

## CHAPTER 9.

## SCHOOL LANDS.

AN ACT to amend Section 1053 of the Code.

Repeal Forfeit-  
ure of School  
Lands.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of Section 1052 of the Code as authorizes School Fund Commissioners to declare contracts for school lands forfeited, where the interest on the same has not been paid, and further authorizes them to sell said lands anew, be and the same is hereby repealed.

Take effect.

SEC. 2. This act shall be in force from and after its publication in the Tri-Weekly Iowa Citizen and Tri-Weekly Iowa State Journal, at Des Moines.

Approved February 9th, 1858.

I hereby certify that the foregoing Act was published in the Tri-Weekly Citizen February 11th, 1858, and in the Tri-Weekly Iowa State Journal February 10th, 1858.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 10.

## STANDING ARMY.

AN ACT authorizing the Governor to raise, arm and equip a Company of mounted men for the defence and protection of our frontier.

Gov. raise Com-  
pany, arm and  
equip.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Governor be and he is hereby authorized and empowered to raise, arm and equip, one Company of Mounted Volunteers, to consist of not less than thirty nor more than one hundred men, whenever he shall deem the same necessary for the protection of our frontiers.

Gov. Officer.

SEC. 2. The officers of said company shall consist of one Captain, one first Lieutenant, and one second Lieutenant and one Surgeon.

The non-commissioned officers shall be four Sergeants,

and four Corporals. The officers and non-commissioned officers shall be elected by the company, and the Captain and Lieutenants shall be commissioned by the Governor.

Non Commissioned Officers.

SEC. 3. It shall be the duty of the Governor to furnish the Captain of the company aforesaid, with the arms, ammunitions and equipments necessary to a company of mounted men at the expense of the State of Iowa.

Governor furnish Capt. arms, &c.

SEC. 4. The Governor shall in no case call out said company of volunteers, unless in his judgment, founded upon reliable information, it is absolutely necessary to protect the lives or property of the citizens of the State, and such force shall always be subject to the order of the Governor; and in no case shall the Governor keep such body of men in service after the General Government shall have taken measures effectually to protect the said frontier, and said company shall be discharged and disbanded at any time, by an order from the Governor.

Necessity of raising Company.

Gov. disband.

SEC. 5. Said company shall be raised and recruited as near the theatre of operations as practicable, and for that purpose J. Palmer, of Spirit Lake, is hereby appointed as Agent, to whom all persons desirous of volunteering shall apply.

Where raised and recruited.

Whenever said J. Palmer shall have received the names of thirty men, over the age of twenty-one and of good sound health, he shall then notify said volunteers to meet at a certain time and place for the purpose of electing their officers. Said J. Palmer shall preside over and conduct said election, and his certificate of election shall be sufficient proof to the Governor, to authorize him to commission said officers so elected. Said agent shall then muster into the service of the State of Iowa, all persons possessing the above requisites, and shall transmit an accurate return, showing the names of the officers, non-commissioned officers and privates who shall have volunteered, together with their ages and place of residence, to the Governor of the State.

Duty of Agent in organizing company.

Mustering into service.

Make return to Governor.

SEC. 6. Each officer, non-commissioned officer and

Horse furnish by volunteer and examined by Agent, Capt. and Lieutenant.

private, shall be required to furnish a good horse suitable for service, and said J. Palmer, Agent, and the Captain and Lieutenants aforesaid, are hereby created a board of survey for the examination of all horses that are hereby required, with the power of condemning all that are unfit for service in their judgment, and after said mounted volunteers shall have been mustered into the service, the right of condemnation and rejection of horses shall be vested in the officers of said company.

Officers may condemn horse.

Subsistence and clothing furnished by volunteers.

SEC. 7. The officers, non-commissioned officers and mounted volunteers shall furnish in addition to a horse, as required by this act, all of their own clothing and rations of subsistence for both horse and man for such time as they may be in the service of the State of Iowa.

Compensation.

How paid.

