

ACTS, RESOLUTIONS AND MEMORIALS

PASSED AT THE

REGULAR SESSION

OF THE

FOURTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA.

WHICH CONVENEED AT IOWA CITY, ON THE SIXTH DAY OF DECEMBER,
ANNO DOMINI, 1852.

STEPHEN HEMPSTEAD, Governor,
GEO. W. McCLEARY, Secretary,

WILLIAM PATTEE, Auditor,
M. L. MORRIS, Treasurer,

W. E. LEFFINGWELL, President of the Senate,
JAS. GRANT, Speaker of the House of Representatives.

PUBLISHED BY AUTHORITY

IOWA CITY:
WM. H. MERRITT, STATE PRINTER
1853.

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LAWS OF IOWA.

CHAPTER 1.

PAGE COUNTY.

AN ACT to appoint commissioners to locate seat of justice of Page county.

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

SECTION 1. Commissioners—meet. That John Scott and Thomas M. Gordon, of the county of Fremont, and Jacob Miller, of the county of Taylor, be, and they are hereby appointed, commissioners to locate and establish the seat of justice for the county of Page. Said commissioners, or a majority of them, shall meet at the house of Philip Boulwores, in said county, on the first Monday of March next, or within thirty days thereafter, and proceed to locate and establish the seat of justice of said county as near the geographical centre of said county as may be, having due regard to the present as well as the future population of said county.

SEC. 2. Qualification. That the said commissioners, before entering upon their duties under the provisions of this act, shall take an oath before some person authorized to administer the same, for the faithful performance of said duties, and make a written report thereof to the county judge of said county, who shall cause the same to be filed and entered upon the records of said county.

SEC. 3. Fees. That said commissioners shall receive as compensation for said services, two dollars per day for each day necessarily employed in locating said seat of justice, and two dollars for every twenty miles' travel going to and re- [18] turning from the said Boulwores, to be paid out of the proceeds of the first sale of lots in said town; and the name of said county seat shall be "Clarinda."

SEC. 4. This act to take effect from and after its passage.

JAMES GRANT,

Speaker of the house of representatives.

W. E. LEFFINGWELL,

President of the senate.

Approved, December 22d, 1852.

S. HEMPSTEAD.

CHAPTER 2.

ATTICA.

AN ACT to change the name of Barkersville, in Marion county, to Attica.

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

SECTION 1. **Change of name.** That the name of Barkersville, in Marion county, be, and the same is hereby, changed to Attica.

SEC. 2. **Record.** Provided, however, that this change of name shall be recorded in the recording office of Marion county, within six months from and after the passage of this act.

SEC. 3. **Take effect.** This act shall take effect from and after its publication in the Oskaloosa Herald, a newspaper published at Oskaloosa; provided no expense for the printing of said law shall be incurred by the state of Iowa.

Approved, December 28th, 1852.

I certify that the foregoing Act was published in the Oskaloosa Herald on the 7th day of January, 1853.

GEO. W. McCLEARY,
Secretary of State.

[19] CHAPTER 3.

LIMA.

AN ACT to change the name of Volga City, in Fayette county, to Lima.

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

SECTION 1. **Name changed.** That the name of Volga City, in the county of Fayette, be, and the same is hereby, changed to Lima.

SEC. 2. **Record.** Provided, however, that this change of name shall be recorded in the recording office of Fayette county within six months from and after the passage of this act.

SEC. 3. **Take effect.** This act shall take effect from and after its publication in the Miner's Express, a newspaper published at Dubuque, in this state: provided, that no expense for the printing of said laws shall be incurred by the state of Iowa.

Approved, January 5th, 1853.

CHAPTER 4.

MONEY.

AN ACT authorizing the treasurer of state to collect certain money therein named.

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

SECTION 1. **Treasurer to collect.** That the treasurer of state be, and he is, hereby, authorized to collect from the treasury of the United States, the amount of money reimbursed by the late act of congress of the United States to the state of Iowa, for money expended in surveying and establishing the southern boundary line of this state, and place the same in the treasury.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, January 5th, 1853.

[20] CHAPTER 5.

SAFE.

AN ACT to authorize the treasurer of state to purchase a safe.

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

SECTION 1. **Safe.** That the treasurer of state be, and he is hereby, authorized to purchase for the use of the office of the treasurer of state, a good and sufficient fire and thief-proof salamander safe, and pay for the same out of any money in the treasury not otherwise appropriated: provided, that it shall not cost more than four hundred dollars.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, January 5th, 1853.

CHAPTER 6.

ATTORNEYS.

AN ACT to amend section 1610 of chapter 95 of the code of Iowa.

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

SECTION 1. **Admission.** That any white male person, who is actually an inhabitant of this state, and who satisfies any district court of this state that he possesses the requisite qualifications, and that he is of good moral character, may, by such court, be permitted to practice in all the district courts of the state, upon taking the usual oath of office.

SEC. 2. That said section No. 1610 be, and the same is hereby, repealed.

Approved, January 5th, 1853.

[21] CHAPTER 7.

RECORDS.

AN ACT to authorize John C. Cumins to transcribe the deed and mortgage records of Marion county.

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

SECTION 1. **Transcribe records.** That John C. Cumins is hereby authorized and required to transcribe the deed and mortgage records of Marion county, Iowa, and index all records that have not been indexed by virtue of law.

SEC. 2. **Books.** That the county judge shall furnish a good and substantial record book, and an index book suitable for such purpose.

SEC. 3. **Fees.** That said John C. Cumins, shall receive for transcribing, eight cents for every one hundred words, and a reasonable amount for indexing the records, to be audited and paid by the county judge, from the county treasury of said county.

SEC. 4. This act to take effect and be in force from and after its publication.

Approved, January 7, 1853.

CHAPTER 8.

ORGANIZATION OF COUNTIES.

AN ACT organizing certain counties therein named.

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

SECTION 1. **Commissioners—Adams.** That William Davis, of Mills county, James B. Campbell, of the county of Taylor, and John Buckingham, of the county of Page, be, and they are hereby appointed commissioners for the purpose of locating the seat of justice of the county of Adams.

[22] SEC. 2. **Commissioners—Cass.** That Robert McGaven, of the county of Pottawattamie, Thomas G. Palmer, of the county of Mills, and Milton Richards, of the county of Fremont, be, and they are hereby appointed commissioners to locate the seat of justice of the county of Cass.

SEC. 3. **Commissioners—Harrison.** That Abram Fletcher, of the county of Fremont, Charles Wolcott, of the county of Mills, and A. D. Jones, of the county of Pottawattamie, be, and they are hereby appointed commissioners to locate the seat of justice of the county of Harrison.

SEC. 4. **Commissioners—Shelby.** That William Lovelady, of the county of Fremont, James Hardy, of the county of Mills, and Solomon Wheeler, of the county of Pottawattamie, be, and they are hereby appointed commissioners to locate the seat of justice of the county of Shelby.

SEC. 5. **Commissioners—Wahkaw.** That Charles Wolcott, of the county of Mills, Thomas L. Griffith, of the county of Pottawattamie, and Ira Perdu, of the county of Harrison, be, and they are hereby appointed commissioners to locate the seat of justice of the county of Wahkaw.

SEC. 6. **Meet—time—oath—centre.** That said commissioners, or a majority of them, shall meet respectively, as follows: Those for the county of Adams, at McCalpin's mills, in Page county; those for the county of Cass, at Indian town, in said county; those for the county of Harrison, at the house of A. D. Jones, in the county of Pottawattamie; those for the county of Shelby, at the house of Mansel Wicks, in Shelby county, on the first Monday in March next; and those for the county of Wahkaw on the second day of July next, or within thirty days thereafter, and after being fully sworn to the faithful performance of their respective duties by some person authorized to administer oaths, shall proceed to locate and establish the seats of justice for said counties, as near the geographical centre of said counties, respectively, as a suitable site may be found, having due regard to the present, as well as the future population of said counties, and make return thereof to the organizing sheriff, describing the tract of land so selected, which shall be and remain the permanent seat of justice for said counties.

[23] SEC. 7. **Fees.** That the said commissioners shall receive for their compensation two dollars per day, for the time necessarily employed in the performance of their respective duties, under the provisions of this act, to be paid out of the proceeds of the sales of lots in said towns.

SEC. 8. **Organization.** That the counties of Adams, Cass, Harrison, Shelby, and Wahkaw, be, and the same are hereby organized, from and after the first Monday in March next; and the inhabitants of said counties shall be entitled to all the rights and privileges, to which by law the inhabitants of other counties in this state are entitled.

SEC. 9. Election. That there shall be a special election held in all the above counties, except Waukaw, on the first Monday of April A. D. 1853, at which time there shall be elected county and township officers as provided for by law.

SEC. 10. Townships. That the county of Cass shall be composed of three civil townships for the present organization, that is, all the territory embraced in Cass county shall constitute one civil township; that which lies in the county of Audubon shall constitute one civil township, and all that which lies in the county of Adair shall constitute one civil township, the three for revenue, election and judicial purposes, constituting the county of Cass. The first election to be held at Broshaws' store, in Cass county, at Mr. Hamlin's, in Audubon township, at the house of Alfred Jones, in Adair township.

SEC. 11. Counties attached. That for election, revenue and judicial purposes, the counties of Montgomery and Union, are hereby attached to Adams, each constituting a civil township, and hold their first election at Pisga, in Union county, and at the house of Amos Lowe, in Montgomery county, and make return thereof to the organizing sheriff of Adams county.

SEC. 12. Counties attached. That for revenue, election and judicial purposes, the county of Monona is hereby attached to the county of Harrison, and there shall be two places named by the organizing sheriff at which elections shall be held in said county.

SEC. 13. Counties attached. That for revenue, election and judicial purposes, the counties of Crawford and Carroll are hereby attached to the county of Shelby, and that there shall be two places named by the organizing sheriff at which elections shall be held in said county.

[24] **SEC. 14. Counties attached.** That for revenue, election and judicial purposes, the counties of Ida, Sac, Buena Vista, Cherokee, Plymouth, Sioux, O'Brien, Clay, Dickinson, Oeola, and Buncombe, are hereby attached to Waukaw, and the election for said county shall be held at Sargeant's Bluffs, and as many other places as the organizing sheriff may designate in his notice of election.

SEC. 15. Organizing sheriffs—notice—canvass. That William S. Townsend, of the county of Cass, shall be the organizing sheriff of said county; Amos Lowe for the county of Adams; Robert McKinny for the county of Harrison; Collins Cutler, of Pottawattamie, for the county of Shelby; and Thomas L. Griffith for the county of Waukaw; who shall, after being qualified to the faithful performance of their duties, give at least ten days' notice of election, by posting notices in each of the civil townships in their respective counties. To grant certificates of election, administer the oath of office, and in all respects discharge the duties required by law to be performed by county clerks: provided, it shall not be necessary for them to take to their assistance two justices of the peace, in opening and canvassing the polls of said election.

SEC. 16. Judges—clerks—returns. The electors, when assembled at the polls pursuant to notice herein mentioned, shall proceed to choose three persons from among their number who shall act as judges of said election, also two persons who shall act as clerks of said election. Said judges and clerks, before entering upon the discharge of their respective duties, shall take the oath prescribed by law in such cases, which may be administered by one of said judges, who shall make return as required by law in organized counties as near as may be.

SEC. 17. Term. That the county and township officers elected under this act, shall hold their offices until the time fixed by law for filling their respective offices, and until their successors are chosen and qualified.

SEC. 18. **District.** That the counties of Cass, Harrison, Shelby, and Waukaw shall constitute a part of the Pottawattamie senatorial and representative district.

SEC. 19. **Ringgold.** That the county of Ringgold shall be, and is hereby attached to the county of Taylor for revenue, election, and judicial purposes.

