

CHAPTER 36.

AUDITOR.

AN ACT to authorize the auditor of state to audit and allow expenses of the supreme court of this state.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Expenses of supreme court to be certified by said court. That none of the expenses of the supreme courts of this state shall be audited or allowed by the auditor of state, until said claim or demand shall be certified by a majority of said court to be correct, and that the person or persons claiming the same are justly entitled to payment for the same out of the state treasury, and the amount thus certified shall be specified in said certificate.

[57] **SEC. 2. Claim examined in open court.** No claim shall be allowed or certified by the said court, except in open court, and in the district for which said expenses were incurred, or services rendered.

SEC. 3. Auditor to allow. Whenever a claim or demand, certified as above, shall be presented to the auditor of state, he shall audit and allow the same, and issue his warrant upon the treasurer of state for the same.

SEC. 4. Take effect. This act shall take effect and be in force from and after its publication, by one insertion, in the Iowa Capital Reporter and Iowa Republican, printed in Iowa City.

Approved, Jan. 9, 1849.

Published in Reporter and Republican, January 17th, 1849.

CHAPTER 37.

SUPREME COURT.

AN ACT to authorize the supreme court to hold special terms.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Supreme court may hold special sessions. That the judges of the supreme court, or a majority of them, may whenever the public good or convenience requires it, appoint a special term of the supreme court of this state, in any district for the trial of any criminal cause heretofore taken, or hereafter to be taken to the supreme court, by writ of error or otherwise.

SEC. 2. Judges to notify clerk—clerk to give notice. Whenever any special term of the supreme court may be ordered as aforesaid, said judges shall notify the clerk of the supreme court of the proper district of the fact, and the time when said court shall be held, whereupon it shall be the duty of said clerk to give notice of the same, by publication in some newspaper published in said district, at least three weeks before the commencement of said term, by at least two insertions in said newspaper.

SEC. 3. Causes taken to regular term to be triable at special term. All causes as aforesaid heretofore taken, or hereafter to be taken, to any regular term of the supreme court, shall be considered returnable and triable at said special term or terms, but may for good cause, be continued from term to term of any regular or special term.

SEC. 4. Power and duty of supreme court. The said supreme court shall have power, and it is hereby made their duty, to pronounce sentence in cases where the judgment of the court below in criminal cases is affirmed.

SEC. 5. Take effect. That this act shall take effect and be in force from and af-[58]ter its publication, by one insertion, in the Iowa Capital Reporter and Iowa Republican, printed in Iowa City.

Approved, January 9, 1849.

Published in Reporter and Republican, Jan. 17th, 1849.

CHAPTER 38.

SWINE.

AN ACT to restrain swine from running at large in Clinton county.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Poll to be opened in Clinton county—clerk of commissioners to give notice. That at the next general election in Clinton county, a poll shall be opened in each township in said county, to determine whether swine shall run at large in said county. Notice shall be given of said election, by the clerk of the board of commissioners of said county, in the same manner and at the same time of notices of the general election. The electors in said county may vote at said election, "swine at large" or "swine not at large."

SEC. 2. Return of votes to be made—votes to be canvassed. The judges of election shall make returns of said votes so polled, to the clerk of the board of commissioners of said county at the same time that they make returns of the other votes polled at said election, which said votes shall be canvassed by the clerk of the board of commissioners and justices of the peace, at the same time that the other votes cast at said election are canvassed.

SEC. 3. Majority of votes being "swine not at large," clerk to give notice—owner to restrain swine—liable for damages. If a majority of the votes so cast upon said question, shall be "swine not at large," the said clerk shall immediately cause public notice thereof to be given, by posting up three written or printed notices in each township of said county, and from and after the posting of such notices, every owner of swine in said county shall restrain them from running at large; and in the event of a failure to do so, shall be liable for any damages done by his swine, to be recovered by action of trespass, by the party injured.

SEC. 4. Swine running at large to be sold—proceeds of sale to be paid to county treasurer—proviso. After the publication of such notice, any person may take possession of any swine found running at large in said county, and give notice thereof to any constable of said county, who shall have power to sell the same upon giving ten day's notice of the time and place and sale, the proceeds of which sale, after payment of costs and charges of keeping, shall be paid into the county treasury, to be applied [59] to the use of common schools. *Provided*, the owner or any person for him, shall, on or before the day of such sale, pay the costs and charges, the constable is hereby required to release said swine to the person making such application.

Approved, January 12, 1849.