

the age of twelve years, and aged and infirm dependent parents.

SEC. 9. This Act being deemed of immediate importance by the General Assembly, shall take effect and be in force from and after its publication in the Iowa Homestead and Iowa State Register, newspapers published at Des Moines, Iowa. Take effect.

Approved March 28th, 1864.

I hereby certify that the foregoing Act was published in the Iowa State Register April 20th, A. D. 1864, and in the Iowa Homestead April 20th, A. D. 1864.

JAMES WRIGHT, Secretary of State.

CHAPTER 90.

HOLDING COURT—THIRD DISTRICT.

AN ACT to amend and explain an Act passed by the Tenth General Assembly, entitled "An Act to define the times of holding Courts in the Third Judicial District," approved Jan. 25th, 1864.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all that part of an Act passed by the Tenth General Assembly, entitled "An Act to define the times of holding Courts in the Third Judicial District," approved January 25th, 1864, which relates to the times of holding the terms of the District Court in the counties of Fremont, Mills and Pottawattamie, be amended so as to read as follows: Former Acts amended.

At Sidney, in Fremont county, on the third Monday in February and the fourth Monday in August in each year. Sidney.

At Glenwood, in Mills county, on the third Monday in April and October in each year. Glenwood.

At Council Bluffs, in Pottawattamie county, on the first Monday in May and November in each year. Council Bluffs.

SEC. 2. All suits, pleadings, processes and proceedings pending in any of said Courts, and returnable at the terms now fixed by law, shall be deemed pending and returnable at the terms as fixed by this Act; and no suit, notice, recognizance, indictments or other proceeding shall be quashed or held to be invalid by reason of the change of the terms of Court hereby made. Pleadings, processes, &c. not affected.

SEC. 3. All acts and parts of Acts inconsistent with this Act, are hereby repealed. Repeal.

Take effect.

SEC. 4. 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 Homestead and Iowa Statesman, newspapers published at Des Moines.

Approved March 28th, 1864.

I hereby certify that the foregoing Act was published in the Iowa Homestead —, A. D. 1864, and in the Iowa Statesman April 15th, A. D. 1864.

JAMES WRIGHT, Secretary of State.

CHAPTER 91.

COAL MINES.

AN ACT granting a right of way to open and drain Coal Mines.

Application
for right of
way.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That any person owning or possessing any land underlaid with Coal Mines in any County within this State, who is desirous of mining the said coal, and who shall deem it necessary thereto to have a coal yard and wagon road upon, and entry and drain through and under the surface of any land belonging to any other person, may apply to any Justice of the Peace residing in the Township where the lands are located, or if there be no Justice in said Township, to any Justice in an adjoining Township, for such summons as is herein specified.

Summons.

SEC. 2. The Justice to whom such application shall be made, shall thereupon issue a summons directed to any Constable of the said Township, requiring the owner of said land to appear before him at the time named therein, which shall be in not less than six nor more than fifteen days, to answer said application. Said summons shall designate the land upon which said coal yard and wagon road are desired to be laid out, and through and under the surface of which the said entry and drain are proposed to be made, and shall be served by the Constable in the same manner that civil process, issued by a Justice, is now served; and should it be made to appear to said Justice that the owner of said land is non-resident, then said owner shall be served by publication in the same manner as parties defendant in

Service of
Summons.