

payment of a fee of one dollar to him by the purchaser of such real estate at such sale, his assignee or legal representative, make, execute and deliver a deed of such real estate to the said purchaser or his assignee or representative.

**SEC. 17. Road districts.** The streets and alleys of the said city shall constitute one road district, and the said city council shall annually appoint a supervisor or overseer of the same, who shall collect a road tax from all inhabitants of the said city liable to work upon the roads, in the same manner as is now provided by law for supervisors of road districts in the several townships.

**SEC. 18. Receipts and expenditures.** The city council shall, at least ten days before the annual election in each year, cause to be made out and entered upon their journals a full and correct statement of all the receipts and expenditures during the year, together with such other information in their power to furnish, as may be necessary to a full and perfect understanding of the financial condition of the said city.

**SEC. 19. Election on the charter.** That there shall be a poll opened at the several wards and at the places named in the fifth section of this act, on the fourth Monday in March, 1847, at which election the qualified voters of said town or city of Keokuk shall vote for or against this charter, and if a majority of all the votes cast at said election shall be in favor of the adoption of this charter, then it shall be adopted, and be taken and held to be in full force. But if a majority of all the votes cast at said election shall be against it, then the same shall stand rejected for the time being, and no election for mayor or councilmen shall take place on the said second Monday of April, 1847, as provided in the fourth section of this act. But a poll shall in like manner again be opened at the places of holding elections aforesaid, in said town, on the first Monday in December, 1847, at which the qualified voters of said town shall again vote for or against this charter, and if a majority of all the votes then cast at said election shall be against it, it shall be rejected and not go into effect. But if a majority of all the votes then cast shall be in favor of its adoption, then the same shall be adopted, and in every respect binding and obligatory, [160] and a temporary election shall be held on the first Monday of January, 1848, for mayor and councilmen, as provided in this act, and the persons then elected shall serve until the next regular election on the second Monday in April, 1848, and until their successors are elected and qualified.

**SEC. 20. Public act.** This act shall be taken and received in all courts, and by all judges, magistrates and other public officers as a public act.

**SEC. 21. Service of process.** All process against the said city shall be duly served by delivering a copy thereof, certified by the officer whose duty it is to serve the same, to the mayor, or, in his absence, to the clerk of the said city, within the same time as is provided by law for the service of process in other cases.

**SEC. 22. To take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 23d, 1847.

## CHAPTER 111.

### SCHOOL FUNDS.

[AN ACT to provide for the management and disposition of the school fund.]

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

**SECTION 1. Duty of trustees—sixteenth sections—allotment—valuation.** That it shall be the duty of the trustees of the several townships in this state, at

as early a day as may be convenient after the next township elections, to proceed to an examination of the sixteenth section or sections in their townships respectively, or lands granted in lieu thereof, and allot the same into such parcels as, in their opinion, may be best to suit purchasers, and advance the interest of the school fund; in such allotment conforming, as far as may be consistent with the interest of said fund, to the legal subdivisions by the United States surveys, and place a true value on each parcel, which value shall not be less than at the rate of one dollar and twenty-five cents per acre: provided, that upon lands settled upon and improved previous to the survey the valuation shall be made as prescribed in the next succeeding section.

**SEC. 2. Lands settled previous to survey—notice—appraisement—duty of appraisers—purchase—failure to purchase—land to be sold—no sale, interest to be paid.** When any person shall have settled and made improvements on the sixteenth section previous to the survey, he shall give the fund commissioner notice thereof, accompanied by an affidavit of the truth of his statement. He shall then select one appraiser, and the fund commissioner shall appoint another, and, in case of a disagreement, the two shall choose a third. The appraisers thus chosen shall appraise the land thus occupied, independent of the improvements, and the improve-[161]ments by themselves. The occupant shall then be permitted to purchase the land at the appraised value, on the conditions hereinafter provided. In case he shall fail to do so within ten days after the appraisement, the land shall then be sold to the highest bidder; but, in that case, the purchaser, in addition to the price of the land, shall pay the occupant the appraised value of his improvements in cash. In case the land shall be offered to the highest bidder as aforesaid and not sold, the occupant shall pay, annually, to the superintendent of public instruction, for the use of the school fund, interest on the appraised value of the land and the improvements together, at the rate of ten per cent. per annum from the day the state of Iowa was admitted into the Union until the land is sold as hereinbefore provided.

