

**SEC. 34. Monthly estimates—payments.** The board shall make an estimate monthly of the work as it progresses, and shall make payment for the same, which in no case [170] shall exceed eighty-five per cent. of the amount due for work done, until said work is completed.

**SEC. 35.** Should it be found impracticable, upon examination and survey, to improve the river in the manner herein contemplated, or if for any other reason the work cannot progress successfully, the board shall report that fact to the governor, and from that time their salaries and all further proceedings shall cease.

**SEC. 36. Reserves—proviso.** The board may, in all sales of land under the provisions of this act, reserve to the state the right of using any stone which they may need during the progress of the work, for the construction of any part of the same, and also may reserve from sale such timber lots as they may deem necessary to furnish timber for locks and dams, or any purpose connected with the work: provided, that the authority in this section granted shall not extend to the reservation of lands upon which, at the time of the taking effect of this act, there shall be a valid pre-emption right under this act.

**SEC. 37. To take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers of Iowa City.

Approved, February 24th, 1847.

Published in the Reporter March 3d, and in the Standard March 18th, 1847.

## CHAPTER 114.

### PRESIDENTIAL ELECTORS.

AN ACT to provide for the election of electors of president and vice president of the United States.

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

**SECTION 1. Election—who not eligible.** That the qualified electors of this state shall, on Tuesday [next] after the first Monday in the month of November, Anno Domini, 1848, assemble in their respective townships, at the usual places designated for holding elections, and proceed to elect a number of electors of president and vice president of the United States, equal to the number of senators and representatives this state may be entitled to in the congress of the United States; which election shall commence and close at the same hours, and be conducted in the same manner, and of which the sheriffs of the respective counties shall give the same notice, as is or may be directed by law for electing members of the general assembly of the state; but no senator or representative in congress, or person holding an office of trust or profit under the United States, shall be eli-[171]-gible as an elector of president and vice president of the United States.

**SEC. 2. Duty of judges—fine.** That it shall be the duty of the judges of elections in each township, forthwith after the close of the elections, to seal up one of the poll books of the election, which shall be carried, within three days after the day of election, to the sheriff of the proper county, who shall attend the three days next succeeding the election at the seat of justice of his county, for the purpose of receiving poll books as aforesaid; and if the judges of election, or any one of them, shall fail to carry the poll books as aforesaid, they shall forfeit and pay to the state the sum of five hundred dollars, to be recovered by an action of debt before any court having cognizance thereof.

**SEC. 3. Oaths—duty of sheriff.** That the sheriffs, upon receiving the poll books as aforesaid, shall administer an oath or affirmation to each judge who shall deliver said poll book, that he was a judge of said election, and shall endorse a certificate of having administered such oath or affirmation on the poll book or packet delivered to him, and shall moreover give the judge delivering the poll book a receipt for the same, which receipt the judges shall file with the clerk of the proper county; and the said sheriff, on the receipt of the poll books, shall deliver the same, or cause to be delivered, to the secretary of state at his office, within twelve days after the election, under the penalty of one thousand dollars, to be recovered as is provided in the second section of this act.

**SEC. 4. Poll books how opened—duty of secretary—of governor—tie votes.** That the said poll books, on the fourteenth day after the election, shall be opened by the secretary of state, in the presence of the governor and the aforesaid sheriffs, or such of them as choose to attend; the secretary shall cause the poll books, as they are opened, to be read aloud, and shall make out a fair abstract of the names of the persons voted for and the number of votes given to each, and the governor shall forthwith make out, for the persons having the greatest number of votes, certificates of their having been duly elected electors of president and vice president of the United States, and transmit, by special messenger, the proper certificate to each person so elected; and shall cause the election of electors to be published in the newspapers printed at the seat of government; but if more than the number of persons to be elected, have the greatest and an equal number of votes, then the election of those having such equal number of votes shall be determined by lot, to be drawn by the secretary of state in the presence of the governor and sheriffs aforesaid, the governor shall transmit the proper certificate and cause publication to be made as aforesaid, and the said poll books shall be kept in the secretary's office, subject to the inspection of any person who may choose to examine the same.

