

impression of such official seal made upon the paper alone, as well as an impression made by means of a wafer or of wax affixed thereto.

Fourteenth. The word "State" when applied to the different parts of the United States shall be construed to extend to, and include the District of Columbia, and the several Territories so called; and the words "United States" shall be construed to include the said District and Territories.

State, United States, District of Columbia, and territories.

Fifteenth. The word "town" may be construed to include all cities and districts unless such construction would be repugnant to the provisions of any act specially relating to such cities or districts.

Towns, cities and districts. Exception.

Sixteenth. The term "will" shall be construed to include codicils as well as wills.

Will to include codicil.

Seventeenth. The words "written" and "in writing" may be construed to include printing, engraving, lithography and any other mode of representing words and letters.

Writing to include printing, engraving, &c.

Provided, however, That in all cases where the written signature of any person is required by law it shall be the proper hand writing of such person, or, in case he is unable to write, his proper mark.

Proviso, with regard to signatures.

APPROVED, January 19, 1839.

COSTS AND FEES.

AN ACT to provide for the Compensation of Judges of Probate.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the several judges of probate in this Territory, for all services required to be performed by them by the existing laws of this Territory, and not provided for in the "act concerning costs and fees," be allowed the same fees that are allowed to the clerks of the district courts for similar services.

Same fees for certain services as to clerks of district court in like cases.

APPROVED, January 21, 1839.

COSTS AND FEES.

AN ACT concerning Costs and Fees.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That in all civil cases at law, unless otherwise provided, the party

Costs to follow judgment in all civil cases not

otherwise provided for. Discretion of judges and justices herein. Costs in prosecutions, where judgment is against defendant.

in whose favor judgment is given shall recover costs, and the supreme court, district, and justices courts, respectively, may give or refuse costs at their discretion upon all motions

SEC. 2. In all prosecutions in the name of the United States, or of an individual, for the breach of any law of this Territory, where judgment is rendered against the defendant, such defendant shall be liable for the costs.

SEC. 3. From and after the passage of this act, the fees and compensation to the several officers and other persons hereinafter mentioned shall be as follows, and no more, viz:

In the Supreme Court, and in the District Courts of the Territory, the clerks fees in cases to which the same apply, respectively.

Clerk's fees in supreme and district courts, in civil cases,	For issuing and sealing every writ, not comprising more than three hundred words, - -	62½
	For each additional folio of 100 words, - -	12½
	Docketing a case first time, - - -	18½
	Docketing a case thereafter, - - -	12½
	Entering suit without process, - - -	31½
	Filing every paper in any one suit, each - -	6½
	Entering an appearance, to be charged but once against each party to a suit, - -	12½
	Issuing bail peace when required, - -	25
	Entering special bail, - - - - -	25
	Swearing and empannelling a jury, - -	50
	All entries relative to the trial not herein specially provided for, - - - -	25
	Administering an oath or affirmation to each witness on trial, - - - - -	6½
	Recording a verdict, - - - - -	18½
	Entering every judgment, - - - - -	50
	Recording a special verdict, for every sheet of one hundred words, - - - - -	12½
	Attending on striking a special jury, and delivering copies, - - - - -	50
	Entering satisfaction on the record, - -	12½
	Entering issue joined, - - - - -	12½
	Issuing writ of execution, - - - - -	25
	Taxing costs, - - - - -	37½
Entering <i>exoneretur</i> , - - - - -	12½	
Entering surrender, - - - - -	12½	
Copy of a rule of reference, - - - -	31½	
Signing the final record in each case, - -	12½	