SEC. 8. The compensation of the officers of said company shall be as follows: For Captain, the sum or at the rate of seventy dollars per month. 1st Lieutenant (60) sixty dollars per month, and second Lieutenant fifty-five dollars (55) per month; non-commissioned officers as follows: Sergeant (50) per month; Corporals forty-eight dollars per month, and each mounted volunteer the sum of forty-five dollars per month; and all claims arising against the State under the provisions of this act shall be audited and paid as other claims against the State.

Captain report to the Governor.

SEC. 9. It shall be the duty of the Captain of said company to transmit to the Governor of the State of Iowa, at the end of each and every month, a return showing the names and ages of the men in said company, and the number of days that said company was actually engaged in active operations during said month, together with such suggestions as he may deem proper and best, having in view the protection of the frontier settlements of the State of Iowa.

Liable for arms.

SEC. 10. Each officer, non-commissioned officer and mounted volunteer shall be held liable for the return of any arms or equipments which he or they may receive from the Governor of the State of Iowa, under Section 4 of this act; and any such arms or equipments not re-

turned, or if returned in a damaged state, such person shall be liable to pay whatever amounts shall be adjudged against him by the commissioned officers of said company, who are hereby created a board of survey for that purpose, and such amounts so found by said board shall be deducted from the pay of such non-commissioned officer or mounted volunteer.

SEC. 11. The commissioned and non-commissioned officers shall constitute a board for the trial of all privates who shall be guilty of such breaches of law or military discipline, or unsoldier-like conduct as are prescribed by the articles of war of the United States army, and said board shall have the right to expel or discharge any person who shall have been found guilty of any of the above misdemeanors after a fair trial upon written charges and specifications before said board, during which the accused shall have the right of producing witnesses, appearing by counsel, and of being furnished with a copy of the charges and specifications. Provided, that the punishment of flogging, branding and drumming out shall never be permitted.

Court Martial.

Trial and punishment.

SEC. 12. The Governor of the State shall have the right to remove any commissioned officer, for any breach of law or military discipline, or unsoldier-like conduct as are prescribed by the Articles of War of the United States Army.

Governor may remove officer.

The charges in such case shall be sustained by specifications and affidavits and replied to by the officer in counter affidavits.

SEC. 13. It is hereby made the duty of the Governor to notify the Secretary of War of the exposed and defenceless condition of our frontier, and ask the protection of the General Government, and to demand and receive indemnity for any expenditures which may be made in carrying out the provisions of this act, and in case this act shall be deemed insufficient to accomplish the purpose for which it was intended, viz: The protection of the frontier of the State of Iowa, the Governor of the State is hereby invested with power to correct

Governor notify Sec'y of War.

Ask protection General Government.

any oversight or insufficiency in this act, and take steps to fully carry out the spirit and meaning of this law.

Time of paym't.

SEC. 14. The payment of said company shall be at the end of each two months, and shall be upon a pay roll, which shall be made out by the Captain of said company; and when the mounted volunteers receive their pay they shall sign said pay-roll, and each signature shall be attested by a commissioned officer, whose duty it shall be to see that each and every private shall receive the amount of pay to which he may be entitled.

Company when considered organized.

SEC. 15. After said company shall have been organized and mustered into service, they shall be considered as organized and subject to be called into service by order of the Governor; and it is hereby declared to be the intent of this act that such an organization into a company and mustering into service, shall be considered as only initiatory steps, and that no payment of said volunteers shall commence until they shall actually be called out by the Governor, or for such time as they shall actually be engaged in frontier service.

When service commences.

SEC. 16. The Governor shall have the right to appoint some physician of good medical standing, who shall act as surgeon for said command, who shall receive for his services \$50 per month, subject also to the restrictions of the foregoing Section.

Gov. appoint Surgeon.

SEC. 17. This act to take effect and be in force from and after its publication in the Tri-Weekly State Journal and Tri-Weekly Citizen, published at Des Moines, State of Iowa.

Take effect.

Approved February 9th, 1858.

I hereby certify that the foregoing act was published in the Tri-Weekly State Journal February 15th, A. D. 1858, and in the Tri-Weekly Citizen at Des Moines February 10th, A. D. 1858.

ELIJAH SELLS,  
Secretary of State.