[172] **SEC. 5. Electors when to meet.** That the electors who shall be chosen as aforesaid shall, at twelve o'clock on the day which is or may be directed by the congress of the United States, meet at the seat of government of this state and then and there perform the duties enjoined upon them by the constitution and laws of the United States.

**SEC. 6. Neglect of duty.** That the several persons who shall be appointed to conduct the election of electors of president and vice president of the United States shall, for neglect of duty, or for improper conduct, be liable to the same penalties and forfeitures as are or may be provided by the law for regulating elections in this state.

**SEC. 7. As to electors—absence.** That each elector of president and vice president of the United States shall, before the hour of twelve o'clock on the day next preceding the day fixed by the law of congress to elect a president and vice president of the United States, give notice to the governor that he is at the seat of government and ready, at the proper time, to perform the duties of an elector; and the governor shall forthwith deliver to the electors present a certificate of all the names of the electors, and if on examination thereof it should be found that one or more of said electors are absent, and shall fail to appear before nine o'clock in the morning of the day of election of president and vice president as aforesaid, the electors then present shall immediately proceed to elect by ballot, in the presence of the governor, a person or persons to fill such vacancy or vacancies as may have occurred by this the non-attendance of one or more of the electors.

**SEC. 8. Tie vote.** That if more than the number of persons required to fill the vacancy or vacancies as aforesaid shall have the greatest and an equal number of votes, then the election of those having such equal and highest number of votes shall be determined by lot, to be drawn by the governor in the presence of the electors attending, otherwise he or they, to the number re-

quired, having the greatest number of votes shall be considered elected to fill such vacancy or vacancies.

**SEC. 9. Notice—duty of electors.** That immediately after such choice is made in the manner aforesaid, the name or names of the person or persons so chosen shall forthwith be certified to the governor, by the electors making such choice, and the governor shall cause immediate notice in writing to be given to each and every one of the electors chosen to fill such vacancy or vacancies as aforesaid, and the said person or persons so elected and notified, and not the person or persons in whose place he or they shall have been chosen, shall be electors, and shall meet the other electors at the same time and place, and then and there discharge all and singular the duties enjoined on him or them as electors aforesaid, by the constitution and laws of the United States and of this state.

[173] **SEC. 10. Fees, etc.** That the sheriffs of the different counties shall each receive for his services performed under this act, the following fees, to wit: for advertising the election of electors, the sum of fifty cents for each township within his county; for attending at the seat of justice to receive the township returns, the sum of two dollars; for delivering the poll books to the secretary of state at his office, the sum of two dollars for every twenty-five miles' travel to and from the seat of government, the distance to be estimated from their respective seats of justice, on the most usual route, to the seat of government; which fees shall be allowed by the auditor, on the certificate of the secretary of state, and paid by the treasurer of state.

**SEC. 11. Fees of electors.** That each and every elector who shall attend as an elector at the seat of government as aforesaid, shall be entitled to receive two dollars for each and every day's attendance, and two dollars for every twenty-five miles travel of the estimated distance, by the most usual route from his place of residence to the seat of government, and the like sum for returning; which sum shall be allowed by the auditor, on the certificate of the governor, and paid by the treasurer out of any moneys in the treasury not otherwise appropriated: provided, however, that when a member of the general assembly shall be appointed an elector he shall not be entitled to the compensation herein allowed.

**SEC. 12. Judges and clerk's compensation.** That the judges and clerks of the township elections held under this act, and the clerks of the different counties, shall be paid the like compensation, out of their respective county treasuries, and in like manner as they are entitled to for similar services under and by virtue of the existing election laws.

Approved, February 24th, 1847.

## CHAPTER 115.

### PUBLIC BUILDINGS.

AN ACT making an appropriation for the public buildings at Iowa City.

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

**SECTION 1. Appropriation.** That there is hereby appropriated towards the completion of the public buildings at Iowa City, the sum of twenty-five hundred dollars, to be paid out of any moneys in the treasury not otherwise appropriated.

**SEC. 2. Superintendent.** The said appropriation shall be expended under the superintendence of the treasurer of the state, who is hereby allowed the sum of two hundred dollars as compensation for said services.