four feet six inches, shall be considered a lawful fence, or such other construction of fences as may, in the opinion of the fence viewers, be of equal strength and security to the enclosure, shall in like manner be considered lawful.

Approved, January 24, 1853.

CHAPTER 106.

STATE ROADS.

AN ACT in relation to certain state roads therein named.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Commissioners—Anamosa to Crane's.** That Austin S. Warren, Joseph A. Hunt and Roswell Crane, of Jones county, be and they are hereby appointed commissioners to review and establish that portion of the military road running between Anamosa and the residence of Roswell Crane, in said county.

SEC. 2. **Commissioners to review.** Allen Scroggs, Orrin Harvey and G. W. Mead, of Jones county, be and they are hereby appointed commission- [175] ers to review and establish that portion of the Anamosa and Camanche state road that lies within eight miles of Anamosa.

SEC. 3. **Commissioners—widow Fesler's to south line of Washington county.** Frederick Schwaebe, Joseph Myers and Presley Figgins, of Washington county, are hereby appointed commissioners to locate and establish a state road, commencing at the bridge on what is termed the military road, near widow Fesler's residence, in Johnson county, thence on the nearest and most practicable route from bridge to bridge on the road so called, to the south line of Washington county.

SEC. 4. **Commissioners—Ft. Desmoines to Wahtawah.** O. D. Smally, of Dallas county; W. W. Jones, of Polk county; and Wilson Miller, of Dallas county, be and they are hereby appointed commissioners to locate and establish a state road from Fort Desmoines via (best route) to Wahtawah, in Adair county.

SEC. 5. **Commissioners—Centerville to Ft. Desmoines.** J. F. Stratton, of the county of Appanoose; Elijah Robinson, of the county of Lucas, and Alexander Roberts, of the county of Warren, be and they are hereby appointed commissioners to locate and establish a state road from Centerville, Appanoose county, via Chariton, in Lucas county, Indianola, Warren county, to Fort Desmoines, Polk county.

SEC. 6. **Commissioners—Monroe to Indianola.** I. Q. Doekin, of Jasper county, C. W. Freel, of Polk county, and R. W. Steele, of Warren county, be, and they are hereby appointed, commissioners to locate and establish a state road from Monroe, Jasper county, via Lafayette, in Polk county, to Indianola, in Warren county.

SEC. 7. **Commissioners—Newton to Marietta.** William H. McHenry, of Polk county, J. Hobbs, of Marshall county, and Thomas Reese, of Jasper county, be, and they are hereby appointed, commissioners to locate and establish a state road from Newton, in Jasper county, via C. Brady's, to Marietta, in Marshall county.

SEC. 8. **Commissioners—bridge on Skunk to Marietta.** John McLain and D. Bryant, of Polk county, and J. M. Ferguson, of Marshall county, be, and

they are hereby appointed, commissioners to locate and establish a state road from the bridge on south Skunk via Webb's point to Marietta, in Marshall county.

SEC. 9. **Commissioners — near Marengo — to near Overman's.** Nicholas Wintersteen and W. H. Henderson, of Johnson county, A. B. Phillips, of Muscatine county, be, and they are hereby appointed, commissioners to review and re-locate that part of the state road beginning above Marengo, [176] on the north side of the river, in Iowa county, running eastward and south eastward through the counties of Johnson and Cedar, to intersect the road leading from Iowa City to Overman's ferry, between Joseph Felkner's corner, where said road intersects it, and its intersection with said road leading to Goverman's ferry, and to conform that part of said road according to their judgment to the public interest.

SEC. 10. **Vacated.** That so much of the state road from Columbus City via McClure's mill, to Iowa City, as lies between McClure's mill, in Washington county, and widow Fry's, on Old Man's creek, in Johnson county, be, and the same is hereby vacated.

SEC. 11. **Commissioners — to re-locate — points.** Thomas Hanson and Stephen Chase, of Iowa county, and Dr. E. Burton of the county of Poweshiek, be, and they are hereby appointed commissioners to re-locate such part of the state road from Iowa City to Newton, in Jasper county, as in their judgment may be necessary to place said road on more practicable ground, provided that Marengo, in Iowa county, Jesse G. Win's, in Poweshiek county, shall be points in said road.

