

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.

- Proviso.** elected and duly qualified: *Provided*, that if a vacancy shall happen, the county commissioners may fill such vacancy by appointment.
- Oath to be taken by constable.** SEC. 2. Every constable, before he enters upon the discharge of the duties of his said office, shall take the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will faithfully discharge the duties of constable within the county of _____ according to the best of my abilities, and that I will well and truly pay over to the proper person all monies which may come into my hands as such constable," which oath or affirmation shall be taken before any clerk or judge of the district court, or before a justice of the peace of said county, and the person administering such oath shall make out a certificate thereof and cause it to be filed in the office of the clerk of the board of county commissioners of the proper county.
- Before whom taken.**
- Certificate of oath to be filed.**
- Constable's bond.** SEC. 3. It shall be the duty of every constable previous to taking the oath aforesaid to execute to the acceptance of the board of county commissioners a bond with good and sufficient freehold security payable to the county treasurer, and his successors in office in the penal sum of five hundred dollars conditioned for the faithful performance and discharge of the duties of his office as constable, and for the safe keeping and paying over, according to law, to the proper person all sums of money that may come into his hands by virtue of his said office, which bond shall be filed by the clerk of the board of county commissioners as aforesaid, for the benefit of each and every person, or persons, bodies politic or corporate, who may sustain injury by reason of the official conduct of such constable, which bond shall not be void on the first vacancy, but may be put in suit from time to time, at the instance, and for the benefit of any party injured, as often as the condition thereof may be broken.
- Bond to be filed.**
- For whose benefit.**
- May be put in suit from time to time.**
- Constable failing to give bond and qualify within twenty days, office to be vacated.** SEC. 4. If any constable shall not within twenty days after receiving his certificate of election take the oath, and give bond as aforesaid, the said constable shall not be permitted after that time to be qualified or to take his said office, but the said office shall be considered as vacant, and shall be filled by the board of county commissioners as in this act provided.
- How such vacancy to be filled.**
- Duties of constables.** SEC. 5. It shall be the duty of every constable to apprehend and bring to justice all felons and dis-

turbors of the peace; to suppress all riots and unlawful assemblies and in other respects to keep the peace in the county wherein he shall have been elected, and also to serve and execute all warrants, writs, precepts and other process to him lawfully directed and in all respects to do and perform all things appertaining to the office of constable within this Territory.

APPROVED, January 24th, 1839.

CONSTRUCTION OF STATUTES.

AN ACT concerning the Construction of Statutes.

- SEC. 1.** *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That all laws shall be promulgated by being printed and published under the authority of the governor and legislative assembly in such manner as they shall direct. Laws to be printed and published by authority.
- SEC. 2.** All acts of incorporation shall be deemed public acts and as such may be declared on, and given in evidence, without specially pleading the same. Acts of incorporation. Pleadings and evidence.
- SEC. 3.** Every statute shall take effect at the same time throughout the Territory. Statutes to take effect at the same time, throughout the Territory.
- SEC. 4.** Every statute, which does not expressly prescribe the time when it shall go into operation, shall take effect on the thirtieth day next after the day on which it shall have been approved by the governor, or otherwise passed and approved conformably to the provisions of the constitution. And in 30 days after their approval, unless otherwise prescribed.
- SEC. 5.** In the construction of all statutes the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the legislature, or repugnant to the context of the same statute; that is to say—
- First.* All words and phrases shall be construed and understood according to the connection and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. Rules for the construction of statutes. Intent of the Legislature. Approved usage. Technical phrases. Construction.
- Second.* Every word importing the singular number only, may extend and be applied to several persons or things as well as to one person or thing, and every Number. Persons.