

SEC. 9. Purposes. The right of way acquired by virtue of this act may be retained for any of the purposes contemplated in the articles of incorporation of the company, but no other.

SEC. 10. Agents. Any of the notices aforesaid, if served on an agent of the proprietor of the land, are to have the same effect as if served upon the principal.

[45] **SEC. 11. Fees.** The sheriff and jurors are entitled to the same compensation as is provided for in other cases for similar services, and all the expenses caused by the proceedings above authorized must be borne by the company.

SEC. 12. Take effect. This act shall be in full force from and after its publication.

Approved, January 18, 1853.

CHAPTER 23.

REMOVAL OF RECORDS.

AN ACT to remove certain records relating to the half-breed tract in Lee county from the office of the recorder of deeds of Des Moines county to the clerk's office at Keokuk.

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

SECTION 1. Transfer. That the volume of the conveyances of lands in the half-breed reservation in Lee county, now in the office of the recorder of deeds of Des Moines county, with the indexes, be transferred to the office of the clerk of the district court at Keokuk in said Lee county, and that the said clerk be required to preserve the same in his office as a public record open for examination.

SEC. 2. Surrender. That the recorder of deeds of Des Moines county be, and he is hereby, required to surrender said volume of conveyances to the clerk of the aforesaid county.

Approved, January 18, 1853.

CHAPTER 24.

PRIVATE PROSECUTORS.

AN ACT to make private prosecutors liable for costs in certain cases.

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

SECTION 1. Prosecution failing—court to award costs vs. prosecutor. That in all prosecutions for a violation of any of the [46] penal laws in any of the courts of the state, said prosecution being at the instance of a private prosecutor, the court trying said cause, if said prosecution fails, may award costs

against said private prosecutor if, from the circumstances of the case, said court is satisfied the prosecution was malicious or without probable cause.

SEC. 2. Endorsement. That when an indictment is found at the instance of a private prosecutor, the foreman of the grand jury shall endorse thereon the name of the person at whose instance the same was found.

Approved, January 18th, 1853.

CHAPTER 25.

ADDITIONAL CONSTABLE.

AN ACT to provide for the election of an additional constable in Bloomfield township, Davis county.

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

SECTION 1. Election. That the qualified electors of the township of Bloomfield, in Davis county, are hereby authorized to elect an additional constable in said township.

SEC. 2. Poll. It shall be the duty of the officers conducting elections in said township, on the first Monday of April, one thousand eight hundred and fifty-three, to open a poll at said election for the purpose aforesaid.

SEC. 3. Qualification—constables. The person elected at said election shall proceed to qualify in the manner now provided by law, and shall hold his office until the regular term for electing constables in said township, at which time, and regularly thereafter, there shall be elected for said township three constables, of which one at least shall reside in the town of Bloomfield in said township.

SEC. 4. This act to be in force from and after its passage.

Approved, January 18th, 1853.

[47] CHAPTER 26.

BLIND ASYLUM.

AN ACT to establish an asylum for the blind.

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

SECTION 1. Asylum for blind. That there be, and hereby is established, at the capital of this state, an institution for the instruction of the blind, which shall be known as the asylum of the blind.

SEC. 2. Overseers—president—governor to appoint—term. The asylum for the blind shall be under the management and supervision of a board of overseers, consisting of seven persons, of whom the governor, superintendent of public instruction, and secretary of state, shall be ex-officio members. The superintendent shall be president of the board; the other members of the board shall be appointed by the governor; with the consent of the senate, and shall hold their offices for one, two, three, and four years respectively, and at the expiration of each of their respective terms of office, one overseer shall be appointed by the governor, with the consent of the senate, for the term of four years.