SEC. 12. **Commissioners—Marengo to Ft. Dodge.** Samuel C. Trowbridge, of Johnson county, Andrew D. Stephen, of Benton county, and C. C. Slocomb, of Iowa county, are hereby appointed commissioners to locate and establish a state road from Marengo, in Iowa county, on the nearest and best route to Fort Dodge, on the Des Moines river.

SEC. 13. **Vacated.** That the state road laid out from the southwest corner of section sixteen, of Franklin township, in Lee county, to Plymouth, in Van Buren county, be and the same is hereby vacated.

SEC. 14. **Vacated.** That so much of a road commencing at Bushe's mill, in Jefferson county, thence to the Des Moines river, in Van Buren county, established by an act of the territorial legislature, approved January 19, 1846, as lies in the county of Jefferson, be, and the same is hereby vacated.

SEC. 15. **Commissioners—New Wine to state line.** That Clark Newcomb, of the county of Fayette, John McCoy, of the county of Winneshiek, and David Moorland, of the county of Delaware, are hereby appointed commissioners to locate and establish a state road, commencing at New Wine, Dubuque county, by way of Strawberry Point, in [177] Clayton county; West Union, in Fayette county, and Decorah, in Winneshiek county, thence northerly to the state line.

SEC. 16. **Commissioners—Dubuque to the forks.** That Charles Gilliam, James Crider, and F. V. Goodrich, of the county of Dubuque, are hereby appointed commissioners to locate and establish a state road, commencing at the corporation line westerly of the city of Dubuque; thence westerly to the forks of the road that is now travelled at or near Henry's house, at a point where the said road forks, one fork leading to Delhi, in Delaware county, the other leading to Colesburgh, in same county.

SEC. 17. **Commissioners—Lyons to Iowa City.** That Robert Gower, of the county of Cedar, William Edgar, of the county of Clinton, and Cornelius Lancaster, of the county of Johnson, be, and they are hereby appointed commissioners to locate and establish a state road from Lyons, via Dewitt, Buena Vista, Tipton, and Cedar Bluffs, to Iowa City.

SEC. 18. **Commissioners—Young's to Montezuma.** That Daniel Coriell, of Washington county, Charles Patterson, of Keokuk county, and Robert Taylor, of Poweshiek county, are hereby appointed commissioners to lay out and establish a state road, commencing at the most suitable point on the road from Washington to Wassonville, between the residence of Samuel P. Young, on said road, and Wassonville; thence, on the best route to suit the settlements, to Montezuma, in Poweshiek county.

SEC. 19. **Commissioners—Columbus to Independence.** That Jacob LyBrand, Thomas B. Twiford, and S. S. McClure, be, and they are hereby appointed commissioners to locate and establish a state road from Columbus, in Alamakee county, via LyBrand, and West Union, to Independence, in Buchanan county.

SEC. 20. **Commissioners—Delhi to Glenwood.** O. N. Tyson, of the county of Mills, William S. Townsend, of the county of Cass, and William C. Stanberry, of the county of Benton, be, and they are hereby appointed commissioners to locate a state road from Delhi, in Delaware county; thence, upon the nearest and best route, to Fremont, in Benton county; thence, through Poweshiek and Jasper counties, to Fort Des Moines; thence on the nearest route, to Lewis, the county seat of Cass county; thence to Glenwood, the county seat of Mills county.

SEC. 22. **Commissioners—Iowa City to Isaac Smith's.** Abner Arrowsmith, of Linn county, and H. Medowel [178] and Cyrus Sanders, of the county of Johnson, are hereby appointed commissioners to locate a state road from Iowa City, in Johnson county, via James Payne's, in said county of Johnson; thence, on the most practicable route, to intersect the Prairie du Chien road at or near the house of Isaac Smith, in section twenty-four, (24) in township eighty-two (82) north, of range seven (7) west, in the county of Linn.

SEC. 23. **Commissioners—Marengo to Ft. Dodge.** William Hench, of Iowa county, William Taylor, of Tama county, and William Deeshon, of Marshall county, are hereby appointed commissioners to locate a state road from Marengo, in Iowa county, by way of Marietta, in Marshall county to Fort Dodge.

SEC. 24. **Commissioners—Bloomfield to Winterset.** C. G. Cramer, of the county of Monroe, Parris T. Totten, of the county of Marion, and R. W. Steel, of the county of Warren, be, and they are hereby appointed commissioners to locate a state road, commencing at Bloomfield, in Davis county, via Drakesville, Albia, Knoxville, Indianola, to Winterset, in Madison county.

