty of perjury.

Board of Supervisors may hear excuses for exempt'n.

SEC. 13. At the time the Board of Supervisors meet, to review the assessment of real and personal property they shall, also, determine who are liable to be enrolled in the militia and in a column prepared for that purpose, in such roll, opposite the name of each person liable to be enrolled their respective ages so far as said Board have knowledge of the same.

Board of Supervisors to determine who shall be enrolled.

SEC. 14. The Clerk of the Board of Supervisors shall, annually, and within thirty days after the meeting of the Board of Supervisors, make a certified list of the names of all persons, in each Township, whom the said Board have determined to belong to the militia and also an abstract thereof, showing the whole number in the County, and forward a copy thereof to the Adjutant General of the State, who shall cause the same to be filed in his office.

Clerk Board of Supervisors to make a list by townships —an abstract of all in Co., and report to Adj. General.

SEC. 15. The Assessors, Board of Supervisors, and Clerk of the Board of Supervisors, in the execution of their duties, herein prescribed, shall be governed by the instructions which shall from time to time, be transmitted to them by the Adjutant General.

Adj. General to furnish instructions.

SEC. 16. If any Assessor or Clerk of the Board of Supervisors, or any civil or military officer charged with any duty under this Act, shall neglect or refuse to perform any of the duties required of him by this Act he shall forfeit and pay a fine of not less than twenty-five nor more than one hundred dollars, to be recovered in the name of the State of Iowa; and if any such officer shall willfully neglect or refuse to perform such duties as are hereby required, he shall be deemed guilty of a misdemeanor; and all such fines or penalties when paid or collected, shall be paid into the County Treasury and shall belong to the School Fund.

Penalty for neglect of duty by officers.

SEC. 17. All tavern keepers, keepers of boarding houses, persons having boarders in their families, and

Proprietors and heads of families required to report persons subject to Military duty. every master and mistress of any dwelling house, shall upon application of any Assessor, give information of the names of all persons residing or lodging in such house liable to be enrolled, and all other proper information concerning such persons as such Assessors may demand.

SEC. 18. If any person of whom information is required by any Assessor in order to enable him to comply with the provisions of this Act, shall refuse to give such information, or shall give false information, he shall forfeit and pay ten dollars for each item of information demanded of him by any Assessor and falsely stated, and the like sum for each individual name that may be refused, concealed or falsely stated; and every person who shall refuse to give his own name and proper information when applied to by any Assessor, or shall give a false name or false information, shall forfeit and pay a like sum; such penalties to be recovered in any Court of competent jurisdiction, in the name of the State of Iowa, for the use of the School Fund. And it is hereby made the duty of the Assessor to report the names of all persons who may incur any penalty under this Section to the District Attorney, who shall prosecute such persons to conviction.

SEC. 19. It is hereby made the duty of the Governor, to cause the militia of the State to be organized as speedily as possible into Companies, and he is hereby vested with full power and authority to make all necessary orders, rules and regulations for carrying out this act.

SEC. 20. This Act shall not be construed to conflict with the provisions of any Act passed by the General Assembly at this Extra Session, authorizing the Governor to organize troops for the defense of the Northern and Southern Frontiers, but all such Companies organized under any of said Acts shall be taken to be and shall be considered as Companies of the Militia, and shall be governed and controlled in all respects by the provisions of this Act, except so far as the same conflicts with the provisions of any of the Acts under which any such Company is organized.

SEC. 21. This Act being deemed by the General Assembly of immediate importance, shall be in force from and after its publication in the Daily State Register, and Des Moines Times, newspapers published in the City of Des Moines.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register September 20th, 1862, and in the Des Moines Times September 24th, 1862. ELIJAH SELLS, Secretary of State.

CHAPTER 36.

SANITARY AGENTS.

AN ACT to provide for the appointment of Sanitary Agents, and to define their duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Governor be and he is hereby authorized and required to appoint two or more agents, (one of whom shall be Mrs. Annie Wittenmyer) as Sanitary Agents for the State of Iowa. Gov. appoint Agents. Mrs. Wittenmyer Sanitary Agent.

SEC. 2. It shall be the duty of said Sanitary Agents to visit the Iowa troops in the field, to ascertain their condition and their wants; to report to the Governor at least once in three months; and said Agents shall from time to time inform the Governor of the condition of Iowa troops in the field, and their wants; and they may make such recommendations as to them may seem proper. Duty of Sanitary Agent to visit troops in field & report to Gov. once per quarter year.