[25] SEC. 20. **Name.** That the county seat of Harrison shall be called Magnolia, that of Shelby, Shelbyville, that of Waukaw, Sargeant's Bluffs, that of Cass, Lewis, and that of Adams, Quincy.

SEC. 21. **Take effect.** This act to be in force from and after its publication in the Western Bugle.

Approved, January 12th, 1853.

CHAPTER 9.

PAGE COUNTY.

AN ACT supplemental to an act to locate the county seat of Page county.

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

SECTION 1. That the act to which this is supplemental, entitled, "an act to locate the seat of justice of Page, shall be in force from and after its publication in the Capital Reporter and Western Bugle.

Approved, January 12th, 1853.

CHAPTER 10.

MILLS COUNTY.

AN ACT to locate the seat of justice of Mills county.

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

SECTION 1. **Location of county seat.** That the seat of justice for the county of Mills, be, and the same is hereby located upon the south-west quarter of section twelve, and north-west quarter of section thirteen in township seventy-two north, of range forty-three west, at the town of Coonville, the name of which is hereby changed to that of "Glenwood:" provided, the proprietors of said town shall secure to the county judge of said county, [26] or his successors in office, free of all expense, for the perpetual, and exclusive use of said county, one-third of all the lots in the limits of said town, together with a public square of not less than two acres for the purpose of public buildings.

SEC. 2. **Take effect.** That this act shall take effect, and be in force from and after its publication in the Capital Reporter and the Western Bugle.

Approved, January 12th, 1853.

CHAPTER 11.

UNION COUNTY.

AN ACT to locate the seat of justice of Union county, and to organize the same.

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

SECTION 1. **Organization.** That the county of Union be, and it is hereby organized from and after the first day of March next, and the inhabitants thereof shall be entitled to all the rights and privileges to which by law the inhabitants of other counties of the state are entitled.

SEC. 2. **Election—notice.** That there shall be a special election held in said county, at Pisga, and such other place as the organizing sheriff may direct in his notice of said election, on the first Monday of April, 1853, which notice shall be posted at three of the most public places in each civil township, ten days previous to said election.

SEC. 3. **Judges—clerks—oath.** That when the electors shall have assembled at the polls pursuant to notice herein before mentioned, they shall proceed to choose from their number three persons who shall act as judges of election, also two persons who shall act as clerks of election. Said judges, before entering upon their duties, shall take the oath prescribed by law, which oath may be administered by one of the judges.

SEC. 4. **Term.** That the county and township officers elected under the provisions of this act, shall continue in office until their successors are elected and qualified as provided by law.

[27] SEC. 5. **Sheriff—duties.** That John Edgcombe be, and he is hereby, appointed sheriff of said county, and shall continue in office until his successor is elected and qualified; and shall grant certificates of election, administer the oath of office, and in all respects discharge the duties required by law to be performed by county clerks in relation to elections, until a clerk may be elected and qualified in said county, provided that he is not required to take to his assistance two justices of the peace in canvassing the election returns of said county.

SEC. 6. **Commissioners.** That A. J. Hanscom of Pottawattamie [county], Col. Mills of Cass county, and Lewis F. Perry of Clark county, be, and they are hereby, appointed commissioners to locate the seat of justice of said county.

SEC. 7. **Time and place of meeting—location.** That said commissioners, or a majority of them, shall meet at Pisga, in said county, on the first Monday in March next, or within ninety days thereafter, and after being duly qualified to the faithful performance of their duty, by some person having authority to administer oaths, shall proceed to locate the seat of justice for said county, at or as near the geographical centre of said county as a suitable site may be found, having due regard to the present as well as the future population of said county, and make a report to the sheriff of said county, describing the quarter section of land so selected, which report shall be placed upon the records of said county.

SEC. 8. **Oath.** The organizing sheriff of said county, before entering upon the duties of his station, shall take an oath for the faithful performance thereof.

SEC. 9. **Fees.** That the said commissioners shall receive as compensation for their services two dollars per day, for the time necessarily employed in the discharge of their duties, to be paid out of the proceeds of the first

sale of lots in said town, and that the organizing sheriff shall be entitled to the same fees as other sheriffs now receive for like services.

SEC. 10. **Take effect.** This act shall be in force from and after its publication in the Iowa Capital Reporter and the Western Bugle: provided, that said publication be made without expense to the state.

Approved January 12, 1853.

[28] CHAPTER 12.

NEW COUNTIES.

AN ACT in relation to new counties.

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

SECTION 1. **Counties attached.** That the unorganized counties in this state be, and are hereby, attached to organized counties, as follows, to wit: the county of Green to the county of Dallas. The county of Story, Risley, Yell, and Fox, and the counties north of Risley, Yell and Fox, to the county of Boone. The county of Mitchell, Howard, Floyd, Worth, and Franklin, to the county of Chickasaw. The county of Hardin to the county of Marshall.

SEC. 2. **Petition—order—notice—return—canvass.** Whenever the citizens of any unorganized county desire to have the same organized, they may make application by petition in writing, signed by a majority of the legal voters of said county, to the county judge of the county to which such unorganized county is attached; whereupon said county judge shall order an election for county officers in such unorganized county. Notice of said election must be given, the election conducted, and the returns thereof made to the organized county to which the same was attached, and canvassed in the manner prescribed by law for filling vacancies in county offices.

SEC. 3. **Bonds.** The bonds of the county officers shall be given to the new county and transferred to the proper officers as soon as they shall become legally qualified to act.

SEC. 4. **Change of names.** That the name of the county of Waukaw shall be changed to Woodbury, the name of the county of Risley shall be changed to Webster, and the name of the county of Fox to the county of Calhoun.

SEC. 5. **Location of county seat—commissioners.** That the majority of the citizens of any county, after becoming so organized, may petition the district judge in whose judicial district the same is situated, during vacation of the general assembly, whose duty it shall be to appoint three commissioners from three different adjoining counties, [29] who shall proceed to locate the county seat for such county, according to the provisions of this act.

SEC. 6. **Duty—centre.** Said commissioners within two months after receiving notice of such appointment, or two of them, shall locate the seat of justice for said county as near the geographical centre as may be, having due regard for the present, as well as the future population, and when thus located it shall be the permanent county seat of such county.

SEC. 7. **Fees.** And such commissioners shall be allowed two dollars per day, to be paid out of the first money of the sale of lots.

SEC. 8. **Chickasaw.** The county of Chickasaw is hereby attached to the county of Fayette, for election, revenue and judicial purposes.

SEC. 9. **Take effect.** That this act shall be in force from and after its publication in the Capital Reporter, and Iowa Republican.

Approved, January 12th, 1853.

I certify that the foregoing act was published in the Capital Reporter, January 19th, and in the Iowa Republican January 22d, 1853.

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

CHAPTER 13.

SWAMP LANDS.

AN ACT to dispose of the swamp and overflowed lands within this state and to pay the expenses of selecting and surveying the same.

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

SECTION 1. **Swamp lands—granted to the counties.** That all the swamp and overflowed lands granted to the state of Iowa by the act of congress entitled an act to enable the state of Arkansas and other states to reclaim the swamp lands within their limits, approved September 28th, 1850, be, and the same are hereby granted to the counties respectively in which the same may lie, or be situated, for the purpose of constructing the necessary levees and drains, to reclaim the same—and the bal- [30] ance of said lands, if any there be after the same are reclaimed as aforesaid, shall be applied to the building of roads and bridges, when necessary, through, or across said lands, and if not needed for this purpose, to be expended in building roads and bridges within the country.

SEC. 2. **If sold by U. S.** Whenever it shall appear that any of the lands granted to the state by the aforesaid act of congress, shall have been sold by the United States since the passage of that act, it shall be lawful for the said counties to convey said lands to the purchasers thereof.

Deed—located by warrants. The deed shall be made by the county court as such, and countersigned by the clerk of said court, with the official seal thereof affixed, and on delivering said deed to the purchaser, the county court shall take from him an assignment of all his rights in the premises, and as such assignee, the said court shall be authorized to receive from the United States the purchase money of said land; and whenever any lands embraced by the said act have been located by bounty land warrants, since the passage thereof, it shall be lawful for such county in which the same are situated, to convey the same, in manner aforesaid to the person, or persons who located said warrant, and take an assignment of the same to the county court which shall thereupon be considered as grantee of the state, and as such may locate said warrant on any of the public lands belonging to the United States, within the limits of said county.

SEC. 3. **Agents to examine and report.** In all those counties where the county surveyor has made no examinations and reports of the swamp lands within his county, in compliance with the instructions from the governor, the county court shall at the next regular term thereof, after the taking effect of this act, appoint some competent person, who shall as soon as may be thereafter, after having been duly sworn for that purpose, proceed to examine said lands, and make due report, and plats, upon which the topography of the country shall be carefully noted, and the places where

drains or levees ought to be made, marked on the said plats, to the county courts respectively, which courts shall transmit to the proper officers, lists of all said swamp lands in each of the counties in order to procure the proper [31] recognition of the same, on the part of the United States, which lists, after an acknowledgment of the same by the general government shall be recorded in a well bound book provided for that purpose, and filed among the records of the county court.

SEC. 4. County courts care, etc.—election of drainage commissioner. The said lands shall be under the care, and superintendence of the county courts of the counties respectively, in which the same are situated, and at the next April election, there shall be elected an officer to be styled drainage commissioner of the county of _____, who shall within twenty days after his said election, enter into a bond with good security, to be approved by the county court, payable to the people of the state of Iowa, for the use of the inhabitants of the county of _____, in the penal sum of ten thousand dollars, conditioned for the faithful performance of all the duties required of him, or which may hereafter be required of him by law.

SEC. 5. Surveyor—plats—return—valuation—minimum. It shall be the duty of the surveyors in the several counties in this state who have surveyed, or shall survey the said swamp and overflowed lands in their respective counties, to make out plats of all the swamp, and overflowed lands in the several townships, and fractional townships within their counties, noting distinctly upon the same every tract, or parcel of swamp and overflowed land in each township, the quantity, and quality thereof, as to whether the same be first—second—or third rate, and it shall be his duty to return the same as soon as practicable, and in reasonable time to the clerk's office of the county court, and the said court, at some regular term thereafter, or sooner if deemed necessary, shall fix a valuation upon each tract, according to its quality, but in no case shall any of said land be valued at less than twenty cents per acre—and the plat with the description and valuation marked thereon shall be recorded in said book, and filed away among the records of the office.

SEC. 6. Court to time of sale—order of sale of lands. After the surveyors have returned the plats aforesaid, the valuations have been made, and recorded as aforesaid, the said court shall fix upon the proper time for selling said lands, which shall in all cases be at the county seat, and at the court house door of the several counties.—The said courts may order the whole of said lands to be [32] sold, and the sale to be continued from day to day, or they may order a part only of said lands to be sold from time to time, as they may deem expedient, and all such orders, so made by them, shall be entered on record in said book.

SEC. 7. Sale—notice of—contain. The said drainage commissioner shall be notified in writing by the clerk, of all such orders, and within reasonable time thereafter, not exceeding ten days, he shall give at least forty days' notice of the time, and place of sale thereof, by publishing the same in some newspaper printed in the county, or if there be no such newspaper, then by posting up two notices thereof in each election precinct in the county, for the like period of forty days before said day of sale. The said notices shall contain an accurate description of the lands to be sold, and shall specify the time, place, and terms thereof, and that the sale will be at public auction, between the hours of 10 o'clock a. m. and 5 o'clock p. m. of the day fixed therefor, and that the same will be continued from day to day, if deemed necessary.

SEC. 8. Order of sale. In conducting the sales the said commissioner shall sell the same in such order as may be directed by the county court. No tract shall be sold for less than its valuation, and the same shall be cried separately, and long enough to enable any one to bid who desires it.

SEC. 9. Terms of sale—labor. The terms of selling said lands shall be to the highest bidder, for cash, the amount of which, however, may be discharged by the purchaser in labor, to be performed, in manner and according to the terms hereinafter specified.