SEC. 25. **Commissioners—Ottumwa to northern boundary of Missouri.** Alexander Brown, of the county of Wapello, Henry Cramer and Ephraim Nelson, of the county of Davis, be, and they are hereby appointed commissioners to locate a state road, commencing at Ottumwa, via Drakesville, to the northern boundary of Missouri, in the direction of Kirksville, Missouri.

SEC. 26. **Commissioners—Eddyville to Knoxville.** Daniel Sherwood, Julius Bridges and James W. Turk, are hereby appointed commissioners to locate a state road from Eddyville, in Wapello county, to Knoxville, in Marion county.

SEC. 27. **Commissioners—Agency City to Lancaster.** Jesse Brookshin, and Solomon McReynolds, of the county of Wapello, and R. F. Weller, of the county of Keokuk, are hereby appointed commissioners to locate a state road from Agency City, in Wapello county, to Lancaster, in Keokuk county.

SEC. 28. **State road in Davis and Van Buren counties legalized.** That so much of the state road located and surveyed in the year 1847, by Richard Abanathy, John Allen and J. F. Stratton, running from Sulavan's line to

the west side of Appanoose county, as runs through the counties of Davis and Van Buren, is hereby declared to be a public highway, subject to all the regulations of state roads, and the returns [179] of said survey and location made to the counties of Davis and Van Buren, and to the secretary of state, by Richard Abanathy, John Allen, and J. F. Stratton, shall be sufficient evidence in all cases of said road so located, being a state road.

SEC. 29. **Commissioners—Cascade to Gear's ferry.** Jonathan Higgins and Sylvester Dean, of the county of Dubuque, and John E. Goodenow, of the county of Jackson be, and they are hereby appointed commissioners to locate a state road, commencing at Cascade, in the county of Dubuque, to Gear's ferry, on the Mississippi river.

SEC. 30. **Commissioners—A. D. Stephen's to southeast corner of Hardin county.** George W. Vorees, of Marshall county, David F. Bruner, of Tama county, and A. D. Stephen, of Benton county, be appointed commissioners to locate a state road, commencing at A. D. Stephen's in Benton county, thence to the southeast corner of Hardin county.

SEC. 31. **Commissioners—Buena Vista to Iowa City.** Alonzo Shaw and Thomas Curtis, of the county of Cedar, and William R. Edgar, of the county of Clinton, are hereby appointed commissioners to locate a state road, commencing at Buena Vista, in Clinton county, thence, via Postten's Grove, Tipton and Cedar Bluffs, in Cedar county, to Iowa City, in Johnson county.

SEC. 32. **Commissioners—re-locate road Muscatine to Davenport.** George Bumgardner and James H. Franklin, of the county of Muscatine, and Jabez A. Richard, of the county of Scott, be, and they are hereby appointed commissioners to locate a state road, commencing at Muscatine, in Muscatine county, thence to Davenport, in Scott county, and known as the river road, so as to place the same above high water mark of the Mississippi river.

SEC. 33. **Alteration.** That the state road leading from Camanche, in Clinton county, to Anamosa, in Jones county, located under the act approved, February 5th, 1851, be hereby altered, as follows: commencing where said road crosses the east line of section No. three (3,) in township No. eighty-one (81,) north, of range five (5,) east, from thence said road shall run north to the township line between townships Nos. eighty-one and eighty-two north, thence west on said township line, one-half mile, thence north to said road.

SEC. 34. **Alteration—vacation.** That the state road from Davenport, in Scott county by Moscow, in Muscatine county, to intersect the territorial [180] road, leading from Muscatine to Iowa City, located under the act, approved February 5th, 1851, be hereby altered as follows: commencing about one hundred and thirty-five rods from the western terminus of said road, thence running south so the said road so changed shall be located on the east line, and on the land of William Lewis, to intersect the said territorial road from Muscatine to Iowa City and so much of the aforesaid road as runs west from the eastern line of said William Lewis' is hereby vacated.

SEC. 35. **Commissioners—Iowa City to Snook's grove.** John D. Abel, of Johnson county, Thomas Henson, of Iowa county, and Joshua Talbot, of Poweshiek county, be and they are hereby appointed commissioners to locate and establish a state road, commencing at Iowa City, thence crossing the Iowa river at the most convenient point, and running westward on the best grounds, on or near the line dividing sections nine and sixteen, opposite said Iowa City, thence westward to Snook's Grove, in Poweshiek county: provided, however, that no portion of the expense of locating said road shall be paid by the county of Iowa.