SEC. 3. The said Governor shall furnish out of his contingent fund, to such agents from time to time such sums of money as may be needed, in order to procure and forward to our sick and wounded soldiers in the field such articles as in the judgment of the Governor should be sent to them. Gov'r furnish funds for comfort of sick & wounded soldiers.

SEC. 4. Such Agents shall, as far as possible, co-operate with each other in procuring and forwarding supplies for our sick and wounded soldiers, and in the discharge of their duties under this Act generally. And it is hereby made the duty of the Governor to see that such agents do co-operate with each other in the discharge of the duties required of them by this Act. Agent to co-operate with each other.

SEC. 5. The said agents shall report to the Governor, prior to the next meeting of the General Assembly, a full and complete financial statement, showing all money received and disbursed by them, which statement shall be laid before the Legislature by the Governor. Gov. may remove any agent appointed under the provisions of this Act, and to fill the vacancy thus occasioned. Gov. may remove Agents.

SEC. 6. The said agents shall report to the Governor, prior to the next meeting of the General Assembly, a full and complete financial statement, showing all money received and disbursed by them, which statement shall be laid before the Legislature by the Governor. Gov. to pay Agents for expenses, &c. Gov. to pay Agents for expenses, &c.

SEC. 7. This Act being deemed by the General Assembly of immediate importance, shall take effect, and

SEC. 8. This Act being deemed by the General Assembly of immediate importance, shall take effect, and

be in force from and after its publication in the Iowa State Register and Des Moines Times:

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register September 20th, 1862, and in the Des Moines Times September 24th, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 37.

LAND GRANT.

AN ACT to provide for the selection of the lands granted to the State of Iowa by an Act of Congress approved July 13th, 1862, entitled "An Act confirming a land claim in the State of Iowa and for other purposes."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Governor of the State of Iowa be and he is hereby authorized and required to appoint one or more Commissioners whose duty it shall be to do and perform whatever duty may be necessary to perfect the selection of the lands granted to this State by Act of Congress approved July 13th, 1862.

SEC. 2. The said Commissioner or Commissioners shall, as soon as said lands are selected and set apart to the said State, report the same to the Governor and file complete abstracts in the office of the Register of the State Land Office.

SEC. 3. The said land when selected and reported to the Governor, as provided by this Act, shall be held by the State in trust for the purposes for which it was granted to the State; but the State shall in no wise dispose of said lands until authorized by future legislation.

SEC. 4. The Commissioners who shall be appointed by the Governor, under the provisions of this Act, shall receive the sum of three dollars per day in full compensation for the time actually employed by them in the performance of such duties as are imposed upon them by the provisions of this Act, to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 5. This Act shall take effect and be in force from and after its publication according to law.

Approved September 11th, 1862.

Gov. may ap-
point Com'rs
to perfect the
selection of
land granted,
&c.

Comm'rs'
duty.

Lands to be
held in trust
by State.
State not to
dispose of
lands, &c.

Compensati'n
of Comm'r.

Take effect.

CHAPTER 38.

ASSISTANT ADJUTANT GENERAL.

AN ACT to create the office of Assistant Adjutant General, and defining his duties.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby created the office of Assistant Adjutant General. Office of Ass't Adj. General created.

SEC. 2 The Assistant Adjutant General shall be appointed by the Governor; he shall perform the duties of Paymaster General, and shall assist the Adjutant General in the performance of such of his duties as may be assigned him by that officer. To be app'int-ed by the Gov.—to act as Paymaster General.

SEC. 3. The salary of the Assistant Adjutant General shall be at the rate of one thousand dollare per annum, until six months after the expiration of the present war. Salary of Assistant Adjutant General.

SEC. 4. All Acts and parts of Acts inconsistent with this Act are hereby repealed. Repeal Acts inconsient.

SEC. 5. This Act to take effect and be in force from and after its publication in the Iowa Homestead and Daily State Register. Take effect.

Approved September 11th, 1862.

I hereby certify that the foregoing act was published in the Daily State Register September 20th, 1862, and in the Iowa Homestead Oct. 2d, 1862.

. ELIJAH SELLS, Secretary of State.

CHAPTER 39.

ALLOTMENT COMMISSIONERS.

AN ACT to provide Compensation for Allotment Commissioners for Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Census Board be and hereby is authorized and required to draw as hereinafter provided a Warrant or Warrants, upon the State Treasurer in favor of such Commissioners as have been or hereafter may be appointed, by the President of the United States, for the purpose of procuring allotments among the Iowa Volunteer Soldiers. Census Board to draw upon State Treasurer in favor of Allotment Comm'rs.