SEC. 10. Payment—failure—re-offer — penalty — suit — judgment. Upon closing the sales each day—the purchasers shall each pay, or secure the purchase money, according to the terms of sale, or in case of his failure to do so by ten o'clock the succeeding day, the tract purchased shall be again offered at public sale on the same terms as before, and if the valuation shall be bid, the same shall be, stricken off, but if the valuation be not bid, the tract shall be set down as not sold. If sale is not made, the former purchaser shall be required to pay the difference between his bid, and the valuation of the tract, and in case of his failure to make such payment, the drainage commissioner may forthwith institute an action of debt, or assumpsit in his name, for the use of the in- [33] habitants of the proper county, for the required sum, and upon making proof, shall be entitled to judgment, with costs of suit, which when collected shall be applied as other moneys arising from the sale of lands.

SEC. 11. Record—certificate—deed—title. Upon the completion of every sale by the purchaser, the commissioner shall enter the same in a sale book kept for that purpose, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser—describing the land sold and the price paid therefor, which certificate shall be evidence of the facts therein stated, and when presented to the county court, it shall be the duty of said court to execute to him a deed in fee simple for the land therein described, signed in the official capacity of said court, and countersigned by the clerk of said court, with the official seal thereto affixed, which said deed shall vest in the purchaser an absolute title in fee simple of said lands therein described.

SEC. 12. Reclamation of swamp land—damages. The said county courts shall cause the said lands to be drained by the construction of proper levees and drains necessary to reclaim the same, and when it becomes necessary in the construction of levees and drains to pass through private property, a just compensation shall be made to the owner or owners thereof, if damage has been done such property, to be ascertained in the same manner as provided in the road law now in force in cases of roads.

SEC. 13. Report of lands reclaimable—sections—contract. The surveyors employed to survey and locate said swamp land, shall also report to the county courts all the land in their respective counties which are susceptible of being drained or reclaimed, in all cases where said information cannot be satisfactorily had in some other way, with an estimate of the probable cost thereof, and at some regular term after said reports are received the said courts shall divide all such drainable lands in their counties into sections numbered one, two, three, etc., and whenever there shall be a sufficiency of lands sold to complete one or more sections, the same shall be as soon as practicable put under contract, and operation commenced thereon, and in like manner shall the work progress until the avails of said lands are exhausted or the work completed.

[34] **SEC. 14. Lettings.** The said county court shall cause the work to be done on the said sections to be let out at public sale to the lowest responsible

bidder, and it shall be the duty of the drainage commissioner, on being ordered by said court so to do, to give at least four weeks' notice of the time and place of such lettings, by putting up notices thereof in six of the most public places in the county, and in case there shall be a newspaper printed in the county, then, by causing a similar notice thereof to be published in the same, for a like period of four successive weeks before the day of such lettings, and the said notices shall contain specifications of the work to be done, to be made out under the direction and control of the county court, provided that two or more counties may reclaim swamp lands in conjunction, and in such case each county shall make payment in proportion to the amount of lands reclaimed in said county.

SEC. 15. Bond. The persons to whom said lettings shall be struck off shall enter into bond, with good security, payable to the said commissioner, for the use of the inhabitants of the county, in the penal sum of double the value of his bid, conditioned for the faithful performance of the work so undertaken by him, according to the specifications thereof, and on a failure to comply with the condition thereof said bond shall be forfeited, and suit brought upon the same to recover damages for non-compliance.

SEC. 16. Paying by labor. The said county courts, in laying off said work into sections as aforesaid, shall make such division thereof as will enable purchasers of land to pay for the same in necessary work, and if said purchasers shall be the lowest bidders at the lettings, the land so purchased shall be paid for in work but if any other responsible person or persons shall be lower bidders, the same shall be struck off to him or them, and the purchasers aforesaid shall be forthwith required to pay for their lands in cash, or credit by giving mortgage and good security for the purchase money, at the discretion of the said drainage commissioner. But no such credit shall be given for a greater length of time than twelve months, and shall draw interest at the rate of six per cent. per annum.

SEC. 17. Sales limited—roads and bridges. The said county courts shall not dispose or sell any more of said lands than shall be absolutely necessary to [35] complete the reclaiming, and draining of the same, and in all cases where there are any lands remaining unsold after the completion of said draining in any county, they shall be expended in the building of roads and bridges through or across said swamp lands, under the direction and superintendence of the drainage commission, and if said lands are not needed for this purpose, then to be disposed of in the construction of roads and bridges within the county.

SEC. 18. Embezzlement. If any drainage commissioner, or other person shall embezzle, or appropriate to their own use any money, bonds, bills, notes, or mortgages belonging to the drainage fund of any county in this state, he, she, or they shall be liable to indictment, and on conviction shall be imprisoned in the penitentiary of this state, for a period not less than one, nor more than five years, and such conviction shall work a forfeiture of office in all cases.

SEC. 19. Private sale—terms. All lands not sold at public sale as herein provided for, shall be subject to sale at any time thereafter at the valuation, and the clerk of the county court is authorized and required to sell all such lands at private sale upon the terms upon which they were offered at public sale, the money to be paid over to the drainage commissioner, and his receipt taken therefor.

SEC. 20. Accounts verified. The surveyor shall be required to file in the office of the clerk of the county court an affidavit setting forth the number of days he was actually, and necessarily employed, and the number of days that each person [naming such person] was actually, and necessarily employed

by him, and when a team was employed, the number of days such team was actually, and necessarily employed in examining the swamp, and overflowed lands, and in making out plats, and descriptions of the same.

SEC. 21. Payment—charge to drainage fund. When accounts are proved, and filed in such manner as shall be satisfactory to the county courts, the clerk of said court is hereby authorized, and required to issue a county order for the amount thereof, in favor of the persons entitled thereto, or on their written order, the amounts authorized by this act to be paid, are hereby appropriated: provided that the clerk of the county court shall charge the several [36] amounts so paid to the drainage fund of the several counties, and the same shall be a debt due, and owing from such fund to the counties, and it is hereby made the duty of the drainage commissioners, to pay out of the first monies received from the sale of lands, to the treasurers of the several counties, the said amount so charged by the clerk against such drainage fund as aforesaid.

SEC. 22. Pre-emption—appraised value—limitation—time of payment—may pay in labor—failure—to forfeit. Each and every person who on the 28th day of September, 1850, was the owner of any improvement, or who since that date has become the owner of any improvement on any of the said swamp, or overflowed lands, with a view to a residence, and occupation of said land for agricultural purposes, shall have the right to purchase at the appraised value thereof, a quantity of land including his said improvement, to be bounded by the legal subdivisions, not exceeding one quarter section, to consist of the quarter-quarter, half-quarter, or quarter section: provided, that any person claiming the right to purchase under this act, shall within three months after the taking effect of this act file in the clerk's office of the county court of the proper county, a notice of his, her, or their claims, describing the land by its numbers, and proving the facts in relation to such claim, to the satisfaction of such clerk: and provided further, that any person, claiming the right to purchase as aforesaid, shall within twelve months from the day set for selling the swamp lands in the neighborhood in which his improvement is situated, pay to the drainage commissioner the consideration money for the land claimed, or the person so claiming shall be allowed to pay the same in labor, according to the provisions of this act, which payment shall entitle him, her, or them to a deed conveying an estate in fee simple: but in case of failure to make such payment, or to pay in labor as aforesaid, the right to make the purchase shall cease.

SEC. 23. Business—regular terms—special terms—fees. All business in relation to the swamp and overflowed lands, shall be transacted at the regular term of the courts, except on extraordinary occasions, when said county courts shall have power to appoint special terms for the transaction of such business. And the county courts shall have power to allow the drainage commissioners, surveyors, clerks and [37] all others employed, such fees as they may deem just and right, to be paid out of the county treasury and charged to the drainage fund.

SEC. 24. Trespass. It shall be the duty of all constables, coroners, sheriffs, justices of the peace, county surveyors, and grand jurors to take notice of all trespasses committed on such lands, either by cutting timber, or otherwise, and to take all legal steps under the laws of this state, to bring such offenders to punishment.

SEC. 25. Unorganized counties. As soon as any of the unorganized counties of this state become organized, so such of this act as relates to the selecting of the swamp lands by surveyor, and returning the lists thereof to the proper departments, to obtain the necessary sanction thereto on the part of the United

States, shall be in force and effect, and the time of appraising, selling, and draining of the said swamp lands, shall be at the discretion of the county courts respectively.

Sec. 26. Repeal. All acts, and parts of acts now in force in respect to the swamp lands of this state are hereby repealed.

Sec. 27. Take effect. This act to take effect and be in force from and after its publication in the Capitol Reporter and Iowa Republican.

I certify that the foregoing act was published in the Iowa Capital Reporter and Iowa Republican, on the 2d day of February, 1853. ✓

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 14.

PENITENTIARY.

AN ACT supplemental to chapter 187 of the code concerning the Penitentiary of the state, and the government and discipline thereof.

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

SECTION 1. Lease—admit—proviso. That the inspectors and wardens of the Iowa penitentiary or a majority of them be, and they are hereby authorized and empowered to lease or hire out the prisoners to be [48] worked in the shops upon the prison grounds, if they shall deem that the interests of the state will be best promoted by so doing.

Sec. 2. This act to take effect and be in full force from and after its passage.

Approved. January 13th, 1853.

CHAPTER 15.

ESCHEAT.

AN ACT relinquishing an escheat.

Preamble. Whereas, it has been represented to the general assembly of the state of Iowa, and fully made satisfactorily to appear, that on or about the 28th day of August, 1845, one Chauncy Beemen and wife conveyed in fee simple to one George Farnbauer, the east half of the north-west quarter of section twenty, in township No. seventy north, of range No. two west, situated in the county of Des Moines and state of Iowa, except twenty-five acres off of the north-west corner, previously sold to Hiram Wells, and that at the time of said purchase, said George Farnbauer was married to one Kunigunda Farnbauer, and that soon after said purchase, said George departed this life without issue, and leaving said Kunigunda his widow, but leaving no property, except the land above mentioned, that some time in the year 1847 said Kunigunda intermarried with one Christian Prey, and that by said marriage they had one child, to wit, William Prey, who is still living; that some time in 1850 the said Kunigunda departed this life; that said George Farnbauer was an alien and left no collateral relatives in the United

States, and has no heirs to inherit said estate; that said Christian Prey has made valuable improvements on said lands, and expended an amount on the same equal to the value of said land, that said land and improvements are the only means of support of the said Christian and William Prey. Now, therefore,

[39] *Be it enacted by the General Assembly of the State of Iowa:*

Relinquishment. That the right and title by escheat of the said state of Iowa to the said east half of the north-west quarter of section No. twenty, in township No. seventy north, of range No. two west, except twenty-five acres off of the north-west corner previously sold to Hiram Wells, all in the county of Des Moines, state of Iowa, be, and the same is hereby relinquished to, and vested in the said Christian Prey and William Prey, as fully and effectually as the said state has power to vest and transfer the same, and to their heirs and assigns forever, the said Christian and William Prey holding said property thus relinquished as tenants in common.

Approved, January 13th, 1853.

CHAPTER 16.

MOUNT PLEASANT.

AN ACT to amend an act entitled an act for the incorporation of the town of Mount Pleasant in Henry county.

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

SECTION 1. Vacation of office. That when any person filling the office of mayor, councilman or recorder, or any other office created by ordinance or otherwise in pursuance to the act to which this [is] amendatory, shall move out of the corporate limits of the town of Mount Pleasant, in Henry county, such office shall become vacant.

SEC. 2. Filling vacancy. That when any such office shall become vacant by death, removal or otherwise, a special election shall be held to fill such vacancy, provided, that the mayor and councilmen may fill any vacancy in offices created by ordinance, by appointment; and provided further, that it shall be the duty of the recorder, or the mayor in case the office or recorder be vacant, to give at least ten days' notice, in manner provided in case of annual elections of said town.

