

territory," approved, July 31, 1840, and an act entitled "An act to amend the militia law," approved February 17, 1842, are hereby revived, re-enacted and declared to be in force as though the same had not been repealed.

SEC. 2. **Each battalion to rendezvous once a year.** For the purpose of keeping up the organization of the militia of this territory, and to enable the officers to make full returns of the strength of the militia, each company and regiment or battalion shall rendezvous once in each year in the month of September, at such a time and place as their respective commandments may direct; but no regiment, battalion or company shall be required to rendezvous more than once in each year, anything in the aforesaid acts to the contrary notwithstanding.

SEC. 3. **Militia act of fifteenth February, 1844, repealed.** That an act entitled "An act amendatory of an act to organize, discipline and govern the militia of this territory, approved, July 31, 1840," approved 15th February, 1844, be, and the same is, hereby repealed.

SEC. 4. **Takes effect after passage.** This act to take effect and be in force from and after its passage.

Approved, June 7th, 1845.

CHAPTER 16.

ELECTION OF MEMBERS POSTPONED.

AN ACT to postpone the election of the members of the house of representatives of the territory of Iowa, from August until April.

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

SECTION 1. **Postpones election to first Monday of April, 1846.** That the annual election of members of the house of representatives of the territory of Iowa, shall be, and the same is, hereby postponed until the first Monday of April next.

SEC. 2. **Repeals conflicting acts.** That all acts and parts of acts that conflict with the provisions of this act, be, and the same are, hereby repealed.

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

Approved, June 7th, 1845.

[35] CHAPTER 17.

WRITS OF ATTACHMENT.

AN ACT to amend an act entitled "An act allowing and regulating writs of attachment."

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

SECTION 1. **Writ of attachment granted in certain cases.** That when a writ of attachment has been issued by a justice of the peace of any county in said territory and the same be returned for want of personal property upon which to levy, it shall then be lawful for the plaintiff, his agent or

attorney, to file with the said justice an affidavit in writing, setting forth that the defendant is a non-resident of the territory or has absconded, or concealed himself, or so absented himself from his usual place of abode, that the ordinary process of law cannot be served upon him, and has no personal property upon which to levy, and that he has real estate in the county where such suit is brought; it shall then be the duty of the justice to make out and deliver to the plaintiff a transcript of his proceedings; and on the filing of such transcript in the office of the clerk of the district court of the proper county, a writ of attachment shall be issued by said clerk and such proceedings shall be had thereon, as is provided by the act to which this is amendatory.

SEC. 2. Declaration to be filed ten days before return day of writ. That the nineteenth section of said act be so amended as to authorize the plaintiff in attachment to file his declaration ten days before the return day of said writ.

SEC. 3. Twenty-sixth section of amended act, altered. That the twenty-sixth section of said act be so amended as to read as follows: "If the sum thus realized, together with that obtained from garnishees in the manner hereinafter provided, shall be insufficient to satisfy the judgment, the plaintiff may at any time within five years thereafter sue out execution to satisfy the same."

SEC. 4. Takes effect after August 1, 1845. This act shall be in force and take effect from and after the first day of August next.

Approved, June 7th, 1845.

[36] CHAPTER 18.

MINERS' BANK OF DU BUQUE.

AN ACT to provide for the payment of the debt due to the Miners' Bank of Du Buque.

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

SECTION 1. Treasurer to give notice of sale of lots first Monday of May next. That the territorial treasurer be, and he is hereby, required to give notice that a sale of lots belonging to the territory will take place at the front door of the capitol on the first Monday of May next.

SEC. 2. Notice to be published three months before sale. And be it further enacted, that said notice shall be published in two of the newspapers of this territory, and in some one paper in the city of St. Louis and Cincinnati, at least three months before the day of sale aforesaid.

SEC. 3. Treasurer to sell on above day, on six and twelve months credit, sufficient number of lots to pay debt due the bank. And be it further enacted, that upon the said first Monday of May next, the territorial treasurer shall offer at public sale, on a credit of six and twelve months, to the highest bidder, a sufficient number of lots to pay the debt due the Miners' Bank of Du Buque; and upon all sales thus made, the purchaser or purchasers shall execute to the territorial treasurer, for the use of the territory, his or their bond with sufficient sureties for the payment of the same at maturity; and upon the payment as aforesaid, the said treasurer shall make, execute and deliver, to the purchaser or purchasers of said lots, a good and sufficient title in fee simple.