

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

near the bottom; the Mississippi river in the rear of the whole, with the steamer Iowa under way; an eagle near the upper edge, holding in his beak a scroll, with the following inscription upon it: Our liberties we prize, and our rights we will maintain.

SEC. 2. Appropriation. The sum of forty dollars shall be, and is hereby appropriated for the purchase of the seal aforesaid, out of any money in the treasury not otherwise appropriated.

SEC. 3. To take effect. This act shall take effect and be in force from and after its publication in the weekly newspapers in Iowa City.

Approved, February 25th, 1847.

Published in the Reporter and Standard March 3d, 1847.

[165] CHAPTER 113.

PUBLIC WORKS.

AN ACT creating a board of public works, and providing for the improvement of the Des Moines river.

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

SECTION 1. Board of public works—when elected—oath. That, for the improvement of the Des Moines river, there shall be established a board, to be called the "board of public works," which shall consist of a president, secretary and treasurer, who shall be elected by the qualified electors of this state on the first Monday of August next, and every two years thereafter, and shall remain in office until their successors are elected and qualified; and before entering upon the discharge of their duties, they shall take and subscribe (before some person qualified to administer the same) an oath or affirmation for the faithful and impartial performance of the duties required of them by law, which shall be deposited with the secretary of state.

SEC. 2. Vacancy. In case of a vacancy, occasioned otherwise than by expiration of the term of service, the governor shall have power to appoint a successor, who shall serve until the place is regularly filled by election, in the manner prescribed in the first section of this act.

SEC. 3. Salaries. The president shall receive one thousand dollars, and the secretary and treasurer each eight hundred dollars, per annum, payable quarterly. The president shall be the active agent of said board; shall superintend said work, and make report of the progress of contractors every month or oftener, as the board may direct; and said board shall hold its regular sessions monthly—but the president may call them together whenever he may deem it expedient.

SEC. 4. Expenses, how paid. Such payments, as well as all the other expenses attending the prosecution of the work, shall be paid from the fund resulting from the sale of the donated lands.

SEC. 5. In case of inability of the president to discharge the duties of his office, he may appoint either of the other members of the board to act in his stead.

SEC. 6. Chief engineer. The board shall have power to procure a chief engineer and such assistants as may be necessary, and to take all other steps for the effectual prosecution of the work, and for the preservation and care thereof, as fast as it shall be completed.

SEC. 7. Quorum. They shall have the general supervision and control of said work, and any two of said board shall constitute a quorum: provided,