A commission to take depositions, - - - §	37½
All the motions in one suit, - - -	18½
All the rules in any one suit, - - -	18½
Each continuance, - - - - -	6¼
The <i>venire facias</i> , - - - - -	37½
Entering every motion distinct from an action, not to include the ordinary motions in a suit,	12½
Making a complete record in each cause, for every one hundred words, - - -	18½
Copy of a record when required, for every one hundred words, - - - - -	12½
Every certificate, - - - - -	25
The seal when required, - - - - -	12½
Every subpoena for one or more witnesses, -	18½
A search of the records, if a copy be not required. (suits and officers of the court excepted) - - - - -	12½
Filing the record upon an appeal, writ of error, <i>superedeas</i> , <i>certiorari</i> , or <i>habeas corpus</i> ,	18½
Taking security upon writ of error, <i>super-</i> <i>edeas</i> , or appeal, - - - - -	18½
Entering a writ of <i>habeas corpus</i> , writ of error, or <i>certiorari</i> , and for the return thereof, -	50
For assessment of damages on any reference made to him, - - - - -	37½
A subpoena in chancery, - - - - -	50
Filing each bill, answer, replication, or other pleading in chancery, - - - - -	6¼
An order to advertise, - - - - -	37½
Copy of a paper not herein otherwise pro- vided for, for every one hundred words, -	12½
For services in naturalization cases, - - -	12½
Administering oath, - - - - -	6¼
Filing papers, each, - - - - -	6¼
Certificate of application, - - - - -	50
Certificate of naturalization, - - - - -	75
Taking a recognizance, - - - - -	25
Entering transcript of a justice's judgment,	25
Entering an appeal from justice or justices,	37½
Administering each oath, other than on the trial of a cause, - - - - -	12½
Certificate for jurors or constables pay, to be paid by the county, each - - - - -	12½
Filing all election returns at each general election, to be paid by the county, - - -	1 00
Calling recognizance and entering forfeiture,	18½
Respite or discharging forfeited recogni- zance and motion thereto, - - - - -	12½

Entering discharge by proclamation, - - -	\$ 12½
Filing petition and order thereon, - - -	25
Issuing and recording marriage licence, - - -	1 50

Fees in Criminal Cases.

In criminal cases.	Issuing process, - - - - -	75
	Entering defendant's appearance, - - -	12½
	Entering a plea, - - - - -	12½
	Discharge of bail, - - - - -	25
	For entering each suit, civil and criminal, on the court calendar, - - - - -	12½

For other services the same fees as in civil cases: *Provided*, that nothing herein contained shall entitle the clerks of the several district courts to exact any fee from grand jurors, petit jurors, or witnesses, upon the issuing of any certificate entitling them to their fees as such.

Sheriff's Fees.

Sheriff's fees.	For the service of any writ and the return thereof, (subpœnas excepted), for one defendant, - - - - -	1 00
	Each additional defendant, - - - - -	50
	Every commitment to prison, - - - - -	50
	Discharging a person from prison, - - - - -	25
	Attending with a person before a judge or court when required, - - - - -	25
	Attending on a witness brought before a court, on a writ of <i>habeas corpus</i> , or <i>satisfaciendum</i> , - - - - -	50
	Serving a writ of possession, - - - - -	1 00
	Serving a writ with the aid of the <i>posse comitatus</i> , - - - - -	2 50
	The copy of any writ or process necessary to complete a record, for every one hundred words, - - - - -	12½
	Serving and returning a subpœna for each person named therein and actually summoned, - - - - -	18½
	Summoning a grand jury in the district court, to be paid from the county treasury, - - -	10 00
	Summoning a petit jury in the district court, to be paid from the county treasury, - - -	5 00
	Making out a list of a struck or special jury, and delivering the same, - - - - -	25
	Summoning and returning a special jury, to be paid by the party putting off or losing the cause, and travelling fees, - - - - -	1 00

Travelling fees upon all writs, precepts, and subpœnas, not herein otherwise provided for (and not to extend to jurors) to be computed from the place of service to the place of return, per mile, - - - - -	\$ 8
Selling of land upon execution, and mileage, - - - - -	1 50
Collecting and paying into the territorial or county treasury any fine or forfeiture, the same per centage as allowed in civil cases. But the per centage on all executions shall be taken only for the sum received and paid over.	
Making and executing a deed for land sold or set off on execution, to be paid by the purchaser or creditor, - - - - -	1 00
Serving any person with an order of court, and mileage, and making return, - - - - -	12½
Bringing up a person on a writ of <i>habeas corpus</i> in civil cases, and mileage, - - - - -	25
Summoning a jury in cases of forcible entry and detainer, - - - - -	2 00
Serving a writ of restitution with the power of the county, - - - - -	2 00
Serving a writ without the power of the county, - - - - -	1 50
Serving an execution for partition of real estate, or assigning dower, and mileage, - - - - -	2 00
Each appraiser of real and personal estate per diem, and mileage, - - - - -	1 00
Each bail bond, replevin bond, or attachment bond, - - - - -	50
Collecting and paying over all sums, without sale, under two hundred dollars, four per cent; with sale, seven per cent.	
Collecting and paying over all sums above two hundred dollars, with sale, five per cent; without sale, three per cent.	
On each action, for opening the court, to be charged once every term, and to be paid by the plaintiff, and taxed against the defendant if plaintiff recover, - - - - -	12½
The appearance of the plaintiff or defendant, to be paid by the party appearing, and taxed in favor of the party recovering, - - - - -	12½
Returning a writ "not served," for every defendant, - - - - -	6½
Actual travelling in such case, for every mile, going and returning, - - - - -	6½

