

twelve men cannot be obtained in the county where said action is pending, then, upon application of either party, a change of venue shall be granted to the nearest county in which a jury can be obtained.

SEC. 2. The change of venue herein authorized shall be made in accordance with the laws now in force, or hereafter to be in force, governing change of venue in civil cases.

Approved March 30, 1860.

[148] CHAPTER 114.

[Chap. 103.]

MORTGAGES.

AN ACT to provide for the redemption of Real Estate sold on foreclosure of mortgages.

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

SECTION 1. **Right of redemption allowed.** That in all cases when judgments or decrees are rendered by any of the courts of this state upon a foreclosure of mortgages on real estate, the defendant, judgment creditors, and other creditors having liens on the mortgaged premises, shall, in case of the sale of the mortgaged premises on execution, have the same time to redeem and the same rights to redemption as in cases of sales on ordinary judgments at law, as provided for in chapter 110 of the code, and all acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 2. *And be it further enacted,* That this act shall take effect from and after its publication in the Daily Iowa State Register and the Daily Iowa State Journal, two newspapers published at Des Moines City.

Approved April 2, 1860.

I hereby certify that the foregoing act was published in the Daily Iowa State Journal April 13, 1860, and in the Iowa State Register April 11th, 1860.

ELIJAH SELLS,
Secretary of State.

CHAPTER 115.

[Chap. 106.]

OATH OF OFFICE.

AN ACT requiring Trustees Managers, Commissioners and Inspectors of public buildings, improvements and Institutions to take and subscribe an oath, and punishing violation of the same.

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

SECTION 1. **Offic'r havi'g disposition of money for the erection of public building shall be sworn, &c.** That every person appointed by the governor, or elected by the legislature, or otherwise appointed or elected a trustee, manager, commissioner or inspector, or a member of any board of [149] trustees, managers, commissioners or inspectors, now or hereafter created or provided by law for the government, control, management or inspection of any public building, improvement or institution whatsoever, owned, controlled or managed, in whole or in part, by or under the authority or direction of this state, shall, before entering upon the discharge of his duties, as such trustee, manager, commissioner or inspector, take and subscribe an oath, in substance and form as follows: "I (here insert affiant's name) do solemnly swear that

I will support the constitution of the United States, and of the state of Iowa; that I will honestly and faithfully discharge the duties of (here describe nature of the office, trust or position as trustee, manager or inspector, as the case may be) according to the laws that now are or that may hereafter be in force, regulating said institution, and prescribing the duties of trustees, managers, commissioners or inspectors thereof, (as the case may be;) that I will, in all things, conform to the directions contained in said law or laws, and that I will not, directly or indirectly, as such trustee, manager, commissioner or inspector, (as the case may be) make, or enter into, or consent to any contract or agreement, expressed or implied, whereby any greater sum of money shall be expended or agreed to be expended than is expressly authorized by law, at the date of such contract or agreement.

SEC. 2. **Contracts must be limited to within the term of, the officer contracting.** Any such officer who shall be empowered to expend any public monies, or to direct such expenditures, is hereby prohibited from making any contract for the erection of any building, or any other purpose which shall contemplate any excess of expenditures beyond the terms of the law under which said officer was appointed.

SEC. 3. Any such officer already elected or appointed, who has not already taken such oath, shall forthwith do so, and shall be subject to the provisions of this act.

SEC. 4. **Oath to be filed with the audit'r of state.** All the oaths required by this act shall be filed in the office of auditor of state, and the state [150] auditor shall not draw any warrant upon the state treasurer for the purposes for which any of said officers are appointed until said oaths are so filed.

SEC. 5. **Penalty.** Any person wilfully violating the provisions of this act, shall, upon conviction thereof, be liable to a fine not exceeding five thousand dollars, or imprisonment in the penitentiary not exceeding five years, or both, at the discretion of the court.

SEC. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 7. This act shall be in force from and after its publication in the Iowa State Register and Iowa State Journal.

Approved April 2, 1860.

I hereby certify that the foregoing act was published in the Iowa State Journal April 21st, 1860, and in the Iowa State Register May 2, 1860.

ELIJAH SELLS,
Secretary of State.

CHAPTER 116.

[Chap. 120.]

SWAMP LANDS.

AN ACT, to amend an act entitled "an act to prevent trespass or waste on swamp or other lands, in the State of Iowa, and for other purposes" approved January 25th, 1855.

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

SECTION 1. **Prevent trespass or waste—penalty.** That section 3 of an act entitled "a bill to prevent trespass or waste on swamp or other lands in the state of Iowa, and for other purposes" approved January 25, 1855, be and the same is hereby amended so as to read; "on the appearance of the person or persons arrested under said warrant the county judge shall proceed to hear testimony in the case, and if the person or persons so arrested shall be found