

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.

**SEC. 2. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers published in this city.

Approved, February 24th, 1847.

Published in the Reporter Mar. 17th, 1847, and in the Standard Mar. 18th, 1847.

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[124] CHAPTER 93.

JOHNSON COUNTY.

**AN ACT** to repeal an act to authorize the appointment of a county agent in and for the county of Johnson.

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

**SECTION 1. Duty of commissioners' clerk.** That the clerk of the county commissioners' court of the county of Johnson be, and he is hereby authorized to perform all the duties heretofore enjoined upon the county agent, and that he shall be allowed for such services such sum as the county commissioners may direct.

**SEC. 2. Repealing section.** That "An act to authorize the appointment of a county agent in and for the county of Johnson," approved February 16th, 1842, be and the same is, hereby repealed.

**SEC. 3. Take effect.** This act to take effect from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 24th, 1847.

Published in the Reporter March 24th, and in the Standard March 10th, 1847.

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CHAPTER 94.

STATE ROAD.

**AN ACT** to locate a state road therein named.

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

**SECTION 1. Commissioners—route of road.** That Robert Walker of the county of Johnson, Horace H. Wilson of the county of Washington, and A. Carothers of the county of Muscatine, be, and they are hereby appointed commissioners to locate a state road from a point at or near the mouth of English river; thence easterly to the widow Sweets, in Johnson county; thence east to the farm of Samuel Nickols, on Wapsinonock; thence to intersect the Bloomington road at such point as, in the opinion of said commissioners, will be the most convenient for the community at large.

**SEC. 2. When to meet.** Said commissioners, or a majority of them, shall meet at such time and place as they may agree upon, between the first days of May and August next, and proceed to locate said road as provided for by an act entitled "An act for laying out and opening territorial roads," approved Dec. 29, 1838.

**SEC. 3. When in force.** This act shall be in force from and after its passage.

Approved, February 24th, 1847.