And for journeying out of his county into attached counties eight cents per mile.	
All copies of summons when required, for every one hundred words, - - - -	\$ 12½
Attending on the district court, to be paid out of the territorial treasury, per day, -	1 50
Attendance of as many of his deputies on the district court as may be required by the court, to be paid out of the county treasury, per day, - - - -	1 50
Taking bond for the prison limits, and procuring the approval of the justices thereto,	75
Drawing a petition for a poor debtor to two justices, and giving notice thereof to the plaintiff, with mileage, - - - -	25
Serving notice of the order of the justices to the plaintiff, with mileage, - - - -	25
Bringing prisoner before the justices to take the benefit of the poor debtors' law, -	25
Receiving a prisoner on surrender by the bail,	25
Taking a new bail and giving a bail piece, -	50
For keeping and providing for a criminal in jail, or any other person committed for a criminal offence, to be paid out of the treasury of the county where the offence may be committed, per day, - - - -	50
The sheriff shall receive for collecting county revenue seven per cent. And in no case shall travelling fees be charged by any officer, except for the number of miles actually travelled, going and returning only, as is provided by this act.	

Coroner's Fees.

Coroner's fees. For the view of each body, and for taking and returning the inquisition, - - - -	3 00
Every subpoena and warrant, - - - -	25
Travelling, each mile, to and from the place of view, - - - - -	6½
Issuing <i>venire</i> , - - - - -	25
Swearing each witness, not to exceed in any one case 37½ cents, - - - - -	6½
Taking recognizance, - - - - -	25

The fees of the coroner and constable for taking inquest shall be paid out of the county treasury, and in other cases the coroner shall receive the same fees as are allowed to the sheriffs in similar cases.

Fees of Masters in Chancery.

For attending and hearing every argument on any subject referred to him, and reporting thereon, - - - - -	\$3 00	Fees of masters in chancery.
Reporting when the proceedings are <i>ex parte</i> ,	37½	
Drawing every report, for every one hundred words, - - - - -	18¼	
Copies of any papers, for every 100 words, -	12½	
Swearing a complainant to a bill, defendant to an answer, taking an affidavit, or swearing a witness, - - - - -	12½	
Every advertisement for a public sale, - -	50	
Attending at the time and place of sale of property, and adjourning it at the request of parties for good cause, or by order of the court, - - - - -	1 50	
Every deed of real estate sold by him under a decree or order, when prepared by him at the request of the parties, - - - -	5 00	
Signing and acknowledging a deed when prepared by any other person, - - - -	75	
And to the clerk of the supreme court, and to the clerk of the district court, respectively, the fees herein allowed to the master in chancery, when the services are rendered by such clerks.		

Fees of Commissioners of Bail.

For taking bail, - - - - -	50	Fees of commissioners of bail.
Issuing bail piece, - - - - -	25	
Administering an oath or affirmation, - -	6¼	
Taking a surrender, - - - - -	25	
A commitment, - - - - -	50	

Fees of District Attorneys.

For every indictment, - - - - -	2 00	District attorney's fees.
Arguing the matter when the defendant shall submit, - - - - -	2 00	
Every trial, arguing a demurrer, or in opposition in arrest of judgment, or for a new trial, -	2 00	
Which fees shall be paid out of the county treasury.		