SEC. 36. **Vacated.** That so much of a certain territorial road as lies southwest of Hale's Bridge (now Sheck's mill,) on Fox river, in Van Buren

county, which was located by an act of the territorial legislature, approved, February 2, 1842, providing for the location of a territorial road from Keosauqua to the southern boundary of the territory, be, and the same is hereby vacated.

SEC. 37. **Commissioners—Cedar Falls to Buena Vista.** E. L. Adams, of Black-Hawk county, Daniel Preeley, of Buchanan county, and H. D. Wood, of Delaware county, be, and they are hereby appointed commissioners to locate a state road, commencing at Cedar Falls, in Black-Hawk county, thence by Greely settlement, and Richardson's grove, in Buchanan county, and Turner's mill, Eads' grove, and the Dixon settlement, in Delaware county, to Buena Vista, in Clayton county.

SEC. 38. **Commissioners—from one road to another.** George Acres and Roswell Turner, of Delaware county, and Noah W. Harrow, of Fayette county, be, and they are hereby appointed commissioners, to locate a state road, commencing on the centre line of section eight, in township eighty-eight, north of range four, west, in the road which [181] runs from Delhi to Eads Grove, in Delaware county, thence by Delaware Centre and Turner's mill, in Delaware county to a road in Fayette county, which runs to West Point.

SEC. 39. **Commissioners—Muscatine to Mt. Pleasant.** George Bumgardner, of Muscatine county, William Stronach, of Louisa county, and John S. Bartruff of the county of Henry, are hereby appointed commissioners to locate a state road on the nearest and best route, commencing at Muscatine, in Muscatine county, by way of Columbus City, in Louisa county, to Mt. Pleasant, in Henry county.

SEC. 40. **Commissioners—Ft. Des Moines to Ft. Dodge.** John Saylor, of Polk county, Peter J. Nicholson, of Boone county, and William Pierce, of Webster county, are hereby appointed commissioners to locate a state road from Fort Des Moines, via Saylorville, Polk county, Sweet Point, Boonsboro and Dakotah, to Fort Dodge, in Webster county, and that so much of the old state road from Fort Des Moines to Boonville as runs from David Parker's to Boonville be, and the same is hereby vacated.

SEC. 41. **Commissioners—Currier's ferry to Eddyville.** Robert Oldham, Butler Delashmutt, and John Brint, of Mahaska county, be, and they are hereby appointed, commissioners to locate a state road from Charles Currier's ferry, at the crossing of Skunk river, in Mahaska county, to Eddyville, in Wapello county.

SEC. 42. **Commissioners—Muscatine to Washington.** Samuel Lucas, of the county of Muscatine, J. R. Sisson, of the county of Louisa, and Jonathan Wilson, of the county of Washington, are hereby appointed commissioners to locate a state road on the nearest and best ground from Muscatine, in Muscatine county to Washington, in Washington county.

SEC. 43. **Commissioners—Garden Grove to Lewis.** That O. N. Kellog and Judge Morgan, of Decatur county, and C. E. Woodward, of Cass county, be, and they are hereby appointed commissioners to locate and establish a state road from Garden Grove, in Decatur county, via the county seat of Union county, to Lewis, in Cass county.

SEC. 44. **Commissioners—Glenwood to Chariton.** That O. N. Tyson, Samuel Martin, and C. W. Talls, of the county of Mills, be, and they are hereby appointed commissioners to locate and establish a state road from Glenwood, Mills county, thence east through the centre of Montgomery county, via Quincy and the county seats of Union and Clark counties, to Chariton, in Lucas county.

[182] SEC. 45. **Commissioners—west line of Dallas county to Council Bluffs city.** That John Longmire, of Dallas county, Hiram Harkings, of Guthrie county, and A. D. Jones, of Pottawattamie county, be, and they are hereby appointed commissioners to locate and establish a state road from the west line of Dallas county, via Shelbyville, in Shelby county, to Council Bluffs.

SEC. 46. **Commissioners—Shelbyville to Magnolia.** That Mansel Wicks, of Shelby county, James Hardy, of Harrison county, and Joseph Holeman, of Pottawattamie county, be, and they are hereby appointed commissioners to locate and establish a state road from Shelbyville to Magnolia, in Harrison county.

