

son in each county, or organized district as hereinafter provided, to act as public prosecutor, who shall qualify in like manner as district prosecutors now are required to by the act to which this is amendatory, and shall hold their offices for the term of two years, unless sooner removed.

**SEC. 2. Duty of prosecutors.** Such public prosecutors, shall perform all the duties now required by law to be performed by district prosecutors, and be paid by their respective counties or organized districts, in like manner as the district prosecutors now are paid.

**SEC. 3. Territory divided into 20 districts.** Said territory shall be divided into prosecuting attorneys' districts, as follows: the county of Lee shall constitute the first district; the county of Van Buren shall constitute the second district; the counties of Davis, Appanoose, and the counties that may hereafter be organized west of said counties shall constitute the third district; the county of Des Moines shall constitute the fourth district; the county of Henry shall constitute the fifth district; the county of Jefferson shall constitute the sixth district; the counties of Wapello, Kishkeokosh, and the counties that may hereafter be organized west of said counties, shall constitute the seventh district; the county of Louisa shall constitute the eighth district; the county of Washington shall constitute the ninth district; the county of Keokuk shall constitute the tenth district; the counties of Mahaska, Marion, Poweshiek, and the counties that may hereafter be organized west of said counties, shall constitute the eleventh district; the county of Muscatine shall constitute the twelfth district; the county of Scott shall constitute the thirteenth district; the county of Clinton shall constitute the fourteenth district; the county of Cedar shall constitute the fifteenth district; the counties of Johnson and Iowa shall constitute the sixteenth district; the county of Jackson shall constitute the seventeenth district; the counties of Linn, Benton, and the counties [18] that may hereafter be organized west of said district shall constitute the eighteenth district; the counties of Jones, Dubuque, Delaware and the counties that may hereafter be organized west of Dubuque and Delaware shall constitute the nineteenth district; and the county of Clayton and the counties that may hereafter be organized west shall constitute the twentieth district.

**SEC. 4. Repealing clause.** That the first section of the act to which this is amendatory, and all other acts and parts of acts conflicting with this act, be and the same are hereby repealed.

**SEC. 5. In force from passage.** This act to take effect and be in force from and after its passage.

Approved, December 17th, 1845.

## CHAPTER 20.

### PENITENTIARY.

#### AN ACT to lease the penitentiary.

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

**SECTION 1.** John W. Cohick, appointed keeper and lessee. That from and after the fifteenth day of March next, John W. Cohick shall be keeper and lessee of the penitentiary of the territory of Iowa for the term of three years, with full power to have the sole management, control and profits for the term aforesaid, subject to the restrictions, conditions and limitations here-

inafter provided. The said lessee shall have possession and control of all the lots or lands reserved for the penitentiary.

**SEC. 2. Lessee to take possession of warden's house.** The said keeper shall have the use of the warden's house, and all the buildings and improvements within and without the walls of the said penitentiary, and shall take proper care to preserve all the improvements, buildings and property of every kind appurtenant to the [19] penitentiary, in condition and repair, to prevent waste, etc., and shall restore the same to the territory in good condition and repair, the natural wear and decay, and unavoidable accidents excepted.

**SEC. 3. Duty of lessee.** It shall be the duty of every keeper, overseer, guard, and other person employed in or about the said penitentiary, to faithfully and diligently perform the duties of his office, and studiously guard the interest of the territory, and constantly endeavor to prevent all improper conduct on the part of the convicts.

**SEC. 4. Police and discipline.** The keeper of the penitentiary shall have the management, control and superintendence of the penitentiary, and all the convicts confined therein, and shall, at his own expense, clothe, feed and attend them; shall employ all necessary overseers, guards, and physicians, when necessary, and defray all the necessary contingent expenses of the penitentiary; and shall in all respects, keep the same from becoming chargeable to the territory. He shall have the same control and authority over said penitentiary, as has heretofore been possessed by law, by the warden thereof; he shall guard and watch the convicts, take proper steps to preserve a strict police and proper discipline among them, and prevent all improper intercourse. He shall pay strict attention to the habits, health and cleanliness of the convicts, treat them with proper humanity, render them all necessary medical aid and attention in sickness, and keep their rooms properly ventilated and warmed.