*Fees of Justices of the Peace.
(In Civil Cases.)*

For docketing a suit, each, - - - - -	12½	Fees of justices of the peace, in civil cases.
For a summons or a warrant, - - - - -	25	
Precept to summon a jury, - - - - -	37½	

Every subpoena, in which any number of witnesses may be inserted, - - - - §	12½
Swearing a jury, - - - - -	25
Hearing a matter concerning which a jury is summoned, - - - - -	50
Receiving and entering their verdict, - - -	12½
Endorsing any warrant issued from another county, - - - - -	12½
For taking and certifying the acknowledgment of any instrument which is required to be acknowledged before a justice, - -	25
Administering an oath out of court, - - -	12½
Administering an oath and certifying the same, - - - - -	25
For swearing each witness, - - - - -	6¼
Entering judgment on trial, - - - - -	25
Every other judgment, - - - - -	12½
Granting and issuing execution, - - - - -	37½
Every rule of reference, - - - - -	37½
Every continuance or adjournment at the request of a party, - - - - -	12½
Rule to take depositions where the witness is out of the territory, - - - - -	50
Taking bail, recognizance or security, - - -	37½
Copy of the proceedings in any case when demanded for an appeal or any other purpose, per folio of one hundred words, -	12½
Taking an examination, deposition, or confession, per folio 100 words, - - - - -	25
Granting certificate thereof, - - - - -	12½
Entering discontinuance or satisfaction, - -	12½
Entering amicable suit, - - - - -	25
Transfer of judgment, - - - - -	25
Opening judgment after default, - - - - -	12½
Marrying, and making return thereof, - -	2 00
For filing every paper required to be filed with him, each, - - - - -	6¼
For taxing a bill of costs, - - - - -	12½
Issuing writ of attachment, - - - - -	50
For holding inquisition in case of forcible entry and detainer, in addition to other fees, per day, - - - - -	2 00
Writ of restitution, including execution for costs, - - - - -	37½
Recording the proceedings in such case, per folio of one hundred words, - - - - -	12½

Fees of Justices of the Peace.
(*In Criminal Cases.*)

For a warrant, - - - - -	\$ 25	In criminal cases.
Taking a recognizance, - - - - -	25	
Commitment to jail, - - - - -	25	
A search warrant, - - - - -	37½	
Entering judgment for fine or imprisonment,	25	
Discharging a prisoner, - - - - -	12½	
Warrant for punishment, - - - - -	18½	
Order of discharge to the jailer, - - - - -	25	
And in all cases mileage (circular) - - - - -	6½	
For other services the same fees as in civil cases.		

Constables' Fees.
(*In Civil and Criminal Cases.*)

For serving a warrant or other writ not herein provided for, on each person named therein,	37½	Constable's fees, in civil and criminal cases.
For a copy of every summons delivered on request, or left at the place of abode of defendant, - - - - -	12½	
Travelling for the service of process, computing from the place of service to the place of return, per mile, - - - - -	8	
And when two or more persons are named in such process, and the travelling is in the same direction, mileage to be allowed only from the most remote place of service.		
Serving a subpoena on each person named therein, and mileage, - - - - -	12½	
Serving a summons on each person, and mileage, - - - - -	25	
Serving an attachment, and mileage, - - - - -	50	
Posting up copy of attachment, for each copy, and mileage, - - - - -	25	
For serving execution on body or goods, and mileage, - - - - -	25	
Commitment to prison, and mileage, - - - - -	37½	
Summoning a jury, - - - - -	50	
Attending upon a jury, - - - - -	50	
On all sums made on execution and paid over, to be charged upon the defendant, four per centum.		
Advertising and selling property, - - - - -	1 00	
Attending the district court when thereunto warned, to be paid out of the territorial treasury, each day, - - - - -	1 00	

The services, herein required to be performed by the constable, when done by the sheriff, the same fees that are allowed to the constable shall be allowed the sheriff, and no more.

For notifying a plaintiff of the service of a warrant, and mileage, - - - - \$ 12½

Witnesses Fees.

<i>Witnesses fees.</i>	For each witness for every day's attendance,	1 00
	Attendance before a justice of the peace, for every half day, - - - -	50
	And for travelling each mile, coming only from his or her place of residence to the place of trial, - - - -	8

Jurors' Fees.

