

lector and treasurer in Jackson county, in the same manner as is provided in the laws of Iowa for the collection of the public revenue.

**SEC. 2. To take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 24th, 1847.

## CHAPTER 90.

### BUCHANAN COUNTY.

AN ACT to locate the seat of justice of Buchanan county.

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

**SECTION 1. Commissioners—when to meet—duties—clerk's duty—seat of justice.** That Lyman Dillon, of Dubuque county, Thomas S. Denson, of Jones county, and Sylvester Stephens, of Jackson county, be, and they are hereby appointed commissioners to locate and establish the seat of justice of Buchanan county. Said commissioners, or any two of them, shall meet at the house of Joseph H. Reynolds, in said county of Buchanan, on or before the first Monday in July, A. D. 1847, and proceed to locate and establish the seat of justice of said county, as near the geographical centre of said county as said commissioners may deem proper, paying due regard to the present as well as future population of said county; and as soon as they have come to a determination, they shall give said point a name. Their proceedings shall be committed to writing, signed by the said commissioners, or a majority of them, and filed in the office of the clerk of the board of commissioners of Delaware county, until the said county of Buchanan is fully organized, and when so organized the clerk of the board of commissioners of said Buchanan county shall record and keep the same on file in his office; and the place so selected as aforesaid shall be the seat of justice of Buchanan county.

**SEC. 2. Oath.** Said commissioners shall, previous to entering upon their duties as aforesaid, take and subscribe, before some magistrate or other person authorized to administer oaths, the following oath or affirmation, to wit: "We do solemnly swear (or affirm) that we have no personal interest, directly or indirectly, in the location of the seat of justice of Buchanan county, and that we will faithfully and impartially locate the same, according to the best interest of said county, taking into consideration the future as well as the present population of said county." And the person so administering such oath shall certify and file the same as provided in the first section of this act.

[122] **SEC. 3. Compensation.** The commissioners aforesaid, shall receive two dollars per day, and two dollars for every twenty miles travel while necessarily engaged in the discharge of their duty.

**SEC. 4. How paid.** Said commissioners shall be paid for their services required by this act, out of the county treasury of said county of Buchanan, so soon as the same shall become organized for county purposes.

**SEC. 5. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers published in the city of Dubuque.

Approved, February 24th, 1847.

## CHAPTER 91.

### CRIMINAL RETURNS.

AN ACT to provide for criminal returns.

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

**SECTION 1. Duty of clerk district court.** That it shall be the duty of the clerk of the district court of every county, on or before the first day of Novem-

ber in each year, to report to the secretary of state, the number of convictions in his court for all crimes and misdemeanors.

**SEC. 2. Report.** That said report shall show the character of the crime or offense, the sentence of each convict, his occupation, whether he can read and write, and his general habits, and also the expenses of the county for criminal prosecutions.

**SEC. 3. Duty of secretary.** That it shall be the duty of the secretary of state, at every regular session of the general assembly, (and annually if required by either house,) to report to the general assembly an abstract of the returns received each year, from the clerks of the district courts, which abstract shall embrace all the facts contained in said returns.

**SEC. 4. Failure to comply—fine—evidence.** That any clerk of the district court, who shall fail to comply with the requisitions of this law, shall be subject to a fine of ten dollars, to be collected in the name of the state, by the prosecuting attorney of the county in which the clerk may reside, and the certificate of the secretary of state, under the seal of the state, that no report as provided for in this act, has been received at his office, shall be received as evidence on the trial of the cause.

**SEC. 5. Neglect of secretary—evidence.** That if the secretary of state neglect or refuse to comply with the provisions of this act, he shall be liable to a penalty of fifty dollars, to be collected in the name of the state, by the prosecuting attorney of the county in which said officer resides; and the official certificate of the chief clerks of the two houses of the general assembly, [123] that no report, as required by this act, has been made by said officer to either branch of the general assembly, shall be received in evidence on the trial of the cause.

**SEC. 6. Fines, etc., how appropriated—neglect of prosecutor.** That all fines and penalties incurred and collected under the provisions of this act, shall be paid into the state treasury, and go into and become a part of the school fund, and any prosecuting attorney refusing or neglecting, for three months to pay over any fines or penalties so collected by him, shall be liable to be sued for the same by any person, in the name of the state, and be liable on his official bond.

Approved, February 24th, 1847.

## CHAPTER 92.

### PARTITION.

AN ACT to amend "An act to provide for the partition of real property," approved January 4th, 1839.

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

**SECTION 1. Real estate in more counties than one.** That where the heirs or legal representatives of any deceased person have or shall hereafter inherit any real estate, and the same shall be situated in more counties than one, it shall and may be lawful for the district court of any county in which said land shall lie, to appoint commissioners to divide and allot all of said lands in this state among such claimants; and in making such partition, it shall and may be lawful for said commissioners to divide said estate by tracts, if said estate will admit of a division in that manner, or by dividing said tracts or parts thereof into smaller parcels, as shall seem right to said commissioners, and to make the division as nearly equal in value as may be, which partition and allotment shall be returned to the next term of the said court, and the like proceedings had thereon as in other cases under the provisions of the act to which this act is amendatory.