SEC. 3. Take effect. This act to take effect and be in force from and after its publication in the Iowa Observer and True Democrat, [40] newspapers published in Mount Pleasant, said publication to be at the expense of said town.

Approved, January 12th, 1852.

CHAPTER 17.

WARDEN OF PENITENTIARY.

AN ACT to provide for the election of warden of the penitentiary.

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

SECTION 1. Election. That the general assembly shall at the present session, and at every session thereafter by joint convention, elect a warden of the penitentiary who shall qualify according to law.

SEC. 2. Repeal. That so much of section three thousand one hundred and twenty-one, of the code as provides for the appointment of the warden of the penitentiary by the governor be, and the same is hereby repealed.

SEC. 3. Take effect. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

Approved, January 14th, 1852.

I certify that the foregoing act was published in the Iowa Capital Reporter on the 19th Jan., and in the Iowa Republican on the 15th Jan., 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 18.

WARREN COUNTY.

AN ACT to change the boundaries of Warren county.

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

SECTION 1. Boundaries—reserve. That the following shall be the boundaries of Warren [41] county, to wit: beginning at the northwest corner of Marion county, thence west along the line dividing townships 77 and 78, to the northwest corner of township 77 north of range 25 west, thence south to the southwest corner of township 74 north of range 25 west, thence east to the southwest corner of Marion county, thence north to the place of beginning: provided, that all that part of township 77 north of range No. 22 west, which lies north of the Des Moines river shall remain as a part of Polk county.

SEC. 2. Take effect. This act shall take effect and be in force from and after the first day of March, A. D. 1853.

Approved, January 14th, 1853.

CHAPTER 19.

JOHNSON COUNTY.

AN ACT to authorize the county judge of Johnson county to index the records of said county.

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

SECTION 1. Index. That the county judge of Johnson county be, and he hereby is, authorized to cause the records of said county to be indexed, and to pay for the same out of the treasury of said county.

CHAPTER 20.

COUNTY SEAT.

AN ACT to locate the seat of justice of Taylor county.

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

SECTION 1. Commissioners—time and place of meeting—centre—name. That William Robbins and Jesse Majors of the county [42] of Page, and S. F. Snyder of the county of Montgomery, be, and they are hereby appointed commissioners to locate and establish the seat of justice of the county of Taylor, said commissioners or any two of them shall meet at the house of John Lowe in said county of Taylor, on the second Monday in March next, or within thirty days thereafter, and proceed to locate and establish the seat of justice of said county, as near the geographical centre of said county as said commissioners may deem proper, having due regard to the present as well as the future population of the said county: the name of the county seat shall be Bedford.

SEC. 2. Oath, etc.—fees. Said commissioners, before entering upon the discharge of their duties, shall take an oath as is required by law in like cases: said commissioners shall be allowed two dollars per day for their services, to be paid out of the first moneys from the sale of lots in said county seat.

SEC. 3. Take effect. This act to take effect from and after its publication in the Iowa Capital Reporter and Republican.

Approved, January 14, 1853.

I certify that the foregoing act was published in the Iowa Capital Reporter and Republican, on the 2d day of February, A. D. 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 21.

M. R. LAMSON.

AN ACT to authorize M. R. Lamson to transcribe the county records of Clarke county, Iowa.

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

SECTION 1. Transcribe—index. That M. R. Lamson is hereby authorized and required to transcribe the county records of Clarke county, Iowa, and index the same.

SEC. 2. Books. That the county judge of said county shall furnish good and substantial record books and a suitable index book for the purposes herein contemplated.

[43] **SEC. 3. Fees.** The said M. R. Lamson shall receive for transcribing, eight cents for every hundred words, and a reasonable compensation for indexing the records, to be paid by the county judge out of the county treasury.

SEC. 4. Take effect. This act to take effect from and after its publication.

Approved, January 14, 1853.

CHAPTER 22.

RIGHT OF WAY.

AN ACT granting the Mount Pleasant and Fairfield plank road company the right of way.

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

SECTION 1. Right of way—proviso. That the Mount Pleasant and Fairfield Plank Road Company is hereby authorized to lay out their road between the town of Mount Pleasant and Fairfield, on such ground as may be deemed suitable for that purpose, including any portion of the public highway, provided the traveling on such highway is not thereby interrupted.

SEC. 2. Road way not to exceed 60 ft. in breadth. The quantity of ground to be thus taken shall be merely a road way, not exceeding sixty feet in breadth, and when private property is thus taken a fair equivalent must be paid therefor, before the property can be appropriated by the company.

SEC. 3. Damages, how obtained—jury to assess. When the proprietor of any land thus taken is legally competent to act for himself, and has received personal notice of the laying out of the road through his land, he must, within ten days after receiving such notice, apply to the sheriff of the county in which the land lies for a jury to assess the amount of damages he may sustain, or he shall be held to have accepted of the largest amount of damages offered him by the company, and in the payment or tender of which sum the company is entitled to a deed for the right of way.

SEC. 4. Minors, etc. If the proprietor of the land is a minor, or otherwise incompetent to act for himself, or if he has not been personally served with a notice of the laying out of the road as aforesaid, the jury aforesaid must be called for by the company.

SEC. 5. Sheriff to summon jury. When called upon in either of the above methods, the sheriff must as soon as practicable summon nine persons qualified to act as ordinary juries, as between the parties, and who are not interested in a similar question, a time and place must be appointed for the meeting, and reasonable notice thereof given to the parties or their agents or guardians, unless they are already acquainted with those facts.

SEC. 6. Talismen. At the time appointed, if the requisite number of qualified jurors do not appear, the sheriff must complete the number. The parties then (commencing with the agents of the company) shall in turn proceed to strike off one juror each until only three remain.

SEC. 7. Striking jury. If either party fails to strike off jurors in the manner aforesaid, the sheriff shall do the same in his place, but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. Examination and assessment of damages by jury—appeal—proviso. The three jurors so selected must then proceed to examine the ground and decide upon the amount of damages that shall be paid by the company for the right of way aforesaid, upon the payment of which amount the company is entitled to a deed for the right of way; provided that either party dissatisfied with the decision of the jury shall have the right to appeal to the district court of the county wherein said land is situated, at any time within thirty days from the making of said decision; but such appeal shall not prevent the prosecution of the work upon said road; provided the company shall first have paid or tendered the amount adjudged by said jury, and in no case shall the company be liable for costs on an appeal unless the appellant recover a greater amount of damages than first awarded.

SEC. 9. **Purposes.** The right of way acquired by virtue of this act may be retained for any of the purposes contemplated in the articles of incorporation of the company, but no other.

SEC. 10. **Agents.** Any of the notices aforesaid, if served on an agent of the proprietor of the land, are to have the same effect as if served upon the principal.

[45] SEC. 11. **Fees.** The sheriff and jurors are entitled to the same compensation as is provided for in other cases for similar services, and all the expenses caused by the proceedings above authorized must be borne by the company.

SEC. 12. **Take effect.** This act shall be in full force from and after its publication.

Approved, January 18, 1853.

CHAPTER 23.

REMOVAL OF RECORDS.

AN ACT to remove certain records relating to the half-breed tract in Lee county from the office of the recorder of deeds of Des Moines county to the clerk's office at Keokuk.

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

SECTION 1. **Transfer.** That the volume of the conveyances of lands in the half-breed reservation in Lee county, now in the office of the recorder of deeds of Des Moines county, with the indexes, be transferred to the office of the clerk of the district court at Keokuk in said Lee county, and that the said clerk be required to preserve the same in his office as a public record open for examination.

SEC. 2. **Surrender.** That the recorder of deeds of Des Moines county be, and he is hereby, required to surrender said volume of conveyances to the clerk of the aforesaid county.

Approved, January 18, 1853.

CHAPTER 24.

PRIVATE PROSECUTORS.

AN ACT to make private prosecutors liable for costs in certain cases.

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

SECTION 1. **Prosecution failing—court to award costs vs. prosecutor.** That in all prosecutions for a violation of any of the [46] penal laws in any of the courts of the state, said prosecution being at the instance of a private prosecutor, the court trying said cause, if said prosecution fails, may award costs

against said private prosecutor if, from the circumstances of the case, said court is satisfied the prosecution was malicious or without probable cause.

SEC. 2. Endorsement. That when an indictment is found at the instance of a private prosecutor, the foreman of the grand jury shall endorse thereon the name of the person at whose instance the same was found.

Approved, January 18th, 1853.

CHAPTER 25.

ADDITIONAL CONSTABLE.

AN ACT to provide for the election of an additional constable in Bloomfield township. Davis county.

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

SECTION 1. Election. That the qualified electors of the township of Bloomfield, in Davis county, are hereby authorized to elect an additional constable in said township.

SEC. 2. Poll. It shall be the duty of the officers conducting elections in said township, on the first Monday of April, one thousand eight hundred and fifty-three, to open a poll at said election for the purpose aforesaid.

SEC. 3. Qualification—constables. The person elected at said election shall proceed to qualify in the manner now provided by law, and shall hold his office until the regular term for electing constables in said township, at which time, and regularly thereafter, there shall be elected for said township three constables, of which one at least shall reside in the town of Bloomfield in said township.

SEC. 4. This act to be in force from and after its passage.

Approved, January 18th, 1853.

[47] CHAPTER 26.

BLIND ASYLUM.

AN ACT to establish an asylum for the blind.

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

SECTION 1. Asylum for blind. That there be, and hereby is established, at the capital of this state, an institution for the instruction of the blind, which shall be known as the asylum of the blind.

SEC. 2. Overseers—president—governor to appoint—term. The asylum for the blind shall be under the management and supervision of a board of overseers, consisting of seven persons, of whom the governor, superintendent of public instruction, and secretary of state, shall be ex-officio members. The superintendent shall be president of the board; the other members of the board shall be appointed by the governor; with the consent of the senate, and shall hold their offices for one, two, three, and four years respectively, and at the expiration of each of their respective terms of office, one overseer shall be appointed by the governor, with the consent of the senate, for the term of four years.

SEC. 3. Supervision. The overseers shall have the general supervision of the asylum, adopt rules and regulations for the government, prescribe the course of instruction, see that the principal and other officers of the asylum, discharge their duties faithfully, as provided in this act, or by the rules and regulations established by the board of overseers, provide teachers, servants, and necessaries for the asylum; and to do and perform all acts necessary to render the institution efficient and valuable, not inconsistent with the laws of this state.

SEC. 4. Quorum. And three of said overseers shall constitute a quorum for the transaction of business.

SEC. 5. Admission—age—poor—certificate—admit—proviso. Upon satisfactory evidence being adduced to the county court of any county in the state that there is a blind person between the age of seven and twenty-two years residing in such county, who is too poor, or whose parents are too poor, to furnish him or her with an education, it shall be the duty of the court to cause the clerk of the court to certify that [38] fact, together with the name, age, address, and cause of blindness of such person, and the name of his parents or guardian and the place of his or her nativity, to the overseers of the asylum, and upon the receipt of such certificate, the overseers shall admit such person, as a pupil of the asylum, and shall immediately forward a certificate to the auditor of the state, setting forth that said pupil has been admitted, together with the date of his or her admission: provided, that whenever in the opinion of the board of overseers there shall be a person resident of the state over the age of twenty-two and under the age of thirty-five, afflicted with blindness, who would be benefitted by instruction in this institution, by learning a trade or otherwise, they may admit such person to the asylum, to pursue such trade, occupation, or branch of learning as they may deem useful to such person, and the state shall be charged for such instruction in proportion to the expense of the same.

SEC. 6. Warrant. Upon the receipt of such certificate, the auditor shall draw a warrant on the treasurer of state, in favor of the president of the asylum, for the sum of thirty-five dollars, quarterly in advance, for the board, tuition and stationery, for said pupil, so long as he remains a pupil of said asylum.

