

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 **Former acts repealed so far as relates to Scott county—proviso.** That the several laws now in force authorizing the board of commissioners of the counties in this state to organize counties into townships be and the same are hereby, repealed, so far as the same are applicable to the county of Scott: *provided*, that at the next April election the legal voters of said county of Scott shall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-

able persons in each precinct in said county, to act as judges of elections in said precincts, and the judges so appointed shall appoint their several clerks.

**SEC. 4. Take effect.** This act to take effect after its publication in the Davenport Gazette and Democratic Banner, newspapers printed in Davenport, at the expense of Scott county.

Approved, January 15, 1849.

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[137] CHAPTER 108.

**FORT MADISON.**

AN ACT to amend an act concerning the incorporation of the town of Fort Madison, approved January 25, 1848.

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

**SECTION 1. Mayor to issue summon.** That the mayor of the town of Fort Madison is authorized to issue a summons if he may think proper, in any case of a breach of the town ordinance, and to issue subpoenas for witnesses: he shall also have the same power in all matters of contempt as justices of the peace have, the mayor, marshal, and prosecuting attorney, shall be allowed the same fees as justices of the peace, constables, and prosecuting attorneys for the counties are allowed for similar services, to be taxed in no case when the mayor and aldermen are plaintiffs against the corporation.

Approved, January 15, 1849.

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CHAPTER 109.

**APPANOOSE COUNTY.**

AN ACT for the relief of Appanoose county.

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

**SECTION 1. Duty of board of commissioners of Appanoose county.** That the board of county commissioners of Appanoose county are hereby authorized to make out and certify the amount of costs and expenses in the case wherein the State of Iowa was plaintiff and John Gheen defendant, in an indictment for murder, determined at Centreville, Appanoose county, at the spring term of district court in and for said county, A. D. 1848.

**SEC. 2. Treasurer of state.** That the treasurer of this state shall, upon the presentation of a regular certified copy of said amount of costs, by the board of commissioners or their attorney, pay the same out of any money not otherwise appropriated to said commissioners or their attorney.

**SEC. 3. Take effect.** This act to take effect and be in force from and after publication.

Approved, Jan. 15, 1849.