

BONDS, &c.

AN ACT in relation to Bonds and other securities.

- SEC. 1.** *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That any instrument under seal, fully and freely executed and delivered, shall be deemed valid and binding, according to the fair intent and meaning thereof, in all cases not otherwise declared by express statute, unless the execution or delivery of such instrument shall have been obtained by fraud or for an unlawful purpose.
- SEC. 2.** Where a statute requires security to be given for any purpose whatever, such security, unless otherwise directed, may be by bond, with sufficient sureties, made payable to the clerk of the district court of the county where the same shall be executed, for the use of the persons intended to be thereby secured, and shall be filed in the office of said clerk.
- SEC. 3.** Where not otherwise provided, any person, for whose benefit or security a bond or other instrument shall have been executed, may, upon a breach of any of the covenants or conditions thereof, maintain an action at law to recover the damages he may have sustained in the premises.
- SEC. 4.** If such instrument shall have been intended for the security of the public in its corporate or political capacity, the county commissioners of the county where the same shall have been filed as aforesaid may maintain said action for the use of their county.
- SEC. 5.** In any of the above mentioned cases, the action may be prosecuted in the name of the person to whom the said bond shall have been made payable, and for the use of the actual party in interest.
- SEC. 6.** The said clerk of the district court shall furnish a certified copy of said bond to any person applying therefor, upon his paying for such copy at the rate of twenty cents for every folio of one hundred words therein contained.
- SEC. 7.** Although cases may present themselves wherein some particulars herein contained may be contravened by statutory enactments, still in other respects, even under such circumstances, the above directions may as far as practicable be pursued.
- SEC. 8.** Nothing herein contained shall be construed to render invalid any instrument which would otherwise have been of binding efficacy, nor to prohibit
- What instruments shall be deemed valid and binding.
- Security may be by bond, unless otherwise directed.
- Action for damages on breach of covenant, &c.
- County commissioner may maintain action.
- In what name action may be prosecuted.
- Clerk to furnish certified copy of bond.
- Provisions of this act to be pursued as far as practicable.
- Rights saved.

any course of proceeding which would have been allowed had this act not taken effect.

APPROVED, January 25, 1839.

BURLINGTON.

AN ACT to improve the Police of the City of Burlington.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the regularly elected or appointed constables, residing within the corporate limits of the city of Burlington, shall at all times be vigilant in maintaining or preserving the peace, order, and quiet of said city, and shall aid and assist the mayor of said city to maintain and preserve the same, subject to punishment for omission of duty as for a misdemeanor.

Constables to be always vigilant.

Shall aid the mayor in maintaining peace. Omission of duty, a misdemeanor.

SEC. 2. The mayor and aldermen shall allow such constables, for their services, such compensation out of the funds of said city treasury as shall be suitable and proper.

Compensation for services to be suitable and proper.

SEC. 3. It shall be lawful for the mayor and aldermen, at any of their sessions, to direct the recorder of said city to make out a list of all the tax due and unpaid in any particular year, and add and transfer the same to the tax roll for the succeeding year; and it is hereby made the duty of the marshal to collect the same in the manner as other taxes are now collected, agreeably to the act entitled "An act to incorporate the city of Burlington," approved January nineteenth, one thousand eight hundred and thirty-eight.

Unpaid taxes,

To be added and transferred from one year to another. Duty of city marshal.

APPROVED, January 24, 1839.

CONSTABLES.

AN ACT for the Election of Constables, and defining their duties.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That there shall be elected, at each annual election in each organized county in this Territory, a number of constables equal to the number of magistrates appointed in each county in this Territory, who shall continue in office one year and until their successors are

Election of constables to be annual. Their number in each county.