

the governor of this state, who shall as soon as practicable after the taking effect of this act, take into possession all money, books, paper and material of whatever kind and character, together with all claims, grounds, &c., that may be in the possession of the present commissioner, or other parties, belonging to said institution, and safely keep the same for the use of the said institution.

SEC. 2. Com'rs give bond. Said commissioner shall give a bond to the state, in the sum of five thousand dollars, which shall be approved by the governor and filed in the office of the secretary of state, and before entering upon his duties, shall take and subscribe an oath faithfully to discharge his duties as such commissioner according to law. Said commissioner shall be removed at the pleasure of the governor.

SEC. 3. \$10,000 appropriated. There is hereby appropriated the sum of ten thousand dollars, or so much thereof as may be necessary to build the wall of the said blind asylum at Vinton, to the top of the third story, above the basement story, and to cover the same with a good, substantial pine shingle roof, and to so enclose the windows and doors as to protect the building from damage—using in said work all the material now on hand, or that may be due from individuals indebted upon subscription.

SEC. 4. Plan of building changed. The internal plan of the building shall be so changed as to dispense entirely with a chapel, and the room designed for a chapel shall be finished the same height of other rooms on the same floor, and the plan shall be so changed as to accommodate the great- [111] est number of pupils, which changes in plan shall be made with the approval of the governor.

SEC. 5. Changes approved by the gov. No part of said appropriation provided for in the third section of this act shall be drawn until the said commissioner shall submit to the governor, plans and specifications, making such changes in the style of finish and in the internal arrangements, as will bring the remaining cost of completing said building, within twenty thousand dollars, as shown by a reliable proposal of responsible parties for the completion of said building according to definite and full specifications accompanying such proposal.

SEC. 6. Auditor issue warrants upon governor's approval. The auditor of state shall issue a warrant or warrants, upon the state treasurer for the payment of said appropriations in section three of this act, only upon the proposal embodying the specifications as required in section 5, accepted by the commissioner and approved by the governor.

SEC. 7. Repealing. That so much of the act entitled an act to locate and provide for the erection of an "Institution for the education of the Blind of the State of Iowa," approved March 22, 1858, by which commissioners were appointed to superintend the same, is hereby repealed.

SEC. 8. Take effect. This act shall take effect from and after its publication in the Iowa State Journal and the Iowa State Register.

Approved April 3, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 18, 1860.

ELIJAH SELLS,
Secretary of State.

[112] [H. F. 353.]

CHAPTER 90.

[Chap. 146.]

EVIDENCE.

AN ACT in relation to Evidence.

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

SECTION 1. Parties in interest may be examined. That on the trial of any issue joined, or of any matter, or of any inquiry arising in any action or other

proceeding in any court of justice, or before any person having by law, or by consent of parties authority to hear, receive and examine evidence, no person shall be disqualified by reason of his interest in the same, or in the event of the same—whether such interest be as a party thereto or otherwise. But the party or parties thereto and the person in whose behalf such action or other proceeding may be brought or defended shall, except as hereinafter excepted, be competent and compellable to give evidence either *viva voce* or by deposition according to the practice of the court on behalf of himself or either, or any of the parties to the issue, action or proceeding.

SEC. 2. **Crimin'l not compelled to testify.** But nothing herein contained shall render any person who in any criminal proceeding is charged with the commission of any public offence competent or compellable to give evidence therein for or against himself.

SEC. 3. **Settlement of estates.** No person shall be allowed to testify under the provisions of the first section of this act where the adverse party is the executor of a deceased person, when the facts to be proved transpired before the death of such deceased person; and nothing in such section contained shall in any manner affect the laws now existing in relation to the settlement of estates of deceased persons, infants or persons of unsound mind, or the attestation of any instrument required to be attested.

SEC. 4. **Husband & wife.** The husband or wife shall in no case be a witness for or against the other except in a criminal proceeding for a crime committed by one against the other, or in a civil action or proceeding one against the [113] other, but they may in all criminal proceedings be witnesses for each other.

SEC. 5. All acts inconsistent with this act are hereby repealed.

SEC. 6. **Take effect.** This act shall take effect and be in force from and after its publication in the Iowa State Register and Daily Iowa State Journal.

Approved April 3, 1860.

I hereby certify that the foregoing act was published in the Iowa State Register April 18th, 1860, and in the Iowa State Journal April 21, 1860.

ELIJAH SELLS,
Secretary of State.

[H. F. 377.]

CHAPTER 91.

[Chap. 147.]

DES MOINES RIVER COMMISSIONERS.

AN ACT conferring certain powers on the Board of Commissioners appointed for the purpose of ascertaining the liabilities of the Des Moines River Improvement, and for other purposes.

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

SECTION 1. **Commissioners have full power to make settlement.** That the board of commissioners appointed and provided for by an act entitled, "An act in relation to the Des Moines River Improvement, and abolishing the office of Commissioner thereof," approved March 3d, 1860, shall have the power, and they are hereby authorized and directed to inquire into and examine the liabilities and obligations of all persons to said improvement, or the state on account of said improvement, arising from contracts made by any person or persons with the officers or agents of said improvement, and also all liabilities of any and all persons who may have heretofore acted as agents or officers of said improvement, and also all liabilities of any and all persons who may wrongfully withhold any money or property belonging to