**SEC. 5. Lessee to give bond and security.** Before said keeper enters on the discharge of his duty, he shall execute to the territory of Iowa, a good and sufficient bond, in the penalty of three thousand dollars, with at least one or more good securities, conditioned, that he will faithfully perform all the duties imposed on him by or under this act; said bond and securities, shall be approved by the governor of the territory, and filed in the office of the auditor of the territory and by him recorded.

**SEC. 6. On failing to give bond, office forfeited.** The keeper shall within thirty days after the passage of this act, execute and deliver to the governor, bond and security required by this act, and if he shall fail to do so, his contract shall be forfeited.

**SEC. 7. Lessee, subject to legislature.** Said keeper shall hold the penitentiary subject to such rules, regulations and mode of discipline as shall from time to time be prescribed by law.

**SEC. 8. Pardoning power not limited or restrained.** Nothing in this act shall be so construed, as in any manner to limit or restrain the pardoning power of the governor, and the said keeper shall not require the convicts to labor on the Sabbath day, and he shall on that day at suitable hours, permit clergymen to preach to the convicts, when they can be obtained by said keeper.

**SEC. 9. How keeper may employ convicts.** Said keeper shall be at liberty, and may employ said con-[20]-victs, or any portion of them, in any and all honorable species of labor, and shall have the benefits and profits resulting from their labor.

**SEC. 10. Salary of keeper \$100 per annum.** There is hereby appropriated to the said keeper the sum of one hundred dollars, to be paid annually for three years, in quarterly payments, of twenty-five dollars, to be paid out of all moneys in the territorial treasury not otherwise appropriated.

**SEC. 11. Commissioners appointed to take inventory.** That William T. McGaugh, of the county of Jefferson, William Chambers, jr., of the county of Muscatine, and Daniel Shelby, of the county of Van Buren, be and they are hereby appointed commissioners, to take an inventory of all the manufactured articles, stock and raw materials belonging to the territory, now in said penitentiary; together with all the beds, kitchen furniture, tools, goods, wares, merchandise pertaining to such institution; and fix a fair valuation and appraisement, on or before the fifteenth day of March as aforesaid. Said commissioners shall be entitled to three dollars per day, for the time necessarily engaged in the duties assigned them by this act.

**SEC. 12. Commissioners to deliver property to Cohick.** The commissioners having been first sworn, faithfully and impartially, to execute the trust reposed in them, shall, after having made the inventory and appraisement as above required, deliver over to said Cohick, as keeper of said penitentiary, all of the manufactured articles, stock and materials, belonging to the territory, and beds and bedding, furniture, goods, tools, wares, and merchandise invoiced by them, and shall take his receipt therefor, and shall file said inventory and receipt in the office of the auditor of public accounts.

**SEC. 13. Keeper may sell manufactured articles.** The said keeper of the penitentiary hereby appointed, may sell, use and dispose of said manufactured articles, goods, wares and merchandise to him delivered as aforesaid, except the beds and bedding, furniture and tools belonging to said institution, for his own use and benefit.

**SEC. 14. Keeper to be responsible for property wasted or lost.** At the expiration of the term of the said keeper, the governor shall appoint three commissioners to examine and make out a list of all the property belonging to said penitentiary, and if it shall appear that any part of the property delivered up to the said keeper, by the commissioners named in this act, has been lost, wasted or otherwise misplaced by any neglect of the said keeper, or any person under him, or by him employed, he shall forfeit and pay to the territory of Iowa, all damages which may have been sustained by reason of such neglect.

**SEC. 15. In force from passage.** That this act shall take effect and be in force from and after its passage.

Approved, January 17th, 1846.

## [21] CHAPTER 21.

### ESTRAYS.

AN ACT to amend an act entitled "An act concerning water crafts found adrift, lost goods and estray animals," approved, January 22d, 1839.

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

**SECTION 1. Liability of persons taking up estray animals.** That if any person taking up any estray animal, or animals, shall sell the same, abuse or suffer to be abused, either by working, riding, or neglecting to feed, or in any other manner so that such estray, in consequence thereof die, or be lessened in value; either take, or cause such estray to be taken out of the county more than three days at any one time, or shall by his or her neglect suffer such estray to escape; and any person who may knowingly purchase any estray or estrays contrary to the provisions of the act to which this is amendatory, the persons so offending shall be liable to the action of the