**SEC. 3. New assessments, etc.** That for good cause the fund commissioner may direct a new assessment or allotment, or either, as the case may seem to require.

**SEC. 4. Books of fund commissioners.** The fund commissioner shall procure at the expense of the county, such books as may be necessary, and therein keep a faithful record of his acts and doings by virtue of his office, and of all papers filed in the same.

**SEC. 5. Sale of lands—notice—terms of sale—proviso—proviso—payment.** The fund commissioners of the respective counties, having received the allotment and appraisement of any or all of the sections sixteen, or lands granted in lieu thereof, shall, after giving thirty days' notice by written or printed advertisements in three of the most public places in the county, and one in the township wherein the land is situated, proceed to sell such land to the highest and best bidder, upon the following terms, to wit: One-fourth of the purchase money in advance, and the balance on a credit not exceeding ten years, bearing interest at the rate of ten per cent. per annum from the day of sale until paid, payable annually at the office of said fund commissioner: provided, that lands assessed as aforesaid shall not sell for less than their appraised value: and provided, also, that the fund commissioner shall receive, when desired by the purchaser, the whole of the purchase money in advance.

**SEC. 6. Certificate and patent.** If the purchaser pay the money in hand the fund commissioner shall give him upon the receipt thereof a certificate of purchase, which shall entitle him to a patent, which patent shall be issued by the governor.

**SEC. 7. Lands sold on credit—when purchaser may pay.** If the lands be purchased upon a partial credit, as hereinbefore mentioned, the contract shall

be forthwith reduced to writing, signed by the parties, and filed and recorded in the office of said commissioner, and thence, during the continuance of such contract, it shall be lawful for such purchaser or his assignee at any time to pay [162] the principal and interest due upon such contract and receive a certificate of purchase, as mentioned in the preceding section.

**SEC. 8. 500,000 acres, how selected—settler to notify commissioner—amount—duty of commissioner—of superintendent—contract—terms—interest.** That the manner of selecting the five [hundred] thousand acres of land, mentioned in the second section of the tenth article of the constitution, and the disposition thereof, for the support of schools, shall be as follows, to wit: Any person capable of contracting, having settled upon public lands, the quality whereof and the improvements thereon will, in the opinion of the fund commissioner of the county, render the selection a safe and profitable one, may in writing signify to said fund commissioner of the county wherein the land is situated, his or her desire to have the same recognized as school land, and thereupon the same, not exceeding three hundred and twenty acres, shall be returned by said fund commissioner, with the date of their selection, to the superintendent of public instruction, to be by him registered as lands selected by the state under the grant from congress referred to. After which the said fund commissioner shall proceed to contract with such settler for a sale thereof upon the following terms, to wit: One fifth of the purchase money in advance, or within three months from the day of making the contracts, (as the said fund commissioner may think best,) and the balance on a credit of not more than ten years, at the discretion of the purchaser, bearing interest at the rate of ten per cent. per annum, payable annually at the office of said fund commissioner.

**SEC. 9. Interest, pay day.** In order that the day of paying interest may be uniform, all contracts therefor shall make the first day of January following the date of the contract, the day of the first payment, and annually thereafter upon the same day.

**SEC. 10. Failure to pay—contract forfeited—new sale.** If any person shall fail to pay the interest due upon any contract, as hereinbefore mentioned, it shall be lawful for the fund commissioner in his discretion, either to consider the contract as forfeited and proceed to sell the land anew, upon the terms prescribed in the fifth section of this act, or to collect the same by suit.