SEC. 7. Resident. No person shall be entitled to the benefits of this institution, (except as otherwise provided in this act) unless he or she is a *bona fide* resident of this state, or unless his or her parents or guardian are residents thereof.

SEC. 8. Non-residents. Persons not residents of this state, shall be entitled to the benefits of this institution upon paying to the president thereof the sum of thirty-five dollars quarterly in advance for board and tuition of said pupil.

SEC. 9. Report. The board of overseers shall make an annual report to the governor, and a biennial report to the legislative assembly, of the condition of the asylum, the number, names, ages, residence, place of nativity, and sex of the pupils, the length of time they have been in the institution, whether supported by the state or by themselves, or their parents or friends, the studies pursued, the trades taught, and the receipts and disbursements of money made on account of the asylum.

[49] **SEC. 10. Treasurer.** The board of overseers may elect one of their number treasurer of the asylum, who shall give bond in such sum as the board may direct, conditioned for the faithful paying over all monies belonging to the asylum upon the order of the board.

SEC. 11. **Debt prohibited.** The board of overseers shall in no case create any indebtedness against the asylum or against the state, exceeding the amount appropriated by the general assembly for the maintenance of said asylum.

SEC. 12. **Appropriation.** To meet the ordinary and contingent expenses of the asylum, including rent, musical instruments, books, stationery, fuel, provisions, salaries, and furniture, to the first day of January, A. D. 1855, there be, and hereby is appropriated from the state treasury the sum of two thousand dollars.

SEC. 13. **No fees.** No remuneration shall be made to the overseers for their services.

SEC. 14. **Repeal.** All that part of chapter seventy-three of the code of the state, which relates to the blind, is hereby repealed.

SEC. 15. **Take effect.** This shall take effect from and after its publication in the Iowa Republican and Iowa Capital Reporter.

Approved, January 18th, 1853.

I certify that the foregoing act was published in the Iowa Republican and Iowa Capital Reporter, on the 2d day of February, 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 27.

INCORPORATION.

AN ACT to incorporate the town of Fort Des Moines, in Polk county.

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

SECTION 1. **Boundaries—declared a town corporate and politic.** That all that portion of the state of Iowa, included within the following limits, to-wit: beginning at the junction of the Desmoines and Raccoon rivers at the centre of the channel thereof, in the county of Polk; thence [50] up the channel of the Des Moines river to the point where the half mile line of section No. four, township seventy-eight north, of range twenty-four west, according to the United States survey, crosses said river, thence west along said half mile line to the north-west corner of the south-west quarter of said section; thence south along the section line between sections four and five and eight and nine to the centre of Raccoon river; thence down the centre of said river to the place of beginning, be and the same is hereby declared a town corporate by the name of Fort Des Moines, and the inhabitants thereof are created a body corporate and politic by the name and style of "The Town of Fort Des Moines," and by that name shall have perpetual succession, and shall have and use a common seal which they may alter and change at pleasure.

SEC. 2. When any tract of land adjoining the town of Fort Des Moines shall have been, or hereafter shall be laid out into town lots and duly recorded as required by law, the same may, by a majority of voters at any regularly notified meeting, be annexed to said town and form a part thereof.

SEC. 3. **Powers.** The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real, personal and mixed, for the use of said town, and to improve and protect, or sell, lease, convey or dispose of the same.

SEC. 4. Council. There shall be a town council, to consist of a mayor and eight councilmen, who shall be elected as hereinafter prescribed.

SEC. 5. Qualification of electors. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the town for six months, and in the ward in which he offers to vote, (provided that the wards are established,) for ten days next preceding the town election, is declared a citizen of said town, and entitled to vote at all elections thereof.

SEC. 6. Challenge, oath, etc. A person offering to vote may be challenged, as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

[51] **SEC. 7. Eligible to office.** No person shall be eligible to the office of mayor or councilman, unless he be a citizen of the town as above defined, and shall have been a resident thereof for one year next preceding his election.

SEC. 8. Election. On the first Monday of November in each year, there shall be an election held for mayor and councilmen of said town, each of whom shall hold his office for the term of one year, and until his successor is elected and qualified.

SEC. 9. Duties of mayor—justice—jurisdiction—fees—appeals. The mayor shall be the presiding officer of the town council, when present, and shall give the casting vote when there is a tie; in his absence the council may appoint a president for the time being. It is his duty to see that the laws and ordinances passed by the council are executed, and their violation punished; to keep the common seal; and to do and perform all other duties the common council may prescribe that are not inconsistent with law. He is, by virtue of his office, invested with all the powers of a justice of the peace for the purpose of hearing, trying, and determining all offences committed against the ordinances of said town, and shall receive the same fees that a justice of the peace would be entitled to in similar cases. Appeals may be taken from the decision of said mayor as in cases of justice of the peace. He shall also have power to administer oaths, and take acknowledgments of all instruments, and certify to the same under the seal of said town, and the same shall be valid in law.

SEC. 10. Quorum and powers of council. A majority of the council shall constitute a quorum. The council shall be the judge of the qualification and election of its own members; it may determine the rules of its own proceedings; it may compel the attendance of its members at its meetings in such manner and by such penalties as it may adopt; and it may cause a record of its proceedings to be kept.

SEC. 11. Wards. The council is invested with power to divide the town into wards, and to change the same from time to time as it may be deemed advisable, and each ward shall be entitled to two councilmen.

SEC. 12. Members of council not to contract. No member of the council shall be eligible to any office in the gift of the council during the time for which he [52] is elected, nor shall he be interested directly or indirectly, in the profits of any contract or job for work or service to be performed for the town.

SEC. 13. Meeting of the council. The council shall hold a meeting within one week after their election, at which time, when so convened, they shall proceed to elect an assessor, recorder, treasurer, marshal, street commissioner, and such other subordinate officers as a majority of said council may deem necessary, and prescribe by ordinance their duties, terms of office, and compensation, and require from them such bond as they may deem necessary.

SEC. 14. **Ordinances—publication.** Ordinances passed by the council shall be signed by the mayor, and attested by the recorder, and before they take effect, shall be posted up in three or more public places in said town at least ten days; and if said town is laid off into wards, then one notice shall be posted up in each ward, or published once in one or more newspapers published in said town, as the council may direct; they shall also be recorded in a book kept for that purpose, and attested by the mayor and recorder.

SEC. 15. **Recorder's duty.** It is the duty of the recorder to keep a true record of all the official proceedings of the council, which records shall be at all times open to public inspection, and he shall perform all such other duties as may be required of him by ordinance.

SEC. 16. **Official oath.** The councilmen, and other officers of said town, before entering upon the duties of their office shall take an oath to support the constitution of the United States, and of the state of Iowa, and faithfully and impartially to perform their duties to the best of their abilities. The oath of office may be administered by any person competent to administer oaths.

SEC. 17. **Fees.** No member of the council shall receive any compensation for his services, unless the majority of the voters at the annual election shall vote an appropriation therefor.

SEC. 18. **Meetings.** The council shall hold its meetings at such times, as it deems proper, having fixed stated times, and its meetings shall be public.

SEC. 19. **By-laws and ordinances—taxes—improve sidewalks, drains, wharf, etc.—fires—cattle, etc.—disorderly conduct—ferry—pave.** The town council is invested with authority to make and establish such by-laws and ordinances as are necessary [53] and proper for the good regulation, safety, and health of the town and the citizens thereof; to levy and collect taxes on all property within the limits of the corporation, which by the laws of the state is [are] not for all purposes exempt, which tax must not exceed one per cent. per annum on the assessed value thereof, and its collection may be enforced by such measures as may be deemed expedient; provided these measures be not more stringent and summary than those used for the collection of state and county taxes; to establish grades, and regulate and improve the sidewalks, alleys, and streets, and to change the grade thereof, making compensation to any person injured thereby; to provide drains, sewers, public wells, wharves and landing places, and keep them in repair, to regulate markets, but not in such a manner as to prevent any person from selling the produce of his own farm in such manner and quantity as he may deem proper; to license, regulate, and prohibit all shows or public exhibitions, if the laws of the state are not thereby interfered with; to license porters, draymen and others who transport freight from one part of the town to another, and to limit their compensation; to provide for the prevention and extinguishment of fires, and to organize and establish fire companies, to regulate the fixing of all chimneys and the flues thereof, which are now or may be hereafter put up; to prohibit hogs, cattle, horses, and all other animals from running at large within said town; to provide against gambling, disorderly and indecent houses and conduct and to make all other ordinary, proper and suitable police regulations, and impose penalties for the violation of such regulations, which penalties may be collected by civil action in the name of the town; and also to establish and keep up free ferries across the Des Moines and Raccoon rivers, to require the property-holders of any street or part of street to pave the same, or the sidewalks thereof, each in front of his own property, whenever the owners of two-thirds of the lots in such street or part of a street petition therefor; to borrow money for any object in its discretion, if at a regularly called meeting under a notice stating the nature and object of the loan and

the amount thereof as near as practicable, the citizens determine in favor of a loan [54] by a majority of two-thirds of the votes given at the election; and the said common council have power to fill all vacancies which may occur in the office of councilmen or others, until the next election and the qualification of the successor.

SEC. 20. Notice. Ten days notice of all town elections and meetings under this act shall be given by posting the same in three public places in town, or publishing the same in one or more of the public newspapers published in said town, as the council may direct.

SEC. 21. Exemptions. The inhabitants of the town of Fort Des Moines are hereby exempted from working on any road beyond the limits of the town, and the said town is hereby constituted a road district, with powers conferred on any one or more street commissioners the council may appoint, as are now conferred upon the supervisor of roads or highways, and the said council shall have the same power to provide for work on streets, alleys, and public grounds, that are within the corporate limits of said town, as are now by law or hereafter may be conferred upon the county judge or such other tribunal as the state may provide, with such authority, and they shall provide for the collection and appropriation of such work by ordinance.

SEC. 22. Take effect. This act shall take effect from and after its publication in the "Iowa Star," a newspaper published in "Fort Des Moines," in this state, provided that no expense for the publication of said law be incurred by the state.

Approved, January 18, 1853.

Published in the Iowa Star, February 3d, 1853.

GEO. W. McCLEARY,
Secretary of State.

[55] CHAPTER 28.

APPROPRIATIONS.

AN ACT making appropriations for the support of the state government, for the fiscal years of 1853 and 1854, and for the pay of mileage and per diem of the members of the fourth general assembly and its officers.

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

SECTION 1. Appropriation—for 1853-54. That the following sums of money be and the same are hereby appropriated to defray the expenses of the state government for the fiscal years of 1853 and 1854, and for the pay and mileage of the fourth general assembly and its officers, to be paid out of any monies in the treasury not otherwise appropriated.

SEC. 2. Governor. For the salary of the governor of state two thousand dollars, and for contingent expenses of governor's office six hundred dollars.

SEC. 3. Secretary of state. For the salary of secretary of state, one thousand dollars, and for contingent expenses of secretary's office, (including clerk hire,) six hundred dollars.

SEC. 4. Auditor. For the salary of auditor of state, twelve hundred dollars, for contingent expenses of auditor's office (including clerk hire) six hundred dollars.

SEC. 5. Treasurer. For salary of treasurer of state, eight hundred dollars, and for contingent expenses of treasurer's office, four hundred dollars.

SEC. 6. **Superintendent.** For salary of superintendent of public instruction, two thousand four hundred dollars, and for contingent expenses of superintendent's office, five hundred dollars.

SEC. 7. **Judges of S. C.** For salary of judges of supreme court six thousand dollars, and for contingent expenses of supreme court, five hundred dollars.

SEC. 8. **Dist. judges.** For salary of each district judge two thousand dollars.

