

sioners to re-locate such part of the state road from Walling's landing, in Louisa county, to Washington, in Washington county, as lies between Grandview and Fredonia.

SEC. 63. Legalized. That all public roads that have been laid out and established according to law, in the county of Appanoose, whether state or county roads, that shall be recorded by the proper officers, in the proper road records of said county, at the time of taking effect of this act, shall be legal and valid in law.

SEC. 64. Time and place of meeting—duty—surveyor. That the commissioners appointed to locate and establish each respective road, or a majority of them, shall meet on the 1st Monday of April, 1853, or within nine months thereafter, at the first point named on each proposed road, or at some other point, if agreed upon, and taking to their assistance a surveyor, the necessary chainmen and markers; and after having been qualified, shall proceed to the discharge of their duties according to law: provided, that in case any of said commissioners should act as surveyor in laying out any of said roads, they shall be entitled to receive for their services, such per diem as is allowed by law to county surveyors, and nothing more.

SEC. 65. Compensation. The commissioners not otherwise herein provided for, to be paid according to law: provided, that the state shall be in no case responsible for any expenses created or growing out of the establishment of any of the foregoing roads and highways.

SEC. 66. Take effect. This act shall take effect from and after its publication in the Iowa City papers.

Approved, January 22, 1853.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter and Iowa Republican Feb. 2d, 1853.

GEO. W. McCLEARY,
Secretary of State.

[186] CHAPTER 107.

ATTORNEY GENERAL.

AN ACT to provide for the election of attorney general, and define his duties.

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

SECTION 1. Election of—term of office. That at the August election in A. D., 1853, there shall be elected an attorney general, who shall hold his office one year and until his successor is elected and qualified, and at the general election, A. D., 1854, and every two years thereafter, there shall be elected an attorney general, who shall hold his office for two years and until his successor is elected and qualified.

SEC. 2. Duties. The attorney general shall appear for the state, and prosecute and defend all suits and proceedings, civil and criminal, in which the state shall be a party, or interested, when requested so to do by the governor, the general assembly, secretary of state, auditor, or treasurer, and he shall prosecute any official bond, or contract, in which the state is interested, when the same is placed in his hands for that purpose; he shall prosecute and defend for the state all causes which may be appealed or taken by writ of error to the supreme court, in which the state may be a party, or be interested.

SEC. 3. Opinion—forms—report. The attorney general shall, when required, give his opinion in writing, without fee, upon all questions of law submitted to him by the general assembly, or either branch thereof, or by the governor, auditor, secretary of state, treasurer, or superintendent of public instruction; and whenever requested by either of said officers, he shall prepare proper drafts for contracts, forms, and other writings, which may be wanted for the use of the state, and he shall report to the general assembly, or either branch thereof, whenever requested upon any business pertaining to the duties of his office.

SEC. 4. Pay over. All moneys received by the attorney general belonging [187] ing to the people of the state, shall immediately upon the receipt thereof, be paid by him into the state treasury.

SEC. 5. Register. The attorney general shall keep in proper books, to be provided at the expense of the state, a register of all actions and demands prosecuted or defended by him in behalf of the state, and of all proceedings had in relation thereto, and shall deliver the same to his successor in office.

SEC. 6. Oath and bond—filed. Before he enters upon the duties of his office, he shall take and subscribe an oath faithfully and impartially to discharge the duties thereof, and shall execute to the state of Iowa a bond with not less than three sureties in the sum of ten thousand dollars, to be approved by the governor, conditioned for the faithful discharge of his duties and the paying over all moneys as provided in this act which bond shall be filed with the secretary of state, and said bond shall be renewed in a larger sum and with additional sureties, whenever required by the general assembly or governor.

SEC. 7. Salary. The attorney general shall receive a salary of eight hundred dollars per annum, to be paid in equal quarterly payments, which shall be in full for his services.

SEC. 8. Reporter. The attorney general shall be the reporter of the decisions of the supreme court.

SEC. 9. Take effect. This act shall take effect from and after its publication in the Iowa Capital Reporter and Iowa Republican.

Approved, January 24th, 1853.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter, Feb. 9th, and in the Iowa Republican Feb. 2d, 1853.

GEO. W. McCLEARY,
Sec'y of State.

CHAPTER 108.

EVIDENCE.

AN ACT relating to evidence.

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

SECTION 1. Notes, etc.—proof. That in all cases pending, or that may hereafter [188] be instituted, in any of the courts of Iowa, upon any note, bill, bond, or other evidence of debt, or liability, it shall not be necessary for the plaintiff to prove the execution or assignment of the same, unless such execution or assignment is specifically denied by the defendant under oath.