

Donation of  
land, or pre-  
emption.

\$80,000 ap-  
propriated by  
Congress.

Commission-  
ers.

In case of va-  
cancy, Govern-  
or to appoint.

Proviso.

SEC. 4. *Be it further enacted*, That the Governor is hereby authorized to apply to Congress for a donation of, or a pre-emption to, four sections of land on which to locate the seat of government of the Territory of Iowa, and also to draw from the treasury of the United States the sum of twenty thousand dollars, appropriated by Congress to be expended in the erection of public buildings, and also such other sum or sums of money as may hereafter be appropriated for like purposes, and the said Governor is hereby required to pay the same to the acting commissioner, after he shall have given bond, as required in the second section of this act.

SEC. 5. *Be it further enacted*, That Chauncey Swan, John Ronalds, and Robert Ralston, be and they are hereby appointed a board of commissioners to locate the seat of government of the Territory of Iowa, and to superintend the erection of public buildings.

SEC. 6. *Be it further enacted*, That if by death, resignation, or any other cause, there shall be a vacancy in said board of commissioners, it shall be the duty of the Governor to appoint some person, from the district where the vacancy occurred, to perform the duties of such disqualified commissioner: *Provided*, however, That such appointment shall not extend beyond the meeting of the next Legislative Assembly.

SEC. 7. *Be it further enacted*, That such parts of the law, to which this is amendatory, as are contrary to the provisions of this act, are hereby superseded.

APPROVED, January 21, 1839.

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## SECURITIES.

AN ACT concerning debtors and their securities.

When security  
apprehensive  
that principal  
will become  
insolvent, &c.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That when any person bound as security by bond, bill, note, or otherwise, for the payment of money, or performance of a contract, shall apprehend that the principal debtor for whom he is bound, is likely to become insolvent, or migrate from this Territory, without previously satisfying or discharging such debts due, demand, or obligation, so that it will become impossible, or difficult, for such security, after paying, satisfying, or discharging such debts due, or demand, to

recover the value thereof from such principal, debtor it shall be lawful for such security, if action shall have accrued on any such contracts as aforesaid, to require by notice, in writing, his creditor forthwith to put the bond, bill, note, or other contracts by which he is bound as aforesaid, in suit, who shall, within twenty days, commence an action and proceed with due diligence to judgment and execution thereon, and if such creditor shall fail or neglect to proceed as aforesaid, the said surety shall be discharged from the performance of said contract.

SEC. 2. That the provisions of this act shall be extended to the heir, executor, or administrator of any deceased security against the creditor or his assignee, executor, or administrator, upon his compliance with the first section of this act; but nothing herein contained shall be construed to extend to the official bonds of public officers, guardians, executors, administrators, or bonds with collateral conditions.

To whom provisions of this act shall extend.

Proviso as to public officers, guardians, &c.

SEC. 3. That when any security, his heirs, executors, or administrators, pays or discharges the debt or contract of his principal, or part thereof, upon judgments rendered against him, he shall have judgment to recover the value or amount so paid or discharged, together with the interest and costs, upon motion, in the court where such judgment may have been rendered against such security, his heirs, executors, or administrators, of such principal debtor, his heirs, executors, or administrators.

Security to have judgment for the sum paid, with int. and costs.

SEC. 4. That in case when there are two or more securities to any bond, bill, note, or contract, and one or more of such sureties are subjected, by judgment of any court, to the payment of the debt or damage by default of the principal obligor, and such obligor be insolvent so that the amount or value thereof cannot be recovered of him, the court, before whom such judgment may be rendered, shall, upon motion of such surety or sureties, grant judgment that they recover against all and every other co-sureties, their heirs, executors, and administrators, for their and each of their respective shares and proportions of the amount or value of such judgment with damages and costs.

When principal obligors become insolvent.

SEC. 5. That no surety, his heir, executor, or administrator, shall be suffered to confess, or suffer judgment by default so as to distress his principal, if such principal will enter himself defendant to such suit, and tender to such surety, or his legal

Sureties suffering judgment by default.

representatives aforesaid, good collateral security, to be approved by the court before whom such suit is depending.

Special bail of judgment debtor.

SEC. 6. That when the special bail of any judgment debtor shall be indemnified by the payment of such judgment, or part thereof, it shall be lawful for such bail, his executor, administrator, or heir, to recover the amount of such payment, with interest and costs, upon motion in the same court where judgment was rendered against such bail, or his legal representatives of the said debtor, his heirs, executors, or administrators.

Notice to be given.

SEC. 7. That in all proceedings, by motion, under this act, ten days notice of such motion shall be given to the person against whom such judgment is to operate.

APPROVED, December 25, 1838.

## SECURITIES.

AN ACT for the relief of securities of persons charged with criminal offences.

When securities may surrender their principal.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That in all cases of surety for the appearance of persons charged with criminal offences before any court, the security or securities of such person may, at any time before judgment is rendered upon the *scire facias* to show cause why execution should not issue, seize and surrender their principal to the sheriff of the county wherein the recognizance shall be taken; and it shall be the duty of such sheriff, on such surrender, and on the delivery to him of a certified copy of the recognizance by which such security or securities are bound, to take such person into custody, and by writing acknowledge the surrender aforesaid, and thereupon the said security or securities shall be acquitted and discharged of such recognizance.

APPROVED, January 3, 1839.