SEC. 9. **Librarian.** For salary of state librarian three hundred dollars, and for contingent expenses of state library two hundred dollars.

SEC. 10. **Contingent.** For a general contingent fund one thousand dollars.

SEC. 11. **Report.** That the governor, secretary, auditor, treasurer, [56] librarian and superintendent of public instruction, are each required to report to the next general assembly the several items of expenditures they may pay out of their several contingent funds.

SEC. 12. **Members of Senate.** For the mileage and per diem of the members of the senate, three thousand seven hundred and fifty dollars.

SEC. 13. **Members of house.** For the mileage and per diem of the members of the house, seven thousand five hundred and thirty-six dollars.

SEC. 14. **Officers of General Assembly.** For the pay of pro tem. and permanent officers of the General Assembly and extra pay, two thousand eight hundred dollars, or so much thereof as their certificates may entitle them to.

SEC. 15. **Officers of penitentiary.** For pay of the officers of penitentiary, warden five hundred dollars, clerk three hundred and sixty dollars, deputy warden three hundred dollars, inspectors one hundred and eighty dollars per annum: twenty-six hundred and eighty dollars.

SEC. 16. This act to be in force from and after its passage.

Approved, January 18th, 1853.

CHAPTER 29.

FEES.

AN ACT allowing fees in certain cases.

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

SECTION 1. **Fees.** That the secretary of state shall receive the sum of ten cents for making out and recording each patent for lands granted by this state.

SEC. 2. **Copies of road plats.** The fees allowed the secretary in the act approved Jan. 15, 1849, shall be construed so as to apply to copies of state roads, as required by section 564 of the code of Iowa.

SEC. 3. **Take effect.** This act to take effect after its approval by the governor.

Approved, January 19th, 1853.

[57] CHAPTER 30.

FORT MADISON.

AN ACT to amend the charter of the town of Fort Madison.

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

SECTION 1. **Marshal to give--notice of sale of lots.** That the marshal give notice for eight consecutive weeks in the nearest newspaper, or by posting up in each ward a written notice, that all lots, or parts of lots, on which the taxes remain due and unpaid at the expiration of the time of publication, will be sold, or so much thereof as may be necessary, to pay the tax and cost due on the same for the year advertised.

SEC. 2. **Fees of mayor and aldermen.** The mayor and alderman shall each receive one dollar for each regular monthly meeting they attend, but no compensation other than the aforesaid shall be allowed them for services as mayor and aldermen: provided, however, that the mayor shall be entitled to his fees for his services as a judicial officer.

SEC. 3. **Expend—prohibition—vote—majority—bonds—tax to pay interest.** The said mayor and aldermen shall have power to expend the whole of the yearly revenue collected, in making improvements, or otherwise, for the use of the town, but they shall not issue bonds, or borrow money to invest in any public improvement in or out of the town, the issuing of which bonds, or borrowing of which money, will create a debt on which interest will have to be paid for a term of years, without first taking a vote of the legal voters of said town, at an election directed to be held by said board of mayor and aldermen as may be provided for by them, at which election, if the improvement proposed and the amount to be raised shall receive the approval of a majority of the votes cast at said election, the board of mayor and aldermen shall have power to issue said proposed bonds, or borrow money to invest as directed at said election, if in their judgment the town would be benefitted by said improvement, the interest which may become due on said bonds issued, or money borrowed shall be collected by a special tax to be levied and [58] collected at the same time that the general corporation tax is levied and collected, and by the same officer, the corporation board to have power to fix the amount of said special tax to pay interest.

SEC. 4. **Repeal.** That so much of sections 13, 18, and 24, of the charter of the town of Fort Madison, or any part thereof, approved January 25th, 1848, that conflicts with this act, be, and the same is hereby, repealed.

SEC. 5. This act shall take effect from and after its passage.

Approved, January 19th, 1853.

CHAPTER 31.

RIGHT OF WAY.

AN ACT granting to railroad companies the right of way.

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

SECTION 1. **Right of way—may take and use—limit—stations.** That any railroad corporation in this state heretofore organized, or that may be hereafter organized, under the laws of this state, may take and hold, under the provisions contained in this act, so much real estate as may be necessary for the location, construction, and convenient use of their road. Such corporation may also take, remove, and use for the construction and repair of said road and its appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken: provided, that the land so taken otherwise than by the consent of the owners, shall not exceed one hundred feet in width, except for wood and water stations, unless where greater width is necessary for excavation, embankment, or depositing waste earth.

SEC. 2. **Purchase—without owner's consent.** Such railroad corporation may purchase and use real estate for a price to be agreed upon with the owners thereof, or the damages to be paid by such corporation for any real estate taken as aforesaid, when not agreed upon, shall be ascertained and determined by commissioners to be appointed by the sheriff of the county, where such real estate is situated, in conformity with the provisions of this act.

[59] SEC. 3. **Property of minors, etc.** Whenever any railroad corporation shall take any real estate as aforesaid, of any minor, insane person, or any married woman whose husband is under guardianship, the guardian of such minor or insane person, or such married woman, with the guardian of her husband, may agree and settle with said corporation for all damages or claims by reason of the taking of such real estate, and may give valid releases and discharges therefor.

SEC. 4. **Proceedings in assessing damages—freeholders—report—payment—appeal.** If the owner of any real estate over which said railroad corporation may desire to locate their road, shall refuse to grant the right of way through his or her premises, the sheriff of the county in which said real estate may be situated shall, upon the application of either party appoint six disinterested freeholders of said county, not interested in a like question, unless a smaller number is agreed upon by the parties, whose duties it shall be to inspect said real estate and assess the damages which said owner will sustain by the appropriation of his land for the use of said railroad corporation and make report in writing to the sheriff of said county, who shall file and preserve the same, and if said corporation shall at any time before they enter upon said real estate for the purpose of constructing said road, pay to said sheriff for the use of said owner, the sum so assessed and returned to him as aforesaid, they shall be thereby authorized to construct and maintain their railroad over and across said premises, provided that either party may have the right to appeal from such assessment of damages to the district court of the county where such lands are situated within thirty days after such assessment is made. But such appeal shall not delay the prosecution of the work upon said railroad, if said corporation shall first pay or deposit with the sheriff the amount so assessed by said freeholders, and in no case shall said corporation be liable for the cost on appeal, unless the owner of such real estate shall be ad-

judged, and entitled upon the appeal to a greater amount of damages than was awarded by said freeholders. The company shall in all cases pay the costs of the first assessment.

SEC. 5. Notice. The freeholders so appointed shall be the commissioners to assess all damages to the owners of real estate in [60] said county, and said corporation may at any time after their appointment, upon the refusal of any owner or guardian of any owner of lands in said county to grant the right of way as aforesaid, by giving the said owner or guardian five days notice thereof in writing, either by personal service or by leaving a copy thereof at his or her dwelling, with some member of the family over fourteen years of age, having the damages assessed in the manner herein before prescribed.

SEC. 6. Talismen—fees. In case of the death, absence, or neglect, or refusal of any of said freeholders to act as commissioners as aforesaid, the sheriff shall summon other freeholders to complete the panel, and such commissioners shall proceed as directed in the preceding section. Said commissioners shall receive two dollars per day each for their services.

SEC. 7. Nonresidents. If, upon the location of said railroad, it shall be found to run through the land of any non-resident owner, the said corporation may give four weeks' notice to such proprietor, if known, and if not known, by a description of such real estate, by publication in some newspaper published in the county where such lands may be, (if there be any, and if not, in one nearest thereto,) that said railroad has been located through his or her lands, and if such owner shall not within thirty days thereafter apply to said sheriff to have the damages assessed in the mode prescribed in the preceding section, said company may proceed as herein set forth, to have the damages assessed, subject to the same right of appeal as in case of resident owners, and upon the payment of the damages assessed to the sheriff for such owner, the corporation shall acquire all rights and privileges mentioned in the fifth section of this act.

SEC. 8. In regard to crossing roads, turnpikes, etc. Any railroad corporation may raise or lower any turnpike, plank road, or other way, for the purpose of having their rail road pass over or under same; and in such cases said corporation shall put such turnpike, plank road, or other way, as soon as may be, in as good repair and condition as before such alteration.

SEC. 9. Same—proceedings. If the proprietors of said plank road or turnpike, or the trustees or city council having jurisdiction of such ways respectively, require further alterations or amendments of [61] such turnpike, road, or way, and give notice thereof in writing to the agent or secretary of such railroad corporation, and if the parties cannot agree respecting the same, either of the parties may apply to the county judge, who, after reasonable notice to the adverse party, shall make determination respecting such proposed alterations or amendments, and shall award costs in favor of the prevailing party.

SEC. 10. Damages. If such railroad corporation shall unnecessarily neglect to make such alterations and amendments thus determined upon by the county judge, the said turnpike corporation, or aggrieved city or township, shall be entitled to their damages for such neglect.

SEC. 11. Temporary ways. Every railroad corporation whilst employed in raising or lowering any turnpike or other way, or in making any other alteration by means of which the same may be obstructed, shall provide and keep in good order suitable temporary ways, to enable travelers to avoid or pass such obstructions.

SEC. 12. May cross canals, roads, etc. Any railroad corporation may construct and carry their railroad across, over, or under any railroad, canal, stream, or water course, when it may be necessary in the construction of the same; and in such cases said corporation shall so construct their railroad crossings as not unnecessarily to impede the travel, transportation, or navigation upon the railroad, canal, or stream so crossed: said corporation shall be liable for the damages occasioned to any corporation or party injured by reason of said crossing.

SEC. 13. Bridges. Every railroad corporation shall maintain and keep in good repair all bridges, with their abutments, which such corporation shall construct for the purpose of enabling their road to pass over or under any turnpike, road, canal, water course, or other way.

SEC. 14. Liable for damages. Every railroad corporation shall be liable for all damages sustained by any person in consequence of any neglect of the provisions of this act, or of any other neglect of any of their agents, or by any mismanagement of their engineers, by the persons sustaining such damages.

SEC. 15. May pass over state lands. Any railroad corporation shall be authorized to pass over, occupy, and enjoy, without payment of damages, any [62] of the school, university, and saline or other lands of this state, provided no more of such lands shall be taken than is required for the necessary use and convenience of such corporation.

SEC. 16. Causeways. When any person owns land on both sides of any railroad, the corporation owning such railroad shall, when required so to do, make and keep in good repair one causeway or other adequate means of crossing the same.

SEC. 17. Principal office. Any company organizing under this act shall, as soon as convenient after its organization, establish a principal office at some point on the line of its road, and change the same at pleasure, giving public notice in some newspaper of such establishment or change, and all process against said company shall be served on the president or secretary, or by leaving a copy at the principal office of the corporation.

SEC. 18. Sign—to give warning. Every company organized under this act shall be required to erect at all points where their road shall cross any public road, at a sufficient elevation from such public road to admit of free passage of vehicles of every kind, a sign with large and distinct letters placed thereon, to give notice of proximity of the railroad, and warn persons of the necessity of looking out for the cars; and every company neglecting or refusing to erect such sign, shall be liable in damages for all injuries occurring to persons or property from such neglect or refusal.

SEC. 19. Take effect. This act to take effect from and after its publication in the Iowa Capital Reporter and Iowa Republican, published in Iowa City.

Approved, January 18th, 1853.

I certify that the foregoing act was published in the Iowa Capital Reporter and Iowa Republican, on the 9th day of February, 1853.

GEO. W. McCLEARY,
Secretary of State.

[63] CHAPTER 32.

DESMOINES RIVER IMPROVEMENT.

AN ACT to amend "an act to secure the more vigorous prosecution of the Des Moines River Improvement" and amendatory and supplemental to all others acts now in force in relation thereto. Approved February 5th, 1851.

