

scribed in section nine, the clerks of the election shall write on the poll books at the end of such person's name the word "sworn."

SEC. 13. **Judges to advise persons relative to voting.** If, after a person shall be sworn and examined as above provided, the judges of election shall believe him not qualified to vote, they shall so advise him, but if after such advice he shall still determine to vote, and will take the final oath as provided in this act, his vote shall be received.

SEC. 14. **False swearing to be deemed perjury.** Wilful and corrupt false swearing, in taking either of the oaths above prescribed shall be perjury.

SEC. 15. **Persons fraudulently putting tickets in ballot box to be punished.** Any person who, before or after the proclamation is made for opening the polls, shall fraudulently put a ticket or ballot into the box, shall be punished in the same manner as is above provided for voting twice at the same election.

SEC. 16. **Judges to decide for whom mis-spelled votes are given.** That at all elections, when the names of the respective candidates are mis-spelled either by votes or otherwise, the judges of election shall have power, and it is hereby made their duty, to decide for whom the vote is given: *provided*, said names have the same sound.

SEC. 17. **Judge wilful violating his duty to be fined.** Any judge of election who shall wilfully and corruptly violate his duty as herein before prescribed, shall be fined not less than one hundred, nor more than one thousand dollars, and shall be imprisoned in the county jail, not less than one month nor more than six months.

SEC. 18. **Prosecution to be by indictment.** All prosecutions under this act shall be by indictment in the district court of the proper county.

[135] SEC. 17. [19] **Repealing section.** This act is only intended to repeal such provisions of former statutes as are inconsistent with those herein contained.

SEC. 20. **Take effect.** This act shall be in force from and after the first day of July next.

Approved, January 15, 1849.

CHAPTER 106.

PRACTICE.

AN ACT to amend an act, entitled "an act regulating practice in the district courts in the territory of Iowa," approved Feb. 10, 1843.

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

SECTION 1. **Judge of district court to instruct in writing.** That hereafter no judge of the district court shall instruct the petit jury in any case, civil or criminal, unless such instructions are reduced to writing.

SEC. 2. **Judge not to qualify or modify.** And when instructions are asked by either party which the judge cannot give, he shall write on the margin thereof the word "refused;" and such as he approves, he shall write on the margin thereof the word "given;" and he shall in no case, before or after instructions are given, orally qualify, modify, or in any manner explain the same to the jury.

SEC. 3. And such instructions, so given, shall be taken by the jury in their retirement, and returned by them with their verdict into court.

SEC. 4. **Instructions to be a bill of exceptions.** The instructions so given, or refused, shall be taken as a bill of exceptions, upon which the plaintiff in error, or appellant, shall assign errors, under the rules that assignments of errors are made under the laws now in force on this subject.

SEC. 5. In all chancery cases tried in any of the district courts of this state, where any question of fact is submitted to a jury, the same manner of instructing the jury shall be followed as is above provided for, and an appeal shall be taken as is now provided for, taking the written instructions so given as a bill of exceptions.

SEC. 6. This act to take effect from and after its publication in the Capital Reporter and Iowa Republican.

Approved January 15, 1849.

Published in Republican Jan. 24th, and Reporter Jan. 31st.

[136] CHAPTER 107.

SCOTT COUNTY.

AN ACT to repeal the township organization in Scott county.

SECTION 1. **Former acts repealed so far as relates to Scott county—proviso.** That the several laws now in force authorizing the board of commissioners of the counties in this state to organize counties into townships be and the same are hereby, repealed, so far as the same are applicable to the county of Scott: *provided*, that at the next April election the legal voters of said county of Scott shall determine, by a vote of the county, whether they will repeal the organization of their townships or not.

SEC. 2. **Poll to be opened—return of election to be made to clerk—township organization to become void—offices become vacant.** At the said April election a poll shall be opened, at which those in favor of doing away with said organization shall vote no organization, and those in favor of the present organization shall vote organization. The returns of said election shall be made to the clerk of the board of commissioners of said county, who shall take to his assistance a justice of the peace, and canvass said votes; and if it shall appear that there is a majority of the votes cast in the several election districts in said county in favor of repealing the township organization, then and in that said case the said organization shall, from and after the canvassing of said votes and recording the results on the records of said board of commissioners, become void, and the offices created by said organization become vacant: *provided*, that the boundaries of said township shall remain as the boundaries of election precincts, which are hereby established: *and provided further*, that any office created, or hereafter to be created, pertaining to the organization of common schools in the counties of this state, the organization of precincts hereby contemplated shall be considered to take the place of townships.

SEC. 3. **Commissioners to become vacant.** The commissioners of said county of Scott shall, at their first session after the people of said county shall decide to do away with said township organization, appoint three suit-