

CHAPTER 3.

PRACTICE IN DISTRICT COURTS.

AN ACT to amend an act entitled "An act regulating practice in the district courts in the Territory of Iowa," approved February 10, 1843.

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

SECTION 1. **Authorizes judgment containing attachment clause to be served on garnishee.** That any person having obtained a judgment before any court of record within this territory against any defendant, the plaintiff, upon filing an affidavit setting forth that deponent verily believes that the defendant has not in his possession within the knowledge of any such affiant any visible property or effects sufficient to satisfy said judgment and costs, and that the said affiant believes that the defendant in the judgment has property, rights or credits, (as the case may be, stating the particulars of the case.) in the hands of A. B. (naming him) an execution upon such judgment may issue containing an attachment clause, which shall be served upon such garnishee, requiring him to appear at the next term of the court and answer to such interrogatories touching his indebtedness to the said defendant in execution, at or subsequent to the time of the service of such attachment.

SEC. 2. **Repeals 48th section of the act amended.** That the forty-eighth section of the act to which this is an amendment be, and the same is hereby repealed: provided, that it does not interfere or affect any suit or process that may have been instituted or issued previous to the enactment of this law.

SEC. 3. **Act to take effect after passage.** This act to take effect and be in force from and after its passage.

Approved, 28th May, 1845.

[21] CHAPTER 4.

TO PRESERVE ADVERTISEMENTS, ETC.

AN ACT to prevent the destruction of notices, advertisements, etc.

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

SECTION 1. **Injuring public notices punishable by fine of ten dollars and 24 hours imprisonment.** That if any person shall intentionally deface, obliterate, tear down or destroy, in whole or in part, any copy or transcript of, or extract from, any law of the United States or of this territory or any advertisement or notification whatsoever, set up in any public place within this territory for the public information of any citizen or citizens; such person shall on conviction thereof, before any court having jurisdiction of the same, be fined in any sum not exceeding ten dollars, and may be committed to jail for a time not exceeding twenty-four hours at the discretion of the court.

SEC. 2. **Takes effect after July 4th—proviso—allows destruction of notices after certain time expires.** This act to take effect and be in force from and after the 4th day of July next: provided, that nothing in this act con-

tained shall be so construed as to prevent the destruction of notices after the expiration of the time for which the same have been given.

Approved, 28th May, 1845.

[22] CHAPTER 5.

PUBLIC REVENUE.

AN ACT to amend an act entitled "An act to provide for assessing and collecting public revenue," approved February 15, 1844.

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

SECTION 1. One assessor to be elected in each county, on first Monday of August—to hold office one year. That there shall be elected on the first Monday of August in each year, by the qualified voters in each county in this territory, one county assessor who shall hold his office for the term of one year from the day of his election, and until his successor is duly elected and qualified, and shall perform all the duties that are or may hereafter be required of him by law.

SEC. 2. To give bond to county commissioners in \$300. Such assessor, before entering upon the duties of his office shall give bond, with two or more securities, to the acceptance of the board of county commissioners, in the penal sum of three hundred dollars, payable to said commissioners, for the use of the county, and conditioned for the faithful and impartial performance of his duties according to law, which bond shall be deposited with the clerk of the board of county commissioners and by him preserved.

SEC. 3. Office vacant if he does not give bond in twenty days after election. If any assessor shall not give bond and security as required in the preceding section, within twenty days after his election, his office shall be considered vacant.

SEC. 4. In case of vacancy, county commissioners to appoint. In all cases where the office of assessor shall become vacant by death, removal from the county, resignation, failure to give bond, or from any other cause, and the interest of the county requires that such vacancy shall be filled before the next annual election, the county commissioners shall forthwith appoint some suitable person in the county to fill the vacancy.

SEC. 5. Person appointed to give bond. The person so appointed shall give bond as required in the second section, and hold his office until the next annual election, and until his successor is elected and qualified.

[23]**SEC. 6. To begin to assess property in May.** The assessor shall, on the first day of May, or within three days thereafter, proceed to assess all the real and personal property within his county, subject to taxation, according to the provisions of the act to which this is amendatory.

SEC. 7. May appoint deputy if necessary—deputy to be approved by commissioners. That whenever any assessor elected or appointed as aforesaid, shall deem it necessary, he may appoint a deputy assessor, to be approved of by the board of county commissioners, who shall take an oath before the clerk of such board, for the faithful performance of his duties, and for whose acts the assessor shall be responsible.

SEC. 8. County treasurer to collect county tax that has been omitted by assessor. It shall be the duty of the treasurer of each county to assess a tax for county purposes at the rate established by the board of county com-