SEC. 47. **Commissioners—Calhoun Point via Ham's to county seat of Yell.** That Thomas N. Copeland, A. D. Jones, and John McKinney, be, and they are hereby appointed commissioners to locate and establish a state road, starting at a point on the Missouri river, nearly opposite old Fort Calhoun, thence to Magnolia, thence to Ham's Grove, Summit Grove, Pilot Grove, and thence to the county seat of Webster county, (formerly Yell.)

SEC. 48. **Commissioners—Lewis to Council Bluffs.** That A. D. Jones and Harvey Dunn, of Pottawattamie county, and V. M. Conrod, of Cass county, be, and they are hereby appointed commissioners to locate and establish a state road from Lewis, in Cass county, to Council Bluffs.

SEC. 49. **Commissioners—Fremont to Bradford.** E. A. Brown, of Black-Hawk county, John Blunt, of Chickasaw county, and W. C. Stanberry, of Benton county, are hereby appointed commissioners to locate a state road from Fremont, in Benton county, to Waterloo, in Black-Hawk county, thence to John H. Messenger's, in Bremer county, thence to Bradford, in Chickasaw county.

SEC. 50. **Commissioners—Muscatine to Davenport.** Jabez A. Birchard, A. W. Campbell, of the county of Scott, and George Bumgardner, of the county of Muscatine, are hereby appointed commissioners to locate a state road, beginning at Muscatine, at the same point or place where the Burdit road begins, and running thence along and with said Burdit road, until the same intersects the Muscatine and Tipton graded road, and thence on and along said latter road to a point near or opposite the house of Mr. Senate, thence east to the telegraph line, thence along said telegraph line, or as near the same as may be deemed best and practicable, to the residence of John P. Baker, thence on the nearest and best route to the southeast corner of township [183] 78 north, of range one (1) east, thence east on said township line to a point at or near the house of John Friday, thence along the established road to the city of Davenport.

SEC. 51. **Commissioners—Independence to Bradford.** Samuel Safficool, of Buchanan county, Westly Tibbets, of Bremer county, and William Tucker, of Chickasaw county, be, and they are hereby appointed commissioners to locate a state road from Independence, in Buchanan county, by J. H. Messenger's, at the lower Big Woods of Cedar river, to Bradford, in Chickasaw county.

SEC. 52. **Vacated.** That a certain part of the state road leading from Fairfield to Agency City, through a portion of Jefferson and Wapello counties, to wit: commencing at the east side of section twenty-seven, (27) township seventy-two, (72) north of range twelve, (12) at the half-mile corner, thence running west on the half mile line to Abel Marsh's, thence to Agency City.

SEC. 53. **Vacated.** That so much of the state road leading from Hillsborough, Henry county, to Farmington, Van Buren county, as lies between

where the road leading from Keokuk to Fairfield crosses the county line between Lee and Van Buren, and Farmington, laid out in accordance with section 14 of "an act to locate and establish certain state roads therein named, approved February 5, 1851," be, and the same is hereby vacated.

SEC. 54. **Commissioners—Pella to Pleasantville.** E. F. Graffe, Robert Clark, and Westley Jordan, of the county of Marion, are hereby appointed commissioners to locate a state road, commencing at Pella, in Marion county, and running via Red Rock to Pleasantville, in said county, of Marion.

SEC. 55. **County line declared a road.** That so much of the county line dividing Johnson and Washington counties, as lies between the state road leading from Iowa City to Sigourney, and the county road leading from English bridge, at Bunker's mill, to the north line of Washington county, near George Snyder's, is hereby declared a state road.

SEC. 56. **Commissioners—Yankee settlement to section 27, township 93, range 8.** Clark Newcomb, R. R. Richardson, and James Crawford, are hereby appointed commissioners to locate a state road from the Yankee settlement, in Clayton county, via Strawberry Point, Brush Creek, and Spring Grove to section [184] twenty-seven, (27) in township ninety-three, (93) range eight (8) west, in Fayette county.

