

CHAPTER 34.

CONTESTED ELECTIONS.

AN ACT to amend Chapter 37 of the Revision of 1860, in relation to contested Elections.

SECTION 1. *Be it enacted by the General Assembly* ^{Possession of} *That in all cases coming before* ^{office.} *any court for the contesting of county elections under the provisions of Chapter 37 of the Revision of 1860, wherein either the contestant or incumbent shall be in possession of the office, by holding over or otherwise,* ^{Co. Judge's} *the County Judge shall, if the judgment be against the* ^{order.} *party so in possession of the office, and in favor of his antagonist, issue an order to carry into effect the judgment of the Court, which order shall be under the seal of the County Court, and shall command the Sheriff of the county to put the successful party into possession of the office without delay, and to deliver to him all books and papers belonging to the same, and the Sheriff shall execute such order as in cases of other writs.*

SEC. 2. *The party against whom judgment is rendered may appeal to the District Court, but if he be in possession of the office, such appeal shall not supersede the execution of the judgment of the Court, as provided in the preceding section, unless he give a bond with* ^{Bond.} *security, to be approved by the County Judge, in a sum to be fixed by the Judge, and which shall be at least double the probable compensation of such officer for six months, which bond shall be conditioned that he will prosecute his appeal without delay, and that if the judgment appealed from be affirmed, he will pay over to the successful party all fees, salary, compensation and perquisites, received by him while in possession of said office, and after the judgment appealed from was rendered.*

SEC. 3. *If upon appeal the judgment of the contesting Court be affirmed, the District Court may render* ^{Judgment on} *judgment upon the Bond, for the amount of damages* ^{bond.} *against the contestant and his sureties on the Bond.*

SEC. 4. *The successful party shall be sworn into* ^{Sworn in.} *office as soon as judgment is rendered in his favor by the contesting Court, in order to qualify him for taking possession in case an appeal is not perfected.*

SEC. 5. *In all cases where judgments have heretofore been rendered, under said chapter 37 of the Revis-* ^{Order shall} *ion.*

ion of 1860, by any Court for contesting county elections, the County Judge shall, upon the application of the party in whose favor such judgment was rendered, issue his order for the enforcement of such judgment, as provided in section one, of this act, notwithstanding an appeal may have been taken, and the execution of such order shall be stayed only by giving bond as provided in the last section.

Stay of execution of order.

SEC. 6. This Act being deemed by the General Assembly of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Iowa Homestead, newspapers published at Des Moines.

Approved March 2d, 1864.

I hereby certify that the foregoing Act was published in the Iowa State Register and the Iowa Homestead on the 9th day of March, A. D. 1864.

JAMES WRIGHT, Secretary of State.

CHAPTER 35.

TAXES LEGALIZED.

AN ACT to legalize certain taxes, heretofore levied by County Boards of Supervisors.

Bounties for enlistments, etc.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all taxes heretofore levied by the County Board of Supervisors of any county in this State, to meet appropriations voted by such Board for the payment of Bounties for enlistments, and for the support of the families of persons in the military service of the United States, be and are hereby legalized.

SEC. 2. This Act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and the Iowa Homestead, newspapers published at Des Moines.

Approved March 2d, 1864.

I hereby certify that the foregoing Act was published in the Iowa State Register on the 16th day of March, and in the Iowa Homestead on the 16th day of March, A. D. 1864.

JAMES WRIGHT, Secretary of State.