

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.

SEC. 3. Supervision. The overseers shall have the general supervision of the asylum, adopt rules and regulations for the government, prescribe the course of instruction, see that the principal and other officers of the asylum, discharge their duties faithfully, as provided in this act, or by the rules and regulations established by the board of overseers, provide teachers, servants, and necessaries for the asylum, and to do and perform all acts necessary to render the institution efficient and valuable, not inconsistent with the laws of this state.

SEC. 4. Quorum. And three of said overseers shall constitute a quorum for the transaction of business.

SEC. 5. Admission—age—poor—certificate—admit—proviso. Upon satisfactory evidence being adduced to the county court of any county in the state that there is a blind person between the age of seven and twenty-two years residing in such county, who is too poor, or whose parents are too poor, to furnish him or her with an education, it shall be the duty of the court to cause the clerk of the court to certify that [38] fact, together with the name, age, address, and cause of blindness of such person, and the name of his parents or guardian and the place of his or her nativity, to the overseers of the asylum, and upon the receipt of such certificate, the overseers shall admit such person, as a pupil of the asylum, and shall immediately forward a certificate to the auditor of the state, setting forth that said pupil has been admitted, together with the date of his or her admission: provided, that whenever in the opinion of the board of overseers there shall be a person resident of the state over the age of twenty-two and under the age of thirty-five, afflicted with blindness, who would be benefitted by instruction in this institution, by learning a trade or otherwise, they may admit such person to the asylum, to pursue such trade, occupation, or branch of learning as they may deem useful to such person, and the state shall be charged for such instruction in proportion to the expense of the same.

SEC. 6. Warrant. Upon the receipt of such certificate, the auditor shall draw a warrant on the treasurer of state, in favor of the president of the asylum, for the sum of thirty-five dollars, quarterly in advance, for the board, tuition and stationery, for said pupil, so long as he remains a pupil of said asylum.

SEC. 7. Resident. No person shall be entitled to the benefits of this institution, (except as otherwise provided in this act) unless he or she is a *bona fide* resident of this state, or unless his or her parents or guardian are residents thereof.

SEC. 8. Non-residents. Persons not residents of this state, shall be entitled to the benefits of this institution upon paying to the president thereof the sum of thirty-five dollars quarterly in advance for board and tuition of said pupil.

SEC. 9. Report. The board of overseers shall make an annual report to the governor, and a biennial report to the legislative assembly, of the condition of the asylum, the number, names, ages, residence, place of nativity, and sex of the pupils, the length of time they have been in the institution, whether supported by the state or by themselves, or their parents or friends, the studies pursued, the trades taught, and the receipts and disbursements of money made on account of the asylum.

[49] **SEC. 10. Treasurer.** The board of overseers may elect one of their number treasurer of the asylum, who shall give bond in such sum as the board may direct, conditioned for the faithful paying over all monies belonging to the asylum upon the order of the board.

SEC. 11. **Debt prohibited.** The board of overseers shall in no case create any indebtedness against the asylum or against the state, exceeding the amount appropriated by the general assembly for the maintenance of said asylum.

SEC. 12. **Appropriation.** To meet the ordinary and contingent expenses of the asylum, including rent, musical instruments, books, stationery, fuel, provisions, salaries, and furniture, to the first day of January, A. D. 1855, there be, and hereby is appropriated from the state treasury the sum of two thousand dollars.

SEC. 13. **No fees.** No remuneration shall be made to the overseers for their services.

SEC. 14. **Repeal.** All that part of chapter seventy-three of the code of the state, which relates to the blind, is hereby repealed.

SEC. 15. **Take effect.** This act shall take effect from and after its publication in the Iowa Republican and Iowa Capital Reporter.

Approved, January 18th, 1853.

I certify that the foregoing act was published in the Iowa Republican and Iowa Capital Reporter, on the 2d day of February, 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 27.

INCORPORATION.

AN ACT to incorporate the town of Fort Des Moines, in Polk county.

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

SECTION 1. **Boundaries—declared a town corporate and politic.** That all that portion of the state of Iowa, included within the following limits, to-wit: beginning at the junction of the Desmoines and Raccoon rivers at the centre of the channel thereof; in the county of Polk; thence [50] up the channel of the Des Moines river to the point where the half mile line of section No. four, township seventy-eight north, of range twenty-four west, according to the United States survey, crosses said river, thence west along said half mile line to the north-west corner of the south-west quarter of said section; thence south along the section line between sections four and five and eight and nine to the centre of Raccoon river; thence down the centre of said river to the place of beginning, be and the same is hereby declared a town corporate by the name of Fort Des Moines, and the inhabitants thereof are created a body corporate and politic by the name and style of "The Town of Fort Des Moines," and by that name shall have perpetual succession, and shall have and use a common seal which they may alter and change at pleasure.

SEC. 2. When any tract of land adjoining the town of Fort Des Moines shall have been, or hereafter shall be laid out into town lots and duly recorded as required by law, the same may, by a majority of voters at any regularly notified meeting, be annexed to said town and form a part thereof.

SEC. 3. **Powers.** The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real, personal and mixed, for the use of said town, and to improve and protect, or sell, lease, convey or dispose of the same.