**SEC. 11. Waste.** All contracts for the purchase of lands under the provisions of this act, shall be subject to such regulations to prevent waste as may, from time to time, be prescribed by law.

**SEC. 12. Money to be paid in advance or security.** That when it shall appear to the satisfaction of the fund commissioner that any lands by him about to be offered for sale, are of such a description that a sale thereof upon a partial credit would be wholly incompatible with the interest of the school fund, and the preservation thereof from waste, and especially in the case of timbered lands, or lands the value whereof consists chiefly in the timber growing thereon, the fund commissioner may, in his discretion, exact the whole [163] of the purchase money in advance, or if he shall sell such lands upon a partial credit, as hereinbefore prescribed, it shall be his duty to require good collateral security for the payment of the residue of the purchase money, upon the terms agreed upon.

**SEC. 13. Waste—injunction—trial—order—costs—proviso.** When the fund commissioner shall be satisfied that waste is being committed upon school lands, sold or unsold, it shall be lawful for him to apply, by petition, to the district court, or any judge thereof, for an injunction to stay waste, and the same, if granted, shall be without bond, and shall stand for trial first in order upon the court docket. The said bill shall be tried in a summary way, upon which

the fund commissioner shall be a competent witness; the court may make such order in the premises as may be equitable and calculated to secure the school lands from waste or destruction, and may adjudge the party to the fund commissioner damages for the injury done; the costs shall abide the event of the injunction: provided, such damages may be assessed by a jury.

**SEC. 14. Five per cent. on sales.** The five per centum upon the net proceeds of the sales of the public lands granted by the United States to this state, shall be paid into the hands of the superintendent of public instruction, to be disposed of according to law.

**SEC. 15. Intestate estates.** The proceeds of the sales of intestate estates, to which there may be no heir, shall be paid into the general school fund, and be disposed of according to law.

**SEC. 16. Fund commissioner's security—citation—order—neglect—removal.** When in the opinion of the board of commissioners of any county, the security of the fund commissioner of their county may be insufficient, the said board may cite the said fund commissioner to appear before them at some specified time, to show cause why he shall not enlarge his bond, or give additional security, or both, as the case may be; and upon the return of the process served, the board may make such order in the premises as they think proper. If the fund commissioner neglect or refuse to comply therewith, the board may remove him from office and fill the vacancy.

**SEC. 17. Duty of superintendent as to 500,000 acres—notice.** The superintendent of public instruction shall report, from time to time, all selections made under the eighth section of this act, to the secretary of the treasury of the United States and to the proper land office, and as soon as the five hundred thousand acres shall have been selected, he shall give notice to the several fund commissioners, who shall thereafter stop receiving selections of land as aforesaid.

**SEC. 18. When selected.** If more than five hundred thousand acres are selected, those shall be rejected which were made by the fund commissioner last in point of time; and it shall be the duty of the several fund commissioner-[164]-ers, upon being informed thereof by the superintendent of public instruction to notify the persons whose selections are rejected of that fact.

**SEC. 19. Taxation.** All lands contracted for under the provisions of this act shall be subject to taxation from the day of making the contract of purchase, to be paid by the person contracting therefor or by the occupant

Approved, February 25th, 1847.

## CHAPTER 112.

### STATE SEAL.

AN ACT authorizing the secretary of state to procure a state seal.

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

**SECTION 1. Seal—device—motto.** That the secretary of state be, and he is, hereby authorized to procure a seal which shall be the great seal of the state of Iowa, two inches in diameter, upon which shall be engraved the following device, surrounded by the words, "The Great Seal of the State of Iowa"—a sheaf and field of standing wheat, with a sickle and other farming utensils. on the left side near the bottom; a lead furnace and pile of pig lead on the right side; the citizen soldier, with a plow in his rear, supporting the American flag and liberty cap with his right hand, and his gun with his left, in the center and