

SEC. 14. Any complaint, suit, or indictment, under this act, may be commenced, found and maintained in any county along, or through which said steam boat, on her trip, usually passes.

Where suit may be brought under this act.

SEC. 15. This act to take effect from and after its passage.

When to take effect.

APPROVED, January 4, 1839.

COUNTY SURVEYORS.

AN ACT defining the duties of county surveyors.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That there shall be elected, in each county in this Territory, at the first general election, one county surveyor, and it shall be the duty of the Governor to commission such person, so elected, who shall continue in office two years from the time of his election: *Provided,* That an absence from the county six months, at any one time, shall be considered sufficient cause to declare the office vacant, unless the surveyor's family continue to reside in the county.

County Surveyors to be elected, commissioned, and continue in office two years. Absence from the county.

SEC. 2. Each and every surveyor shall, previous to entering on the duties of his office, take an oath, that he will faithfully and impartially discharge the duties of his office, to the best of his skill and judgment, without favor or affection, which oath may be administered by any judge or justice of the peace, in the county, and shall be endorsed on his commission.

Oath, and by whom it may be administered.

SEC. 3. Each and every county surveyor may appoint one or more deputies, who shall take an oath, similar to the one taken by the surveyor himself, and the surveyor shall be responsible for the official acts of his deputy.

Appointment of deputies.

SEC. 4. It shall be the duty of the said county surveyor to make all surveys, within the bounds of his county, that he may be called on to make, either by himself, or deputy, properly authorized by him, and competent to perform the same, within a reasonable time after application is made to him.

Duty of Surveyor.

SEC. 5. All chain men necessary shall be employed by the person wanting surveying done:—They shall be good and disinterested persons, to be approved of by the surveyor, and they shall be sworn by the surveyor to measure justly and exactly to the best of their knowledge.

Chainmen to be sworn.

Surveys to be made according to the original survey.

Special directions.

Copy of original field notes for proprietor.

Record, & what it shall contain.

Subject to inspection.

Certified copy to be *prima facie* evidence.

Official record to be given up to successor.

Penalty for refusing to do so.

Record not conclusive. May be reviewed.

SEC. 6. It shall be the duty of county surveyors, previous to making any survey under the authority of this act, to furnish themselves with the field notes of the original survey, of the lands that they may be called on to survey, and all surveys, made by a county surveyor, shall be made according to the original survey. For the purpose of perpetuating every survey, the surveyor shall be required to establish his corners, by taking bearing trees, and noting particularly their course and distance, and where there are no trees within a reasonable distance, the surveyor shall perpetuate his corners by erecting mounds: *Provided*. In all cases, where it shall be practicable, the surveyor shall require the person having the survey made, to furnish suitable stone, which stone shall be permanently placed at each corner in the ground. The surveyor shall furnish the proprietor of every tract of land with a copy of the original field notes of every tract of land he may survey. It shall also be the duty of the county surveyor to furnish himself with a well bound book, in which he shall carefully and legibly record and note down every survey made by him, giving the name of the person the survey of whose land is so recorded, and describing, as near as practicable, the metes and bounds of the lands, and noting the date on which the survey was made, and such record shall be subject to the inspection of every person who may be interested in the same, and a certified copy thereof, under the hand of the surveyor, shall be admitted as *prima facie* evidence in any court of record in this Territory.

SEC. 7. It shall be the duty of every county surveyor, or other person having the official record of such surveyor in his possession, to deliver it up to his successor when demanded; and every person having possession aforesaid, refusing the same, when demanded, shall forfeit and pay one dollar for every day he may detain it after demand, to be recovered by any person who may sue for the same before any justice of the peace of the proper county, one-half to the person suing, and the other half to the use of the county.

SEC. 8. No act or record, by any surveyor, or his deputy, as aforesaid, shall be conclusive, but may be reviewed by any competent tribunal, in any case where the correctness thereof may be disputed.

SEC 9 The county surveyors, respectively, shall be entitled to such compensation, from each person, to whom they have rendered their services, as surveyors, as may be, or now is, allowed by law.

APPROVED, December 25, 1838.

TERRITORIAL TREASURER.

AN ACT to provide for the appointment of a Territorial Treasurer, and defining his duties.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That there shall be appointed, by the Governor of the Territory, by and with the advice and consent of the Council, a Territorial Treasurer, who shall hold his office for the term of three years, and shall, previous to entering upon the duties of his office, give bond to the United States in the sum of five thousand dollars, with three or more sufficient securities, to be approved of by the Secretary of the Territory, conditioned for the faithful discharge of the duties of his office, and shall, also, take an oath in the following form, before one of the judges of the supreme court: "I, A. B., do solemnly swear (or affirm,) that I will faithfully, and honestly, execute the duties appertaining to the office of Treasurer of the Territory of Iowa: I will not, on any occasion, or pretence, apply, otherwise than according to law, any moneys, securities, or effects, which shall come into my hands, belonging to the Territory, or to the United States of America."

Territorial treasurer, by whom appointed and for how long.

Bond and securities, in what sum, by whom approved, and condition.

Treasurer's oath.

SEC. 2. The Treasurer shall receive all monies, belonging to the Territory, that may be raised by taxation, or otherwise, and shall procure suitable books, in which he shall enter an account of his receipts and disbursements.

What moneys he shall receive. His books, accounts, receipts and disbursements.

SEC. 3. The Treasurer shall, in no case, pay money out of the treasury, but according to law, and shall annually report, to the Legislative Assembly, a true account of his receipts and disbursements, with the necessary vouchers for the same, and shall deliver to his successor in office, all books, moneys, accounts, or other property, belonging to the Territory, so soon as his successor shall become qualified.

Prohibition.

Annual report, and vouchers.

Transfer of money, &c., to his successor.

SEC. 4. The Treasurer shall receive for his services, such sum as may hereafter be allowed him by law.

Compensation.

APPROVED, January 24, 1839.