

[81] **SEC. 49. Penalty for hawking, etc., without license—duty of officers named.** That if any person shall peddle or hawk clocks without being duly authorized by a license, or a permit, such person, for every such offense, shall forfeit and pay any sum not exceeding one hundred dollars, nor less than ten dollars, to be recovered by action of debt in the name of the board of commissioners of the proper county, for the use of the county, before any justice of the peace or court of record having jurisdiction of the same; in all of which cases it shall be the duty of the county commissioners, sheriffs, coroners, justices of the peace, and clerks of the several courts in this territory, and lawful for any other person, in case of their neglect, to cause such offenders to be sued, and the suit prosecuted to effect.

SEC. 50. What to be done to obtain license. That no person or persons applying for a license or permit, shall be entitled to the same until he, she or they, file with the clerk of the board of commissioners a receipt from the county treasurer for the amount ordered to be paid by such applicant, agreeable to the provisions of this act; and such receipt shall be charged in account against said treasurer on the books of said board of commissioners.

SEC. 51. Repealing section. "An act providing for assessing and collecting county revenue," approved January 24, 1839, and an act to amend the same, approved January 14th, 1840, be and the same are hereby repealed.

Approved January 15, 1841.

CHAPTER 71.

AN ACT to amend an act entitled, "An act to provide for the erection of a penitentiary," etc.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Governor to appoint warden—term of service. That there shall be appointed by the governor, by and with the advice and consent of the council, a warden for the penitentiary, who shall hold his office for the term of one year and until his successor be appointed, whose duties shall be the same as those required of the warden in the act to which this is amendatory.

SEC. 2. Power and duties of warden. That the warden is hereby authorized and empowered to hire out the convicts confined in the penitentiary, and that the amount of the labor so performed, which shall be paid over to the superintendent, and the money arising therefrom, be reported by said warden to the director and by him to the legislative assembly. But said convicts shall not be hired out of the town in which the penitentiary is located, nor shall they be hired out separately.

SEC. 3. Pay of warden and assistants. That the warden shall receive an annual compensation of [82] five hundred dollars; and each assistant shall receive not exceeding twenty dollars per month, to be fixed by the director.

SEC. 4. Pay of director. That the director shall receive two hundred and fifty dollars annually, payable as provided for in "An act to amend an act to provide for the erection of a penitentiary," approved January 17th, 1840.

SEC. 5. Pay of superintendent. That the superintendent shall be paid only for the time he shall be necessarily employed in the performance of his duties, as prescribed by the act to which this act is amendatory, at the rate of one thousand dollars per annum. The accounts of the superintendent shall be examined and allowed by the director, and paid out of any money appropriated by congress for the erection and completion of the penitentiary.

SEC. 6. Governor to draw appropriations—proviso. That the governor is hereby authorized to draw any appropriation which may be made by congress for the completion of said building, and pay the same over to the superintendent, to be used by him for the purchase of materials, and pay of workmen and laborers, necessary to erect said building: provided, that the governor shall not pay over to said superintendent more than ten thousand dollars at any one time.

SEC. 7. Authority to issue certificates, etc. That the superintendent is hereby authorized to issue certificates, payable out of any moneys hereafter appropriated by congress, to the amount of one thousand five hundred dollars, to be used in payment for the transportation of stone from the quarry in Illinois to the penitentiary, and the completion of the doors for the cells.

SEC. 8. Payment of certificates, etc. That the superintendent is hereby authorized to pay, out of any appropriation to be made for the purpose aforesaid, the several sums due on the certificate issued by the superintendent for work done and materials furnished for said building; and also the several sums due, or which may hereafter become due, for expenses for guarding, clothing and boarding the convicts; and provided that no such appropriation be made, then and in that case the superintendent is hereby required to certify the amount of the several sums so due to the auditor of the territory, who is hereby authorized to draw his warrant on the treasurer of the territory for the payment of the same.

SEC. 9. Of rewards for recovery of convicts. That the director is hereby authorized, on the escape of any convicts from said prison, to offer such reward not exceeding one hundred dollars for the apprehension and delivery of such fugitive, as to him may seem proper; and the superintendent is hereby authorized to pay, out of any appropriation to be made for the purposes aforesaid, all rewards now due and owing, or which may hereafter become due, to any individuals for the apprehension of convicts, and provided no such appropriation be made, then and in that case he shall certify the amount so due to the auditor of the territory, who is hereby authorized to draw his warrant on the treasurer of the territory for the payment of the same.

SEC. 10. Appropriation to Wells and Wilson, seven thousand one hundred dollars. That the superintendent is hereby authorized to pay to Wells and Wilson, of Fort Madison, the sum of seven thousand one [83] hundred dollars, with six per cent. interest until paid, for work done on the penitentiary, out of the first appropriation to be made by congress for the completion of said building; and provided no such appropriation be made, then he is hereby required to certify the sum so due to the auditor of the territory, who is hereby authorized to draw his warrant on the treasurer of the territory for said amount.

SEC. 11. Repealing section. That all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

SEC. 12. To take effect. This act to take effect from and after its passage. Approved January 15, 1841.

CHAPTER 72.

AN ACT authorizing a loan of money to be expended upon the Capitol.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Agent authorized to borrow not over twenty thousand dollars—proviso. That the territorial agent is hereby authorized to negotiate a loan of money not exceeding the sum of twenty thousand dollars, and not less than