Compensati'n of Allotment Comm'rs. SEC. 2. Such Warrants shall not be drawn for a greater sum, than ten cents per mile necessarily and actually traveled in going to the place of service, by the Commissioners in the performance of their duty as such Commissioners.

Commissioner must furnish evidence of service rendered. SEC. 3. Before the said Board shall draw any Warrant as aforesaid, it shall require the Commissioner applying therefor to satisfy such Board that the service has been performed by the Commissioner in whose favor the Warrant is to be drawn, by the oath of such Commissioner, made in writing and filed with the said Census Board, and such other testimony, as such Board may require.

Duty of State Treasurer to pay. SEC. 4. Upon the presentation to the State Treasurer of any such Warrant, it shall be his duty to pay the same out of any funds not otherwise appropriated.

Penalty for preferring false claim. SEC. 5. Any Commissioner who shall, under the provisions of this Act, prefer any claim for services not actually rendered, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding the sum of \$500, and imprisonment in the Penitentiary for a term not exceeding one year.

Take effect. SEC. 6. This Act being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the State Register and Des Moines Times, newspapers published in the City of Des Moines.

Approved September 11th, 1862.

I hereby certify that the foregoing Act was published in the State Register October 1st, 1862, and in the Des Moines Times October 1st, 1862.

ELIJAH SELLS, Secretary of State.

STATE OF IOWA—SS.

I, ELIJAH SELLS, Secretary of State, of the State of Iowa, hereby certify that the foregoing Acts and Resolutions are truly copied from the original rolls on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Great Seal of the State of Iowa.
 Done at Des Moines, this 20th day of September, A. D. 1862.

{ L. S. }

ELIJAH SELLS, Secretary of State.

JOINT RESOLUTIONS.

NUMBER 1.

PROTECTION OF THE FRONTIER.

JOINT RESOLUTION asking the Secretary of War to send a sufficient force into the North-Western part of Iowa, and into Minnesota and Dakota, to protect the settlement and chastise the hostile Indians who have committed the late depredations in that quarter.

WHEREAS, For several months past, the Indians residing along the North-Western lines of the State of Iowa, in Minnesota and Dakota, and in the country in that vicinity, have exhibited strong evidence of hostility to the border settlers, and have committed depredations upon the property of these settlers, and have finally broken out into open hostility, not only committing gross acts of plunder, but have committed the most cruel barbarities upon the defenceless citizens residing in the Southern and South-Western border of Minnesota, murdering with unparalleled cruelty a large number of these citizens and their families, in the immediate vicinity of our State, burning their houses and destroying their property; and whereas, it is believed from the general uprising of these Indians, and the great extent of their depredations and from various circumstances relating thereto that they are invited to these acts of cruelty, by evil disposed whites from our enemies, and that a general Indian War is impending; and whereas, the people along the borders of Iowa and Minnesota are deserting their homes and fleeing to places of safety in the interior of the State and entirely abandoning their homes and property for places of safety, therefore,

Resolved by the General Assembly of the State of Iowa, That the Secretary of War, be and he is hereby urgently requested to send a sufficient force of troops under some efficient officer to thoroughly chastise these Indians who have committed the aforesaid acts of War and to subdue or drive beyond the border such hostile Indians, at the earliest possible moment.

Resolved, That the Secretary of State be and he is hereby requested to forward to the Secretary of War a copy of the foregoing resolutions.

Approved September 9th, 1862.

NUMBER 2.

ACCEPTING A LAND GRANT.

JOINT RESOLUTION accepting the grant of lands made to the State of Iowa, by an Act of Congress, approved 13th July, 1862, entitled "an Act confirming a land claim in the State of Iowa, and for other purposes."

Resolved by the General Assembly of the State of Iowa, That the grant of lands made by the Act of Congress approved July 13th, 1862, entitled "An Act confirming a land claim in the State of Iowa, and for other purposes," be and the same is hereby accepted by the State of Iowa, on the terms and conditions in said Act contained.

Approved September 11th, 1862.

NUMBER 3.

APPROPRIATION OF TWELFTH VOLUME IOWA REPORTS.

JOINT RESOLUTION for the distribution among the Members and Officers of the General Assembly of the 12th Volume Iowa Reports.

Resolved by the General Assembly of the State of Iowa: That the Secretary of State be instructed to furnish the Members of the General Assembly, the President, Secretary and Clerks of the Senate, the Clerks of the House of Representatives and the Reporters in both Branches of the General Assembly with a copy of the 12th Volume of Iowa Reports.

Approved September 11th, 1862.





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