

SEC. 2. Officers to open polls. That it shall be the duty of the officers conducting the election on the first Monday of April 1849, to open a poll at said election for the purpose aforesaid.

SEC. 3. Officers elect to qualify and term of office. The person elected at said election shall proceed to qualify, and give bond in the manner now provided by law, and shall hold his office until the regular term for electing justices of the peace in [112] said township, at which time and regularly thereafter there shall be elected for said township three justices of the peace.

SEC. 4. Take effect. This act to take effect from and after its publication in the Keokuk Dispatch, and Keokuk Register in Lee county.

Approved, January 15, 1849.

CHAPTER 84.

PRINTERS.

AN ACT to provide for the compensation of printers of the laws in newspapers.

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

SECTION 1. Auditor authorized to allow costs. That the auditor of state be and he is hereby authorized to audit and allow the accounts of newspaper publishers for printing the laws in their papers, and the said accounts shall be paid out of any money in the treasury not otherwise appropriated: *provided*, that the secretary of state shall certify to the auditor that the laws have been published as required by law.

Approved January 15, 1849.

CHAPTER 85.

BOARD OF PUBLIC WORKS.

AN ACT providing for the re-organization of the board of public works, and repealing so much of the several acts relating thereto as conflicts with the provisions of this act.

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

SECTION 1. Election of board and term of office. That for the better organization of the board of public works, there shall be elected by the qualified voters of said state, on the first Monday of August next a board consisting of three members, one of whom shall be designated as president, and shall hold his office for and during the term of three years, from and after said day of election, and until his successor is elected and qualified; one of whom shall be designated as secretary, who shall hold his office for the period of two years, and until his successor is elected and qualified; and the [113] other shall be designated the treasurer, who shall hold his office for the term of one year, and until his successor is elected and qualified; and there-

after one member of said board shall be elected annually as their respective terms of office expire, and shall hold their offices for the period of three years, from and after said election, and in case of any vacancy in said board by death, or resignation, the governor of the state shall be and is hereby authorized to fill said vacancy for the unexpired portion of the time.

SEC. 2. Salary—monthly meetings and reports. Said officers shall receive the salaries, and qualify in the manner and under all the restrictions of the laws now in force on this subject, except as herein otherwise provided: *provided*, that for the purpose of securing order and harmony, said board shall meet at their office on the first Wednesday of each month, at which meeting each member shall make report in writing, in a clear and plain manner, setting forth all his acts and doings in the discharge of his official duties for the then preceding month, which reports shall be placed on file in the office, and the same, with all other official acts of said board, shall be plainly and fully recorded in a book kept for that purpose: *provided*, that the salary, when specified, shall be the only compensation said officers shall receive for their services.

SEC. 3. Engineer to report probable amount of money required for ensuing month—board to give order in favor of president. That the board at their monthly meeting shall require of the principal engineer, who may be employed on said improvement, a statement in writing over his proper signature, of the probable amount of money which will be required for the prosecution of the work for the month then next following; and after first deducting the balance, if any, which may appear to be in the hands of the treasurer, from an examination of his vouchers for payments during the month then next preceding, the board shall, by a proper order to be entered of record, authorize the president to make his draft, which shall be signed by him and countersigned by the secretary, for the amount so required, upon the treasurer, for said improvement; and said draft, with the duly certified copy of said order, shall be filed in the office of the treasurer, or person holding said funds, as the proper and only voucher for the amount so paid.

SEC. 4. Sell land as fast as necessities require. That it shall be the duty of said board to proceed as fast as the necessities of said work demand, and the condition of the grant will permit, to offer at public sale the lands appropriated for said improvement, in such parcels as they may select, giving at least two months notice to pre-emptors.

SEC. 5. Secretary to make out deeds—secretary to record deeds—fee therefor. That it shall be the duty of the secretary of the board of public works to make out deeds in fee simple to all lands entered under the provisions of this act and forward the same to the governor, [114] who shall sign the same and affix the state seal thereto and return said deeds to the secretary, who shall record the same in a book to be kept for that purpose, and shall attach a certificate to such deed, stating therein the day on which such deed was received from the governor, the day on which the same was recorded, and the book and page on which such deed is recorded, and the secretary shall deliver such deed to the person entitled thereto on demand, at his office for which service he shall receive a fee of one dollar, to be paid by the person receiving the deed.

SEC. 6. Lands placed under the control of county commissioners—punishment for waste or trespass—duty of township and county officers. That for the better protection and security of the lands appropriated to aid in said

improvement, as well as any lands which may be hereafter acquired by this state, the same shall be and hereby are placed under the care of the county commissioners of the respective counties in which they may be situated, and any and every person who shall commit waste or trespass on any of said lands, shall be liable and subject to the same penalties and punishments as are now provided against trespass or waste upon the sixteenth section and other school lands in this state by law, approved January, 1840, and it is hereby made the duty of all township and county officers to take notice of and report any and all violations of this act in their respective townships and counties.

SEC. 7. Persons injuring said works liable for damages and subject to punishment. That any person or persons who shall be guilty of injuring or removing any portion or parcel of work, material, or property, on or belonging to said improvement, shall be liable to treble the amount of damages caused by the same, to be recovered in the name of the president, for the use of the work, before any court of competent jurisdiction, and shall be indictable in the county in which the offense shall be committed, and on conviction thereof, be punished by fine of not more than five thousand dollars, or imprisonment for not more than one year.

SEC. 8. Pre-emptors. Every head of a family, or single man over the age of twenty-one years, who, on the first day of January, 1849, had a claim thereon, made and improved according to the claim laws now in force in this state, shall have the right to pre-empt said claim, not exceeding three hundred and twenty acres, at any time before said claim is offered at public sale, at one dollar and twenty-five cents per acre: *provided*, that any person who has pre-empted a part of his or her claim, may pre-empt the residue thereof in such legal sub-divisions as may suit his or her convenience, not exceeding three hundred and twenty acres in all of said pre-emptions.

SEC. 9. Board may withhold lands from sale. After said public sale, the said board shall have power, and they are hereby authorized, if in their opinion the best interests of said work demands it, to withhold the balance of said lands from sale [115] for pre-emption until such time as in their opinion it would be good policy to again offer said lands for sale, the notice for which shall be given for the time herein provided for the first sales.

SEC. 10. Repealing section. That all after the word "improvements," in the eighth line of the fourth section of an act entitled "an act supplemental to an act creating a board of public works, and providing for the improvement of the Des Moines river," approved January 24th, 1848, and all other acts and parts of acts now in force in this state conflicting with the provisions of this act, be and the same are hereby repealed.

SEC. 11. Take effect. This act shall be in force from and after its publication in the Iowa Democrat, and Des Moines Valley Whig.

Approved January 15, 1849.

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