<i>Jurors' fees.</i>	Grand jurors per day, - - - -	1 50
	Travelling from and to court, per mile, - -	8
	Petit jurors, in all cases, per day, - - -	1 50

Fees of Notaries Public.

<i>Fees of notaries public.</i>	For every protest of a bill of exchange or promissory note, registering, seal, and other service, - - - -	1 00
	Attesting letters of attorney, and seal, - -	50
	Notarial affidavit to an account under seal,	25
	Registering protest of a bill of exchange or promissory note for non-acceptance or non-payment, - - - -	75
	Noting a bill of exchange, note, or other thing properly protestable, either for non-acceptance or non-payment, - - - -	50
	Drawing and taking the proof of acknowledgement of a bill of sale, bottomry, mortgage, hypothecation of a vessel, or charter party, - - - -	1 50
	Certifying power of attorney for transferring and selling stock or other securities, - -	37½
	Drawing and certifying affidavit, - - - -	1 00
	Each oath or affirmation, - - - -	12½
	Being present at demand, tender, or deposit, and noting the same, - - - -	75
	Every certificate with seal annexed, - -	50

Other services, the same fees as are allowed to other officers in similar cases.

Fees of the Judges of Probate.

	Fees of judges of probate.
For granting letters of administration when there is no litigation, - - - -	\$ 75
When contested, - - - -	1 75
Hearing complaint against spendthrift or lunatic, - - - -	1 00
Appointing a guardian to minor, lunatic, or spendthrift, - - - -	50
And when one guardian is appointed to more than one minor, lunatic, or spendthrift, the judge shall receive for each minor, lunatic, or spendthrift, after the first, - -	25
Decree for the probate of a will when not contested, - - - -	75
The same when contested, - - - -	1 75
Decree for settling the estate of an intestate, - - - -	75
Partition of real estate, - - - -	75
Order of distribution, - - - -	75
Examining and allowing an inventory, for the first page - - - -	25
For each additional page, - - - -	12½
Administering an oath to executor, administrator, or other person, - - - -	12½
Examining and allowing accounts of executors or administrators, not exceeding one page, - - - -	50
For each additional page of the same, - - - -	12½
A citation summons or process, - - - -	25
A <i>quietus</i> , - - - -	50
Warrant to appraise or divide estates, - - - -	37½
Issuing commission to receive and examine claims of creditors when an estate is represented to be insolvent, - - - -	50
Granting an appeal, - - - -	50
Approving securities of an executor or administrator, - - - -	25
Assignment of dower in real estate, - - - -	25
Assignment of personal estate to widows, - - - -	37½
Appointment of trustees on partition of real estate, - - - -	25
Order for sale of personal estate, - - - -	25
Certificate of necessity for sale of real estate, - - - -	37½
Extending letters of administration, - - - -	50
Granting a reference of executors or administrators account, or allowing report thereon, - - - -	50

Disallowing application for letters of administration or probate of will, to be taxed against the party failing to sustain the application, - - - - -	§ 50
Every continuance, - - - - -	12½
For the bonds upon letters of administration, or the appointment of a guardian, -	50
Probate of will and letters testamentary thereon, or letters of administration, -	50
Seal for the same, - - - - -	25
Drawing a decree respecting the probate of a will or codicil, - - - - -	50
Bond for the execution, - - - - -	50
A warrant to divide an intestate estate among the heirs, a warrant to set off the widow's dower, or a warrant to receive and examine the claims on an insolvent estate, -	37½
Drawing a decree on the settlement or partition of an estate, - - - - -	50
A citation or summons for the first person named therein, - - - - -	25
Each other person named therein, - - - - -	12½
Drawing an order of distribution, - - - - -	37½
Drawing a <i>quietus</i> , - - - - -	50
Entering and filing a <i>caveat</i> , - - - - -	12½
Proportioning an insolvent estate among the creditors, - - - - -	75
Filing an inventory, - - - - -	12½
Entering the account of an executor, administrator, or guardian, for every hundred words, - - - - -	12½
Entering an oath of an executor or administrator, - - - - -	12½
Copies of papers when required, for every one hundred words, - - - - -	12½
Seal to an exemplification, - - - - -	25
Recording wills, codicils, and the proof thereof, letters of administration, of guardianship, deeds, and other matters, for every one hundred words, - - - - -	12½
And where any will, deed, or other matter, is in any other than the English language, then for every sheet containing 100 words, in addition, - - - - -	6½
And when a translation of any such will, deed, or other writing, is required, he shall be entitled to receive, for every one hundred words, - - - - -	25

