

## [76] CHAPTER 61.

## STATE ROAD.

AN ACT to amend an act, entitled an act to re-locate a part of a territorial road from Fairfield to the Indian Boundary.

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

**SECTION 1. Road leading from Fairfield to Racoon forks located—commissioners of Jefferson county not to have power to change said location.** That so much of the state road leading from the town of Fairfield, in Jefferson county, to the Racoon Fork of Des Moines river, be located in accordance with an act, entitled an act, approved Jan. 29th, 1844, and Feb. 15th, 1847, to re-locate a part of a territorial road from Fairfield to the Indian boundary, as lies between Fairfield, in Jefferson county, and Oskaloosa, in Mahaska county, be, and the same is hereby located; that the county commissioners of Jefferson county shall not have power to change the same from the present location of said road.

**SEC. 2. Repealing section.** That all acts and parts of acts contravening the provisions of this act, be, and the same are hereby, repealed.

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

Approved, Jan. 13, 1848.

## CHAPTER 62.

## JURORS.

AN ACT to provide for the payment of the jurors in the district courts of Lee county.

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

**SECTION 1. In civil cases a fee of \$3 to be paid—money paid to county treasurer.** That in all civil cases tried in the district courts in the county of Lee, there shall be paid by the party in whose favor a verdict may be rendered, and in case of a nonsuit, by the party calling said jury, and taxed in the bill of costs, the sum of three dollars; which sum shall be paid on the rendition of the verdict or judgment of nonsuit as aforesaid, and before the same is recorded, into the hands of the sheriff of the said county of Lee, and by him paid over to the county treasurer of said county under the direction of the court.

**SEC. 2. When jury waived, duty of the court to try and determine the facts—when plaintiff offers to submit the case to court, defendant to pay expenses of jury.** That in any action at law, sounding in contract, which may [77] be pending in the district court of Lee county, when the parties to such action shall agree to waive the intervention of a jury, and to submit the case to the court, it shall be the duty of said court to try and determine the facts without calling a jury, any thing in any law to the contrary notwithstanding. And in all actions on written contracts, for sums of money certain, where the plaintiff offers to submit the case to the said courts and the defendant shall call a jury, such defendant shall pay all expenses incurred by calling such jury, unless by plea or notice he set up and sustain on the trial a defense of payment, set off, release, fraud, failure, or want of consideration.