

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section.** That all acts and parts of acts contravening the provisions of this act, be, and the same are hereby, repealed.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

**SEC. 3. Compensation of jurors.** That each talisman, serving as a petit juror in the district courts of Lee county, shall be entitled to the sum of fifty cents for each jury trial on which he may serve, provided the trial does not detain such talisman more than one day; but in case he is detained more than one day on such trial, he shall receive the same amount per day as regular summoned jurors are entitled to receive; whose accounts shall be paid in the same manner as other jurors.

**SEC. 4. Repealing section.** That all acts and parts of acts coming in conflict with this act be, and the same are hereby repealed.

**SEC. 5. Take effect.** That this act take effect and be in force from and after the first day of May A. D. 1849.

Approved, January 13, 1849.

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## CHAPTER 63.

### WEST POINT.

AN ACT to amend an act entitled "an act to vacate the public square in the town of West Point, in Lee county," approved February 17, 1847.

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

**SECTION 1. Public square in West Point vacated—proviso.** That that portion of the town of West Point, in the county of Lee, as embraced in the public square in said town, is hereby vacated for the use of Des Moines College, *provided*, that said public square be considered as extending no farther than the inner line of the streets that contiguously surround it on all sides.

**SEC. 2. The square to be used for college only.** That the trustees of said college, or other persons having the direction, control or management thereof, shall erect no building or buildings, for dwelling houses or other purposes, except for college [78] purposes, upon, or dispose of by sale or lease, any portion of said public square, or the building or buildings thereupon.

**SEC. 3. Repealing section.** That the first and fourth sections of the act to which this act is amendatory, be, and the same are hereby repealed.

**SEC. 4. Take effect.** This act shall take effect from and after its publication according to law.

Approved, January 13, 1849.

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## CHAPTER 64.

### STATE ROAD. .

AN ACT to establish a state road herein named.

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

**SECTION 1. Commissioners.** That Hiram D. Gibson, John J. Stout and Samuel Whitmore be, and they are hereby appointed commissioners to locate a state road running from the southeast corner of the public square of the town of Fairfield, in Jefferson county, and from thence south of east till it intersects