

ages occasioned thereby to the premises of the complainant, and shall therein report the amount of damages, the petitioners shall be required to pay the damages assessed and until they do so, said trustees shall refuse to establish said road, and all other expenses of the re-viewers and surveyor if any, both at view and re-view, shall be paid by the petitioners for said road, and if they shall neglect or refuse to do so, it is hereby made the duty of the township treasurer to commence suit on the bond and prosecute the same to final judgment and execution: provided, that if no damages shall be allowed, any one asking to re-view, shall [30] enter into bonds with sufficient security, payable to the treasurer of the township, conditioned for the payment of all costs arising from such re-view, which shall be proceeded with in like manner as with the petitioners bond.

SEC. 10. Conflicting parts of amended act, repealed. That so much of the act entitled an act for the organization of townships, as conflicts with the provisions of this act, be, and the same is, hereby repealed.

SEC. 11. Takes effect after passage. This act to take effect and be in force from and after its passage.

Approved, 5th June, 1845.

CHAPTER 12.

SHERIFFS AND CONSTABLES FEES.

AN ACT to regulate fees of sheriffs and constables in attendance on district courts.

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

SECTION 1. No sheriff or constable to be paid by territory, who has been paid by the United States for same service. That no sheriff, deputy sheriff or constable shall be paid out of the county treasury for attendance on the district court in any county in this territory for any day or days for which he may have received, or may be entitled to receive, pay from the United States.

SEC. 2. Acts and parts of acts conflicting repealed. That so much of the fifteenth section of an act entitled "An act concerning costs and fees," approved 11th February, 1843, and all other acts or parts of acts that conflict with the provisions of this act, be, and the same are, hereby repealed.

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

Approved, 5th June, 1845.

[31] CHAPTER 13.

CONSTITUTION RE-SUBMITTED TO THE PEOPLE.

AN ACT to submit to the people the draft of a constitution formed by the late convention.

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

SECTION 1. Constitution submitted to the people first Monday of August next. That the constitution as it came from the hands of the late conven-

tion, be and the same is hereby submitted to the people for their ratification or rejection; and for said election a poll shall be opened in each election precinct in this territory, at the places of holding the general election, upon the first Monday of August next: provided, that where counties are not organized into townships, polls shall be opened at the places of voting for members of the legislature.

SEC. 2. Judges of elections to interrogate voters for or against constitution. That it shall be the duty of the judges of the election, to interrogate the qualified electors when they approach the polls to vote, whether they are in favor of, or against the constitution; to which interrogatory the elector shall answer simply, "constitution," or "no constitution;" and the clerk of said election shall thereupon write down his name in a column headed, "constitution," or "no constitution," in accordance with the vote of said elector.

SEC. 3. Returns to be made as ordered in February, 1844, governor to proclaim result. The returns of said election shall be made in all respects as the returns made under the act of the 12th February, A. D. 1844, for and against a convention; and, thereupon, the governor shall issue his proclamation declaring the number of votes given for and against the constitution.

SEC. 4. If carried secretary to send certified copy to delegate, with abstract of votes. That, if the constitution shall receive a majority of the votes cast at said election, the secretary of the territory shall forward a certified copy of the constitution to the delegate in congress from this territory, together with a certified abstract of the votes cast at said election.

[32] **SEC. 5. How election shall be conducted.** That the election provided for in this act, shall, in all respects, be conducted in accordance with the provisions of an act regulating general elections, so far as applicable, except as is herein specially provided for.

SEC. 6. Secretary to cause this act to be published—county commissioners to give notice of poll—sheriff to post the same 20 days before election. That it shall be the duty of the secretary of the territory to cause this act to be published in all the newspapers of the territory, as soon as the same shall become a law; and it shall be the duty of the clerk of the board of county commissioners, in the several counties of this territory, to give notice, that a poll will be opened for the purpose specified in the first section of this act, to the sheriff of his proper county, who is hereby required to post up notices according to law at least twenty days before the next August election.

SEC. 7. Every white male citizen 21 years of age, a resident July 1, 1845, entitled to vote. That every white male citizen of the United States who shall have attained the age of twenty-one years, and who may have been a resident of this territory on the first day of July, A. D. 1845, shall be entitled to vote for or against the constitution at said election: provided, that said citizen shall continue to reside in the territory from the said first day of July up to the time of holding said election.

SEC. 8. No election for state officers to be held until Iowa is admitted as a state—proviso, ratification of constitution not to be considered as an acceptance of congressional boundaries—admission incomplete until future conditions of congress are complied with. And be it further enacted, that no election of state officers shall be held under said constitution, if ratified at said election, until after the admission of the state of Iowa is complete: provided, that the ratification of the constitution, as aforesaid, shall not be construed as an acceptance of the boundaries fixed by congress in the late act of admission, and the admission shall not be deemed complete until whatever condition may be imposed by congress shall be ratified by the people.

SEC. 9. Takes effect after passage. This act shall take effect and be in force from and after its passage.

Secretary's Office, Iowa City,
June 10, 1845.

This bill having been returned to the legislative council (in which house it originated) by the governor, with his objections to its passage, was duly passed by a majority of two-thirds; and subsequently passed, by a similar majority, in the house of representatives. By the organic law, said act thereby became a law, and I hereby so declare it.

S. J. BURR,
Secretary of Iowa Territory.

[33] CHAPTER 14.

TIME OF HOLDING DISTRICT COURTS.

AN ACT to amend an act entitled "An act to establish the time of holding the district courts in the several judicial districts in this Territory," approved 12th February, 1844.

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

SECTION 1. Additional term for Linn county on sixth Mondays after first Mondays in March and September. That, in addition to the second Mondays after the first Mondays in March and September, the district court shall meet in the county of Linn on the sixth Mondays after the first Mondays in March and September.

SEC. 2. For Mahaska tenth Mondays after first Mondays of March and September. That, the district court shall meet in the county of Mahaska, on the tenth Mondays after the first Mondays in March and September; and, in the county of Keokuk on the eleventh Mondays after the first Mondays in March and September.

SEC. 3. All laws and parts, conflicting herewith, repealed. That all laws and parts of laws coming in conflict with this act, be, and the same are hereby repealed.

SEC. 4. Takes effect after first day of August next. This act to take effect and be in force from and after the first day of August next.

Approved, June 7th, 1845.

CHAPTER 15.

MILITIA ORGANIZATION.

AN ACT to organize and discipline the militia of this territory.

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

SECTION 1. Militia acts of January 4, 1839, July 31, 1840, and February 17, 1842, revived. That an act entitled "An act to organize, discipline and govern the militia of this territory," approved, January 4, 1839, and an act entitled "An act to organize, discipline and govern the [34] militia of this