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

SECTION 1. **Lands—may be sold—limitation—object.** That the commissioner and register of the Des Moines River Improvement be, and they are hereby authorized and empowered to sell, and dispose of all and any lands which have been, or hereafter may be granted by congress for the improvement of the Des Moines river, in such manner as they may deem most expedient for the early completion, and vigorous prosecution of said improvement; provided, that said land shall not be sold for a less sum than one dollar and twenty-five cents per acre, or a less amount than one million, three hundred thousand dollars in the aggregate, and provided further, that the proceeds of said sales shall, after paying the present indebtedness and liability of said improvement, be devoted to its completion to the greatest extent practicable.

SEC. 2. **Wholesale or retail—tolls and water rents—proviso.** That said commissioner and register are hereby authorized and empowered, if deemed by them necessary for the best interest of the improvement, to transfer, or convey in fee simple, or by other title to any individual or individuals, company or companies, any portion or all of said lands, procure fund for the object above specified, upon in order to such terms and with such rights and privileges to the contractor, or contractors, as they may deem necessary, subject to the limitations herein contained; and they are also authorized and empowered to transfer, lease, or convey unto any such company, or companies, individual or individuals, the right to the tolls, and water rents arising from said improvement for such length of time, not exceeding twenty five years, and upon such terms as in their judgment will most certainly secure a speedy prosecution of said improvement, so as not to interfere with existing rights. Provided, that no [64] privileges shall be granted said company, or individuals which will prevent the construction of other works of internal improvement to, or through the Des Moines River Valley.

SEC. 3. **Trustees.** And they are also authorized and empowered, if deemed by them advisable or necessary to the attainment of that object to place said lands in the hands of trustees, not exceeding three in number, to be by them and the person with whom they may contract, agreed upon for the purpose of the raising means to pay off the present indebtedness and liabilities, and secure the prosecution of said work.

SEC. 4. **Contracts.** For the purpose of selling said lands, leasing said water rents, conveying the right to said tolls, or placing said lands in the hands of such trustees, except as herein otherwise provided, said commissioner and register are hereby given full power to make and enter into such agreement, or agreements, contract or contracts as may by them be deemed necessary, such contracts or agreements only being valid when signed by the commissioner and countersigned by the register, and approved by the governor.

SEC. 5. **Pre-emption—conditions.** Any of said lands which may be claimed by bona fide settlers at the time of taking effect of this act, may be purchased by such settlers at any time before the first day of December

next, under such rules and regulations as may be established by said commissioner and register, in lots not exceeding one hundred and sixty acres each; and any contract made as herein contemplated, shall reserve to said settler the right to purchase as aforesaid at the rate of one dollar and twenty-five cents per acre: provided, however, that where such bona fide settlement is now made on lands which are not now surveyed, said settlers shall have the right to purchase their said land under the regulations aforesaid at any time within one year after said lands are surveyed, at the rate per acre above named.

SEC. 6. Records. Contracts made as herein contemplated, shall be executed, filed and recorded as provided in section seventeen of the act to which this is amendatory.

SEC. 7. Take effect. This act to take effect from and after its publication in the Iowa Capital Reporter and Iowa Republican.

Approved, January 19th, 1853.

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

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

CHAPTER 33.

BOUNDARIES.

AN ACT to define the boundaries of Dallas county.

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

SECTION 1. Boundaries. That the following shall be the boundaries of Dallas county, to-wit: Beginning at the northwest corner of township eighty-one north of range twenty-five west, running thence west on the line dividing townships eighty-one and eighty-two, to the northwest corner of township eighty-one north of range twenty-nine west, thence south on the range line dividing ranges twenty-nine and thirty to the southwest corner of township seventy-eight north of range twenty-nine west, thence east on the line dividing townships seventy-seven and seventy-eight, to the southwest corner of township seventy-eight north of range twenty-five west, thence north on the range line dividing ranges twenty-five and twenty-six, to the place of beginning.

Approved, January 19th, 1853.

CHAPTER 34.

JUSTICE OF THE PEACE.

AN ACT for an additional justice of the peace in Washington township, in Warren county.

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

SECTION 1. Additional justice. That the electors in Washington township, in Warren county, be authorized to elect, on the first Monday of [66] April next, an additional justice of the peace, who shall hold his office in the town of Indianola.

SEC. 2. Take effect. This act to take effect after its publication in the *Oskaloosa Herald*; provided there shall be no expense to the state for such publication.

Approved, January 19th, 1853.

I certify that this act was published in the *Oskaloosa Herald*, Jan. 28, 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 35.

TRANSCRIBING RECORDS.

AN ACT to authorize I. D. Guiberson to transcribe the records of Madison county.

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

SECTION 1. Transcribe records. That I. D. Guiberson, of Madison county, be and he is hereby authorized to transcribe and index the records of said county, for which services he shall be paid out of the county treasury the sum of eight cents for every hundred words, and shall be allowed a reasonable compensation for indexing the same.

SEC. 2. Books. It shall be the duty of the county judge of said county to furnish suitable books for the above named purpose.

Approved, January 19, 1853.

CHAPTER 36.

CHANGE OF NAME.

AN ACT to change the name of the town of Creesville, in Jefferson county, to Botavia.

Be it enacted by the General Assembly of the State [67] of Iowa:

SECTION 1. Name changed. That the name of the town of Creesville, in the county of Jefferson, be, and the same is hereby, changed to Botavia.

SEC. 2. Record. Provided, however, that this change of name shall be recorded in the recording office of Jefferson county, within six months from and after the passage of this act.

SEC. 3. Take effect. This act shall take effect from and after its publication in the *Iowa Sentinel*, a newspaper published at Fairfield, in this state: provided, that no expense for publishing of said law shall be incurred by the state of Iowa.

Approved, January 19th, 1853.

Published in the *Iowa Sentinel*, February 24, 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 37.

INTEREST.

AN ACT to regulate the interest on money.

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

SECTION 1. Rate—contracts—judgments—money retained — accounts — no rate fixed. That the rate of interest shall be six cents on the hundred, by the year, on money due by express contract, unless a different rate be expressed in writing; on all moneys after the same becomes due, where there is no contract fixing the rate of interest on judgments and decrees for the payment of money, where no other rate is expressed; on money lent without a contract fixing the rate of interest, and on money received for the use of another, and retained beyond a reasonable time, without the owner's consent, express or implied; on money due upon the settlement of matured accounts from the day the balance is ascertained; on money due upon open accounts, after six months from the date of the last item, and on all money due, or to become due, where there is contract to pay interest, and no rate stipulated.

[68] **SEC. 2. Agreement.** Parties may agree, in writing, for the payment of interest not exceeding ten cents on the hundred, by the year.

SEC. 3. Judgment to draw same rate as instrument. Interest shall be allowed on all moneys due on judgment and decrees, of any competent court or tribunal, at the rate of six per cent. per annum, unless a different rate is fixed by the contract; on which the judgment or decree is rendered, in which case the judgment or decree shall draw interest at the rate expressed in the contract; but no judgment or decree shall draw more than ten per cent. per annum, which rate must be expressed in the judgment or decree.

SEC. 4. Prohibition. No person shall, directly or indirectly, receive in money, goods, or things in action, or in any other manner, any greater sum or value, for the loan of money, or upon contract founded upon any bargain, sale, or loan of wares, merchandise, goods, chattles, lands and tenements, than is in this act prescribed.

SEC. 5. Unlawful interest—forfeiture—judgment—use of school fund—competent witness. If it shall be ascertained, in any suit brought on any contract, that a rate of interest has been contracted for greater than is authorized by this act, either directly or indirectly, in money, property, or other valuable thing, the same shall work a forfeiture of ten per cent. per annum upon the amount of such contract to the school fund of the county in which the suit is brought, and the plaintiff shall have judgment for the principal sum, without either interest or costs. The court in which said suit is prosecuted, shall render judgment for the amount of interest forfeited as aforesaid against the defendant, in favor of the state of Iowa, for the use of the school fund of said county, whether the said suit is contested or not, and in all cases where the unlawful interest is not apparent on the contract or writing, the person contracting to pay the unlawful interest shall be a competent witness to prove that the contract is usurious, and in no case where unlawful interest is contracted for, shall the plaintiff have judgment for more than the principal sum, whether the unlawful interest be incorporated with the principal or not.

SEC. 6. Assignee—may recover of usurer. Nothing in this act shall be so construed so as to prevent the proper *bona fide* assignee of any usurious

contract recovering against usurer the full amount of the consideration paid by him for such contract, less the amount of the [69] principal money, but the same may be recovered of such usurer in the proper action before any court having competent jurisdiction.

SEC. 7. Repeal. So much of chapter 57, title 13, of the code as may conflict with the provisions of this act, is hereby repealed. This act to take effect in thirty days from and after its publication in the Iowa Capital Reporter and the Iowa Republican.

This bill having remained with the governor three day (Sundays excepted) the general assembly being in session, has become a law this 20th day of January, 1853.

GEO. W. McCLEARY,
Secretary of State.

I certify that the foregoing act was published in the Iowa Capital Reporter, and Iowa Republican on the 9th day of February, 1853.

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

CHAPTER 38.

CHANGE OF NAME.

AN ACT to change the name of Orson Hoar.

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

SECTION 1. Name changed—Orson Hubbard. That the name of Orson Hoar be, and the same is hereby changed to Oscar Hubbard.

SEC. 2. Not to affect liabilities. Nothing in this act shall, in any way, affect the rights or liabilities of the said Orson Hoar, but the same shall remain as though this act had not passed.

This bill having remained with the governor three days, (Sundays excepted) the general assembly being in session, has become a law, this 20th day of January, 1853.

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

[70] CHAPTER 39.

NAMES CHANGED.

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

SECTION 1. Names changed—Coles. That the names of Robert Cock, Lydia Cock, Esther L. Cock, John O. Cock, Samuel Cock, Albert Cock, Jesse Cock, and Wesley W. Cock, of the county of Wapello, be, and the same are hereby changed to Robert Coles, Lydia Coles, Esther L. Coles, John O. Coles, Samuel Coles, Albert Coles, Jesse Coles, and Wesley W. Coles, and that they shall, from and after the taking effect of this act, respectively be known and called by the name of Coles: provided, that such change of name shall impair none of the legal rights of the persons herein named, nor the rights of others.

SEC. 2. Take effect. This act shall take effect and be in force from and after its passage.

This bill having remained with the governor three days, (Sundays excepted) the general assembly being in session, has become a law, this 20th day of January, 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 40.

COUNTY JUDGE.

AN ACT to require county judges to give bond.

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

SECTION 1. **County judge—to give bond—condition—approval—filed.** That every county judge hereafter elected, shall, previous to entering upon the duties of his office, enter into bond, with two or more good and sufficient sureties, in a sum ten times greater in amount than his salary, conditioned for the faithful discharge of his duties as such judge, and for the payment of all public moneys which may come [71] into his hands, said bond to be approved by the prosecuting attorney and treasurer, and to be kept by the county treasurer.

SEC. 2. **County judges now in office to give bond or office forfeited.** County judges already in office shall, within sixty days after the taking effect of this act, enter into bond as prescribed in the first section hereof, and in default of their compliance with this requirement, their offices are hereby declared forfeited.

SEC. 3. **Term.** County judges hereafter elected shall hold their offices for the term of two years, and until their successors are elected and qualified.

SEC. 4. All sections or parts of sections of the code, conflicting with the provisions of this act, are hereby repealed.

Approved, January 29th, 1853.

CHAPTER 41.

BENTONSPORT.

AN ACT to vacate certain streets and an alley in the town of Bentonsport, in Van Buren county.

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

SECTION 1. **Street vacated—alley.** That so much of Fifth street, in said town, as lies between blocks forty-three and forty-four and out-lots thirty-five and thirty-six; also, so much of Marion street as lies between blocks forty-three and forty-four; also, the alley in block No. 23, be, and the same are hereby vacated.

SEC. 2. **Take effect.** This act to take effect from and after its passage.