Appeal bond, - - - - - § 50

But no fee shall be demanded for taking from the files in his office, or transferring to the place of the sitting of the probate court such papers as are necessary in the settlement of any estate or account in said court. And no fee shall be taken by the judge of probate in any case where it shall appear, by the oath or affirmation of any person applying for letters testamentary or of administration, that the goods, chattels, and credits of the testator or intestate do not exceed the value of forty dollars.

County Surveyors' Fees.

For surveying each forty acres, - - -	2 00	Fees of county surveyors.
For surveying each eighty acres, - - -	2 50	
For surveying each one hundred and sixty, - - -	3 00	
For surveying each three hundred and twenty, - - -	4 00	
For surveying town lots under twenty-five, - - -	50	
For surveying over twenty-five and under 75, - - -	37½	
For surveying over one hundred and under 200, - - - - -	25	
For surveying all over two hundred, - - -	20	
Territorial and county roads, per day, - - -	3 00	
While engaged in dividing land by an order of court on petition, per day, - - -	3 00	
Mileage, going and returning, per mile - - -	5	
Certified copy of survey, - - - - -	25	
Certified plat of survey, - - - - -	25	
For going to, returning from, and attending court, per day, - - - - -	1 50	

SEC. 4. All fees shall be paid by the party requiring the services, on the same being rendered, and the bill of particulars presented, if required. Fees, when to be paid and by whom. Bill of particulars.

SEC. 5. In all cases where an officer in the execution of his office shall be required to write or set up an advertisement, such officer shall be allowed therefor (if not otherwise provided for) twenty-five cents each; and if any advertisement is required to be published in a newspaper, the money therefor shall be paid by the party, and taxed in the bill of costs. Written advertisements. Advertisements in newspapers.

SEC. 6. For all services required to be performed by law, and not herein enumerated, the officer performing the same shall be allowed such reasonable fees as the supreme or district courts may tax therefor. Fees not enumerated in this act.

SEC. 7. When any prosecution, instituted in the name of the United States for breaking any law of this Territory, shall fail, or where the defendant shall What fees are to be paid out of the territorial treasury.

prove insolvent, or escape, or be unable to pay the fees when convicted, the fees shall be paid out of the territorial treasury.

Fair tables of fees to be set up in public offices.

SEC. 8. Every officer, whose fees are hereinbefore ascertained, limited, and appointed, shall publish and set up in his office fair tables of his fees, according to this act, within six months after the passage thereof, in some conspicuous part, for the inspection of all persons who have business in such office, upon pain of forfeiting, for each day the same shall be missing through such officer's neglect, a sum not exceeding two dollars, which may be recovered by action of debt in the name of any person, before any justice of the peace of the proper county.

Penalty.

Form of action, and before whom recoverable.

Taking more than lawful fees.

SEC. 9. If any officer shall wilfully or corruptly take greater fees than are hereinbefore expressed and limited for any service to be done by him in his office, or if any person shall charge or demand and take any of the fees hereinbefore ascertained, where the business for which such fees are chargeable shall not have been actually done and performed, such officer, for every such offence, shall, on conviction thereof before any justice of the peace of the proper county, forfeit and pay a sum not exceeding fifty dollars: *Provided*, that nothing herein contained shall be so construed as to prevent clerks from taxing in the bill of costs, to be recovered by the successful party, the fee for making up records.

Penalty.

Proviso.

Bill of particulars and receipt, to be given, if required.

SEC. 10. It shall be lawful for any person to refuse payment of fees to any officer who shall not have made out and presented a bill of the particulars signed by him, and on payment such officer shall, if required, give a receipt therefor.

When, and to whom, fees to be paid in advance.

SEC. 11. The travelling fee to a witness, together with the fee for one day's attendance, shall, in all civil cases, be paid to him, if required, before he shall be liable to any penalty for non-attendance; and after he shall have attended two days, the fees for one day's attendance shall be paid to him, if required, on or before the succeeding day, and so from day to day for as many days as he may be required to attend.

