

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 All acts inconsistent with this act are hereby repealed.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

said improvement, or to the state on account of said improvement, or who may have wrongfully taken or trespassed on any of the property be- [114] longing to said improvement, or who may for any cause be liable in any sum to said improvement or the state for or on account of said improvement.

SEC. 2. May compel attendance. Said board for that purpose may, upon their own motion, or on the petition of any other party, issue a citation or notice to any person believed to be indebted or liable in any sum to said improvement, or to the state on account of said improvement, requiring such person to appear before such commissioners at such time and place as they may, in such notice, designate, to answer to such claims, charges and liabilities as may be briefly set forth and specified in said notice. Such notice shall be served by the sheriff, as other notices, and his returns shall have the same force and validity as in other cases. Said commissioners, or any one of them may issue subpoenas for witnesses, which shall, in like manner, be served by the sheriff.

SEC. 3. May award judgment—no appeal. At the time fixed in such notice for the appearance of the person against whom the claim is made, and who may have had the notice required by the preceding section, the commissioners shall (unless, for good cause the hearing is continued,) proceed to determine the liabilities of said party so cited to said improvement, or to the state on account of said improvement, and shall render judgment for any amount due from such party, together with all costs, including the mileage and per diem of the commissioners, which judgment said commissioners shall file in the office of the clerk of the district court of the county in which the board sits, and when said judgment of said commissioners is so filed in said clerk's office, it shall be entered by the clerk in the proper records, and shall have all the force and effect of a judgment rendered in said court, and no appeal shall in any case be allowed from such judgment.

SEC. 4. May employ counsel. Said commissioners shall have power to employ counsel to prosecute before said board any and all the claims aforesaid against any or all persons indebted or liable to said improvement, or the state on account of said improvement, or the property connected [115] therewith, and to that end said commissioners may arrange to pay such counsel such sums or proportion of any amount recovered, as they deem right and just.

SEC. 5. May adopt rules. The true intent and meaning of this act is to confer on said commissioners full powers, judicial and otherwise, to enable them fully to carry out the objects and purposes of this act, and said commissioners may adopt such rules and regulations as they deem proper to aid them in carrying out the objects of this act.

SEC. 6. Disposition of funds. All moneys collected under the provisions of this act shall be applied as provided in section 11 of said act, approved March 3d, 1860, for the disposition of the proceeds of the sales of the dams, water power, &c., connected with said improvement.

SEC. 7. Discretionary power in settlement. Said commissioners may, without the proceedings herein provided for, when practicable, proceed and settle with any party liable to said improvement, and make such provisions for the security and payment of any amounts found due, as they deem just and right.

SEC. 8. This act shall be in force and take effect from and after its publication in the Iowa State Journal and Keosauqua Republican.

Approved April 3d, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal, April 14th, 1860.

ELIJAH SELLS,
Secretary of State.