

**SEC. 10. Assessment of the county.** That the sheriff elected under the provisions of this act, for said county, shall proceed to assess said county on the fifteenth day of April next, and he shall make his return to the county commissioners' clerk at the same time, and be under the same obligations and liabilities as sheriffs of other counties are.

**SEC. 11. Commissioners of county seat.** That David Edmundson, of the county of Jasper, John White, of the county of Mahaska, and John Rose, of the county of Polk, be, and they are hereby appointed commissioners to locate and establish the seat of justice of said county of Poweshiek; said commissioners, or any two of them, shall meet at the house of Mahlan Woodward, Esq., in said county, on the first Monday in June next, or at such other time within one month thereafter, as a majority of said commissioners may agree upon, in pursuance of their duties under this act.

**SEC. 12. Oath of commissioners.** That said commissioners shall first take and subscribe the following oath, to-wit: "We do solemnly swear (or affirm) that we (or either of us) have no personal interest, either directly or indirectly in the location of the seat of justice of Poweshiek county, and that we will faithfully and impartially examine the situation of said county, [57] taking into consideration the future as well as the present population of said county, also to pay strict regard to the geographical center of said county." Which oath shall be administered by the clerk of the district court of said county of Poweshiek, or any justice of the peace of said county, and the officer administering the same, shall certify to, and file the same in the office of the clerk of the board of county commissioners of said county, whose duty it shall be to receive the same.

**SEC. 13. Duty of commissioners.** That said commissioners, when met and qualified under the provisions of this act, shall proceed to locate the seat of justice of said county, and as soon as they shall have come to a determination, they shall commit to writing, the place so selected, with such name as they may deem proper, and a particular description thereof, signed by the said commissioners and filed by the clerk of the board of county commissioners, in which such seat of justice is located, whose duty it shall be to record the same, and forever keep it on file in his office, and the place thus designated, shall be the seat of justice of said county of Poweshiek.

**SEC. 14. Pay of commissioners.** That said commissioners shall each receive the sum of two dollars per day while necessarily employed in the discharge of the duties enjoined upon them by this act, which shall be paid by the county out of the first funds arising from the sale of lots in said seat of justice.

**SEC. 15. When to take effect.** This act to take effect and be in force from and after its publication in the Iowa Standard and Iowa Capital Reporter.

Approved, January 24th, 1848.

Published in the Standard, February ninth, and in the Reporter, February twenty-third, eighteen hundred and forty-eight.

## CHAPTER 55.

### PRACTICE.

AN ACT to amend an act entitled an act regulating practice in the district courts in the territory of Iowa, approved, January the tenth, eighteen hundred and forty-three.

*Be it enacted by the General Assembly of the State of Iowa,*

**SECTION 1. Judgment by scire facias.** That hereafter when any person wishes to revive any judgment by *scire facias*, and the party against whom the

judgment has been rendered is a non-resident, or where personal service cannot be had, it shall be lawful for the party wishing to revive any such judgment, to give notice of the same by publication, for three successive weeks, in [58] some newspaper in the county where such judgment is of record, and if there be no paper published in such county, then in the paper nearest to such county; and such publication shall be deemed and taken as a personal service.

**SEC. 2. Notice by publication.** The publication shall be deemed sufficient, if it contain the name of the parties, the nature of the proceeding, the date of the judgment sought to be revived, and the term of the court at which the cause is to be heard, and may be signed by plaintiff's attorney.

**SEC. 3. When to take effect.** This act to take effect and be in force from and after the first day of March, A. D. 1848; said act to be published in the Iowa City papers.

Approved, January 24, 1848.

Published in the Observer, February first, in the Standard, February ninth, and in the Reporter, March fifteenth, eighteen hundred and forty-eight.

## CHAPTER 56.

### DISTRICT COURTS.

AN ACT to amend an act entitled "an act fixing the times of holding the district courts in this state, approved February seventeenth, eighteen hundred and forty-seven.

*Be it enacted by the General Assembly of the State of Iowa,*

**SECTION 1. Courts in fourth district—times and places.** That the times of holding the district courts in the fourth judicial district shall be as follows:

In Johnson county, on the third Monday in March and the first Monday in September;

In Iowa county, on the first Monday after the fourth Monday in March;

In Linn county, on the second Monday after the fourth Monday in March, and the second Monday in September;

In Benton county, on the fourth Monday after the fourth Monday in March, and the third Monday in September;

In Dallas county, on the second Monday in May;

In Polk county, on the Wednesday following the second Monday in May;

In Jasper county, on the third Monday in May;

In Poweshiek county, on the Thursday after the third Monday in May, A. D. 1849, and on the same day in every year thereafter.

**SEC. 2. Effect of change.** No suits, indictments, recognizances, informations, declarations, pleas or other process or proceedings, returnable at, or pending [59] in, the said district courts of any of the counties above named, shall abate, be made void, or in any wise affected, in consequence of any change in the time of holding said courts by the provisions of this act; but when the same may have been issued, or may have been made returnable at any day, in accordance with the time heretofore fixed for holding said courts, they shall be considered returnable to the term of the courts respectively named in this act: and all jurors, witnesses and other persons bound in any way, or summoned to appear