Limitation of fees to clerk & sheriff, in certain cases.

SEC. 12. In cases where there is a confession of judgment at the first term, or where the cause is settled by the parties before or during the first term, the whole fees to the clerk, after the return of the writ, shall not exceed one dollar and fifty cents, and

the whole fees to the sheriff, after the return of the writ, shall not exceed fifty cents.

SEC. 13. Every citizen of this Territory shall have free access to all public records, without being taxed any fee therefor.

SEC. 14. The judges of probate and county clerks shall procure good and well bound books, to be approved of by the judges of the supreme court, the judges of probate, and the judges of district courts, respectively, which books shall be the property of the Territory in the case of the books of the supreme court, the expence of which to be paid out of the territorial treasury; and of the county in the case of the books of the probate and district courts, the expence of which to be paid out of the county treasury.

SEC. 15. No officer, witness, or other person shall hereafter have any claim upon the territorial treasury for services rendered in any other court than the supreme and district courts of the Territory of Iowa, which officer and persons are designated in the succeeding section.

SEC. 16. The sheriff shall be allowed two dollars and fifty cents per diem for every day he shall actually attend upon the supreme court, and one deputy sheriff, in the absence of the sheriff, shall be allowed two dollars per day, which compensation shall be paid from the territorial treasury.

SEC. 17. The sheriffs in the several counties in this Territory shall be allowed, for every day such sheriff shall attend the district court, one dollar and fifty cents per day; and in the absence of the sheriff, one deputy sheriff shall be allowed one dollar and fifty cents per day, for the days which such officers shall actually attend, to be paid out of the county treasury of the proper county: *Provided, always*, that, if the district court shall deem it expedient, such court may make an order to command any number of constables to attend said court, not exceeding three, to be entitled to a per diem allowance of one dollar and fifty cents per day each, for every day such constables shall actually attend, if the court shall think that number necessary, as shall appear by their records.

SEC. 18. Hereafter the fees for recording any deed, mortgage, or other instrument required to be recorded, shall be paid at the time of presentment for record, if required by the recorder.

Citizens to have free access to public records.

Who shall procure record books; by whom approved.

Whose property they shall be and how paid for. County records.

Who shall receive costs and fees out of the territorial treasury.

Sheriff's per diem in supreme court. Deputy sheriff. Where paid.

Sheriff's per diem in the district courts.

Deputy Sheriff.

Where paid. Proviso.

Constables. in district courts.

Fees for recording deeds, mortgages, &c. When paid.

Discretion of judge, concerning costs, in certain cases.

SEC. 19. When any prosecution, instituted in the name of the United States or of individuals, for breaking any laws of this Territory, shall fail, the judge shall determine from the circumstances of the case whether the prosecutor, the county, or the Territory, shall pay the costs.

APPROVED, January 23, 1839.

COUNTIES AND COUNTY SEATS.

AN ACT to establish the boundaries of Louisa county, and to locate the seat of Justice of the said county, and for other purposes.

Boundaries.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the boundaries of Louisa county shall be as follows, to wit: beginning at the main channel of the Mississippi river on the line dividing township seventy-two and seventy three north, thence west on said township line to the line dividing Des Moines and Henry counties, thence north on said line to the line dividing township seventy-three and seventy-four north, thence west on said township line to the range line between five and six west, thence north with said line to the township line dividing townships seventy-six and seventy-seven north, thence east with said line to the line of Muscatine county, thence south with said county line to the line dividing townships seventy-five and seventy-six north, thence east on said township line to the Mississippi river, thence down the main channel of said river to the place of beginning.

Seat of justice to be permanently fixed by a vote of the citizens.

SEC. 2. That for the purpose of permanently establishing the seat of justice for said county of Louisa, a poll shall be opened at the usual places of election in said county, on the first Monday of March next, for the purpose of receiving ballots for such places as may be voted for as the seat of justice of said county, and said ballots shall be deposited in a separate box from the other ballots which may be received at said election, and separate poll books kept.

Persons entitled to vote.

SEC. 3. Any person shall be entitled to vote for the seat of justice of said county, at said election, who is a free white male citizen above the age of twenty-one years, and who has resided in the county at least thirty days next preceding the election.