SEC. 57. **Commissioners—Charleston to Keokuk, with valley plank road—vacant.** That Smith Hammill, William Lamb, and John A. Bishop, of Lee county, be, and the same are hereby appointed commissioners to lay out and establish a state road from the town of Charleston, in said county, to the city of Keokuk, in said county, commencing at the said town of Charleston, and running to the bluff west of Montrose, intersecting the road from Montrose to Keokuk, thence to the city of Keokuk, on the nearest and most feasible route, and as far from the line of the Keokuk and Des Moines valley plank road as the nature of the ground and the convenience of the public will permit; and so soon as said road is laid out and established, and opened for travel, the old state road between the two points is hereby declared vacant.

SEC. 58. **Vacated.** That so much of the state road leading from Waugh's Point, in Keokuk county, to Oskaloosa, in Mahaska county, as lies between the 8th and 18th angle posts, be, and the same is hereby vacated.

SEC. 59. **Commissioners—Camp Creek to Clear Lake.** John H. Martin and John T. Barrick, of Bremer county, and Alexander Glenn, of Butler county, be, and they are hereby appointed, commissioners to locate a state road, commencing at Camp Creek, in Buchanan county, thence by Barrick's ford, on Cedar river, and Coon Grove, on Shell Rock river, thence to intersect the road which runs from Cedar Falls to Clear Lake.

SEC. 60. **Commissioners—Cedar Falls to Clear Lake.** James Newel and Jesse Morgan, of Black-Hawk county, and William Payne, of Bremer county, are hereby appointed commissioners to locate a state road, commencing at Cedar Falls, in Black-Hawk county, thence through Beaver and Gohen groves, in Butler county, and through Bubas grove, in Floyd county, thence to Clear Lake, in Cerro Gordo county.

SEC. 61. **Legalized—commissioners—Corydon to Chariton.** That the county road, as now located, from Linnville to Corydon, in Wayne county, be, and the same is hereby declared a state road, and that George Garman and Kelogg M. Heart, of Wayne county, and R. M. Swarts, of Lucas county, be and they are hereby appointed commissioners to locate a state road from Corydon, in Wayne county, to Chariton, in Lucas county.

[185] SEC. 62. **Commissioners—re-location.** John R. Sision, John Raddon, and Henry Rockafellar, of Louisa county, are hereby appointed commis-

sioners to re-locate such part of the state road from Walling's landing, in Louisa county, to Washington, in Washington county, as lies between Grandview and Fredonia.

SEC. 63. **Legalized.** That all public roads that have been laid out and established according to law, in the county of Appanoose, whether state or county roads, that shall be recorded by the proper officers, in the proper road records of said county, at the time of taking effect of this act, shall be legal and valid in law.

SEC. 64. **Time and place of meeting—duty—surveyor.** That the commissioners appointed to locate and establish each respective road, or a majority of them, shall meet on the 1st Monday of April, 1853, or within nine months thereafter, at the first point named on each proposed road, or at some other point, if agreed upon, and taking to their assistance a surveyor, the necessary chainmen and markers; and after having been qualified, shall proceed to the discharge of their duties according to law: provided, that in case any of said commissioners should act as surveyor in laying out any of said roads, they shall be entitled to receive for their services, such per diem, as is allowed by law to county surveyors, and nothing more.

SEC. 65. **Compensation.** The commissioners not otherwise herein provided for, to be paid according to law: provided, that the state shall be in no case responsible for any expenses created or growing out of the establishment of any of the foregoing roads and highways.

SEC. 66. **Take effect.** This act shall take effect from and after its publication in the Iowa City papers.

Approved, January 22, 1853.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter and Iowa Republican, Feb. 2d, 1853.

GEO. W. McCLEARY,
Secretary of State.

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[186] CHAPTER 107.

ATTORNEY GENERAL.

AN ACT to provide for the election of attorney general, and define his duties.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Election of—term of office.** That at the August election in A. D., 1853, there shall be elected an attorney general, who shall hold his office one year and until his successor is elected and qualified, and at the general election, A. D., 1854, and every two years thereafter, there shall be elected an attorney general, who shall hold his office for two years and until his successor is elected and qualified.

SEC. 2. **Duties.** The attorney general shall appear for the state, and prosecute and defend all suits and proceedings, civil and criminal, in which the state shall be a party, or interested, when requested so to do by the governor, the general assembly, secretary of state, auditor, or treasurer, and he shall prosecute any official bond, or contract, in which the state is interested, when the same is placed in his hands for that purpose; he shall prosecute and defend for the state all causes which may be appealed or taken by writ of error to the supreme court, in which the state may be a party, or be interested.