

CHAPTER 72.

AN ACT to authorize the appointment of a county agent, in and for the county of Johnson.

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

SECTION 1. County commissioners to appoint an agent for Johnson co.—to enter into bond. That the board of commissioners shall, and it is hereby made their duty, at their next April term, and annually thereafter, to appoint some suitable person as Agent for Johnson county, who, when so appointed, shall enter into bond, with security, in the penal sum of five thousand dollars, to be approved of by the said board of commissioners; said bond to be made payable to the county of Johnson, and conditioned for the faithful discharge of all his duties as such Agent. The bond so executed and approved, shall be filed with the clerk of said board, and a copy thereof duly certified by said clerk, shall be received as evidence in all courts within this territory.

SEC. 2. Agent first to take an oath. That the said agent, before entering upon the duties of his said office, shall take an oath faithfully to discharge his duties as such Agent, which oath shall be administered by some person legally authorized to administer the same.

SEC. 3. Agent to take charge of property, and demand bonds and notes. That it shall be the duty of said agent, when so appointed and qualified, to take charge of all the unsold property in the county seat of said Johnson county, and also to demand and receive from the county treasurer of said county, or any other person who may hold the same, all notes or bonds due said county for lots heretofore sold in said county seat.

SEC. 4. Duty of treasurer to hand over all moneys, etc.—treasurer to be sued. That it is hereby made the duty of the Treasurer of Johnson county to hand over to the said Agent, on demand, all moneys, notes, bonds, [63] or other papers, in any way arising from, or belonging to, the sale or transfer of any lots in said county seat, made previous to such demand, and on the refusal of the said Treasurer, to hand over, as aforesaid, the moneys and effects, as aforesaid, it shall be the duty of the said Agent to commence suit forthwith against said Treasurer, on his bond, in any court having competent jurisdiction.

SEC. 5. Duty of agent to collect, safely keep and pay over all moneys. It shall be the duty of said agent, to collect, safely keep, and pay over all moneys arising from the sales of lots in the said county seat, as soon as the same may come into his hands, upon orders issued by the said board of commissioners, for work and labor done or to be done, or for materials furnished or to be furnished, upon contracts entered into, or that may hereafter be entered into by said board, or by said agent, in relation to the erection of the public buildings necessary for said county.

SEC. 6. Authority of agent to sell lots and other property—the agent to make all notes for the sale of lots payable to himself or successor—agent to make deeds of conveyance. That the said agent is hereby authorized, under the direction of the said board of commissioners, to sell any lots or other property belonging to said county, upon such terms as the said board may direct, and not otherwise. The said agent shall make all notes or obligations, taken for the sale of the property belonging to said county, or in which said county may have an interest, payable to himself or his successor in office, shall sign all title bonds for deeds, and he or his successor in office, shall make and execute all necessary deeds of conveyance to purchasers, and which said deeds, when so made and executed, by said agent or his successor in office, and acknowledged before some person legally authorized to take the same, shall be

good and valid in law; and the said agent is hereby authorized to execute deeds, as aforesaid, upon all bonds heretofore given by the said board of commissioners, for lots heretofore sold in said county seat, which when made and acknowledged as aforesaid, shall operate as a good and legal conveyance.

SEC. 7. Qualification for office—power of commissioners to remove agent—vacancy to be filled by board of commissioners. No person shall be eligible to the office of agent, who shall at the same time hold any other office in said county. The said board of county commissioners shall have the power, either upon complaint being made to them, or upon information derived in any other way, to remove the said agent, for any violation of, or negligence in the discharge of the duties of his office; and all vacancies in said office of agent, whether by removal or otherwise, shall be filled at any time by said board, in the same manner and under the same regulations as are provided in the first and second sections of this act.

SEC. 8. Agent shall observe and obey all orders of commissioners—duty of agent upon the receipt of moneys to make duplicate receipts. That the said agent shall observe, obey, and enforce all orders of the said board of commissioners, that may in any way relate to the sale or transfer of any property belonging to said county, or the erection of any public buildings for said county: provided, said orders do not conflict with the provisions of this act: and it shall be the duty of said agent, upon the receipt of any moneys belonging to said county to make duplicate receipts one of which he shall deliver to the person paying the same, the other to be delivered within five days after the payment of the money to the clerk of said board, and by him filed in his office; which said receipts shall specify, particularly the amount of money received by said agent.

SEC. 9. Duty of agent to report annually and oftener if required—books to be inspected—compensation to agent. That it shall be the duty of said agent, to report annually to the said board of commissioners, and as much oftener as he may be thereunto required by the said board, all his proceedings as such agent, and to deliver up his books and papers at any time, to be inspected by the said [64] board of commissioners; the said board of commissioners shall allow to the said agent for his services as such agent, such compensation as they may deem reasonable and just, to be paid out of any moneys in the county treasury, not otherwise appropriated.

SEC. 10. Failure of agent to perform his duty—agent to be indicted and fined for neglect of duty. That if the said agent, when so appointed and qualified, shall fail to discharge his duties as such agent, according to the true intent and meaning of this act, he shall be liable to the party aggrieved, in an action upon his bond, before any court having competent jurisdiction, and may also be indicted and fined in any sum not exceeding one hundred dollars. This act to take effect and be in force from and after its passage.

Approved, February 16, 1842.

CHAPTER 73.

AN ACT to amend an act establishing the court of probate.

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

SECTION 1. Duty of judges of probate to deliver over to their successors in office all books, papers, etc.—liability for failure to hand over books, etc.