Approved, January 19, 1853.

[72] CHAPTER 42.

RECORDS OF JONES COUNTY.

AN ACT to authorize the county judge of Jones county to have a portion of the records of said county transcribed and legalized.

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

SECTION 1. Transcribe records. That the judge of Jones county is hereby authorized and required to employ some suitable person to transcribe and index all the records of said Jones county that yet remain in unbound books.

SEC. 2. Records legalized. That all the records heretofore transcribed by order of the county judge of said county, are hereby made lawful.

SEC. 3. Fees limited. That said county judge shall not be authorized to pay for said work more than eight cents for every one hundred words.

SEC. 4. Take effect. This act to take effect and be in force from and after its passage.

Approved, January 19th, 1853.

CHAPTER 43.

CHANGE OF NAME OF TOWN.

AN ACT to change the name of Kanesville, in Pottawattamie county.

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

SECTION 1. Name changed. That the name of the town of Kanesville, in the county of Pottawattamie, be and the same is hereby changed to Council Bluffs.

SEC. 2. Take effect. This act to be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

Approved, January 19, 1853.

I certify that the foregoing act was published in the Iowa Capital Reporter and Iowa Republican, February 9, 1853.

GEO. W. McCLEARY,
Secretary of State.

[73] CHAPTER 44.

VACATION.

AN ACT to vacate a part of Ingram and Ramsay's addition to Agency City, in Wapello county.

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

SECTION 1. Vacancy of part of Agency City. That all those parts of Ingram and Ramsay's addition to the town of Agency City, in Wapello county, which lie north and west of Ann and Main streets, except lots front-

ing on said streets, and also all those parts of said addition which lie south of Main street, except lots fronting on said Main street, be, and the same are hereby vacated.

SEC. 2. **Take effect.** This act shall be in force from and after its passage.

Approved, January 21, 1852.

CHAPTER 45.

AGRICULTURE.

AN ACT to amend an act, entitled "an act for the encouragement of agriculture," approved February 6, 1851.

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

SECTION 1. **Society may draw \$200.** That any county agricultural society organized and complying with the provisions of the act, to which this is amendatory, may draw from the state treasury, two hundred dollars, in lieu of fifty dollars, as provided for in the first section of the act to which this is an amendment.

Approved, January 21, 1853.

[74] CHAPTER 46.

JUDICIAL DISTRICTS.

AN ACT fixing the boundaries of the several judicial districts, and the time of holding courts therein.

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

SECTION 1. **First judicial district.** That the counties of Lee, Des Moines, Louisa, and Henry shall compose the first judicial district.

SEC. 2. **Terms.** That terms of court shall be held in the county of Lee, at Keokuk, on the 2nd Monday of February and 4th Monday in September. At Fort Madison on the first Monday in April, and second Monday in November. In the county of Des Moines, on the fourth Mondays in April and October. In the county of Louisa, on the first Mondays of March and September. In the county of Henry, on the second Mondays of March and September.

SEC. 3. **Second judicial district.** That the counties of Dubuque, Delaware, Clayton, Alamahee, Winneshiek, Fayette, Buchanan, Black-Hawk, Bremer, Chickasaw and Howard shall constitute the second judicial district.

SEC. 4. **Term.** The terms of the court shall be held in the county of Dubuque, on the first Monday in October and fourth Monday in March. In the county of Clayton, fourth Mondays in May and October. In the county of Alamahee, first Mondays in June and November. In the county of Fayette, on the second Mondays in June and November. In the county of Delaware, on the third Mondays in June and November, and in all other counties at such times and places as the judge may direct.

SEC. 5. **Third judicial district.** That the third judicial district shall remain as now established by law as to its boundaries; and the terms of the court in said district shall be held, commencing on the first day of each term, at 11 o'clock, a. m., as follows:

Terms. In the county of Mahaska, on the second Mondays in January and August.

In the county of Wapello, on the fourth Mondays of January and August.

[75] In the county of Davis, on the second Mondays in February and September.

In the county of Van Buren, on the fourth Monday in February and September.

In the county of Jefferson, on the fourth Mondays in March, and third Monday in October.

In the county of Keokuk, on the second Monday after the fourth Monday in March, and on the first Monday in November; provided, that this act shall not take effect as to the third district, until the first day of May next.

SEC. 6. **Fourth judicial district.** That the counties of Washington, Johnson, Linn, Benton, Tama, Poweshiek and Iowa shall constitute the fourth judicial district.

SEC. 7. **Terms.** That terms of court shall be held in the county of Johnson, on the second Tuesday in April, and fifth Tuesday after the fourth Tuesday in September.

In the county of Washington, on the fourth Tuesday in April, and the first Tuesday in September.

In the county of Linn, on the first Tuesday after the fourth Tuesday in April, and the second Tuesday after the fourth Tuesday in September.

In the county of Benton, on the third Tuesday after the fourth Tuesday in April, and on the second Tuesday in September.

In the county of Poweshiek, on the third Monday of May.

In the county of Iowa, on the fourth Monday of May; and in all other counties at such time and place as the judge may direct.

SEC. 8. **Fifth judicial district.** That the counties of Marion, Jasper, Marshall, Hardin, Grundy, Butler, Floyd, Mitchell, Worth, Cerro Gordo, Franklin, Polk, Story, Webster, Wright, Hancock, Winnebago, Dallas, Boone, Yell, Humbolt, Kossuth, Bancroft, Green, Calhoun, Pocahontas, Palo Alto, and Emmett shall constitute the fifth judicial district.

SEC. 9. **Terms.** That terms of court shall be held in the county of Marion on the second Mondays of April and September.

In the county of Jasper, on the third Mondays in April and September.

In the county of Marshall, on the fourth Mondays in April and September.

[76] In the county of Polk, on the third Monday in March, and first Monday in September.

In the county of Dallas, second Mondays in May and October.

In the county of Boone, on the first Mondays in May and October. In all other counties at such time and place as the judge may appoint.

SEC. 10. **Sixth judicial district.** That the counties of Fremont, Page, Taylor, Ringgold, Union, Adams, Montgomery, Cass, Adair, Audubon and Guthrie shall constitute the sixth judicial district.

SEC. 11. **Terms.** The terms of court shall be held in the county of Fremont, on the first Mondays in March and November.

In the county of Page, on the first Mondays in April and September.

In the county of Taylor, on Thursdays after the first Mondays in April and September.

In the county of Adams, on the second Mondays in April and September.

In the county of Union, on Thursdays after the second Mondays in April and September.

In the county of Guthrie, the third Mondays in April and September.

In the county of Cass, Thursdays after the third Mondays in April and September. And in all other counties at such time and place as the judge may appoint.

SEC. 12. Seventh judicial district. That the counties of Mills, Pottawattamie, Harrison, Shelby, Monona, Crawford, Carroll, Woodbury, Ida, Sac, Plymouth, Cherokee, Buena Vista, Sioux, O'Brien, Clay, Dickinson, Oeola, and Buncombe shall constitute the seventh judicial district.

SEC. 13. Terms. That terms of court shall be held in the county of Mills, on the third Monday in March, and first Monday in October.

In the county of Harrison, on the first Monday in April and second Monday in October.

In the county of Shelby, on Thursdays after.

In the county of Pottawattamie, on the first Mondays in May and November.

In the county of Woodbury, on the third Monday in July, [77] and in all other counties at such time and place as the judges may appoint.

SEC. 14. Eighth judicial district. That the counties of Muscatine, Scott, Cedar, Jones, Clinton and Jackson, shall constitute the 8th judicial district.

SEC. 15. Terms. That terms of court shall be held in the county of Jones on the third Monday in April and first Monday in September.

In the county of Jackson, on the fourth Monday in April and second Monday in September.

In the county of Clinton, on the first Monday after the 4th Monday in April and third Monday in September.

In the county of Cedar, on the second Monday after the fourth Monday in April and fourth Monday in September.

In the county of Scott, on the third Monday after the fourth Monday in April, and first Monday after the fourth Monday in September.

In the county of Muscatine, on the fourth Monday after the first Monday in April, and second Monday after the fourth Monday in September.

SEC. 16. Ninth judicial district. That the counties of Monroe, Appanoose, Wayne, Decatur, Lucas, Clarke, Warren and Madison, shall constitute the 9th judicial district.

SEC. 17. Terms. That terms of court shall be held in the county of Monroe on the third Monday in April and first Monday in September.

In the county of Appanoose, on the second Monday after the third Monday in April and third Monday in September.

In the county of Wayne, on the fourth Monday after the third Monday in April, and the second Monday after the third Monday in September.

In the county of Decatur, on the fifth Monday after the third Monday in April, and third Monday after the third Monday in September.

In the county of Clarke, on the sixth Monday after the third Monday in April, and fourth Monday after the third Monday in September.

In the county of Madison, on the seventh Monday after the third Monday in April, and fifth Monday after the third Monday in September.

[78] In the county of Warren, on the eighth Monday after the third Monday in April, and the sixth Monday after the third Monday in September.

In the county of Lucas, on the ninth Monday after the third Monday in April, and the seventh Monday after the third Monday in September.

SEC. 18. Election of judges—returns—certificate and oath. That there shall be elected district judges in the seventh, eighth and ninth districts, on the first Monday in April next, according to the provisions of the act regulating the election of district judges, approved Feb. 16th, 1847. The

abstracts of the votes of the counties composing the seventh district to be returned to the county of Pottawattamie. Those composing the eighth district, to the county of Scott. Those composing the ninth district, to the county of Lucas, according to the provisions of the third section of the said act, and the judges elect shall be qualified to act, on receiving a certificate of election and taking the official oath, as provided for by the fourth section of said act.

SEC. 19. **Return of writs, etc.** That all writs, process and proceedings in the counties composing the several districts herein mentioned, shall be returned as now directed by law, until the judges are elected and qualified; and no suits, pleas, indictments, process, or proceedings shall be quashed or discontinued in consequence of the formation or alteration of any districts herein mentioned, or of the change of the time of holding courts in any county in said districts.

SEC. 20. **First terms—1st, 3d, and 4th districts.** That the first ensuing terms of court in each county composing the first, third, and fourth districts, shall be held at the times now provided for by law, and at all future terms in accordance with the provisions of this act.

SEC. 21. **Take effect.** This act shall be in force after its publication in the Iowa Capital Reporter and Iowa Republican.

Approved, January 22d, 1853.

I certify that the foregoing act was published in the Iowa Capital Reporter and Iowa Republican on the 9th day of February, 1853.

GEO. W. McCLEARY,
Secretary of State.

[79] CHAPTER 47.

TRANSCRIBING RECORDS.

AN ACT to authorize the transcribing so much of the records of Pottawattamie county as relates to Mills county.

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

SECTION 1. **T. G. Palmer to transcribe records—Mills county.** That Thomas G. Palmer, of the county of Mills, be and he is hereby authorized, to procure a well-bound book, in which he shall transcribe so much of the records of the county of Pottawattamie as relates to real estate, situated in the county of Mills, which record shall constitute and become a part of the records of the county of Mills.

SEC. 2. **Take effect.** That this act shall be in force from and after its publication in the Western Bugle, the expense of publication to be paid by the county of Mills.

Approved, January 21, 1853.

CHAPTER 48.

SUPERVISORS.

AN ACT providing for the election of supervisors and defining their duties.

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

SECTION 1. Trustees to district townships. That the township trustees in all the counties of the state shall meet on the first Monday in March, A. D. 1853, and every subsequent year thereafter, and divide their respective townships into such number of road districts, as they in their judgment may deem necessary for the public good.

SEC. 2. Election of supervisors—vote for one supervisor only. There shall be elected at the April election, A. D. 1853, and every subsequent year thereafter, one supervisor for each road district within each township of the counties of this state; said supervisor must reside in the district for which he was elected; and in the election of said supervisor, no elector shall vote for more than one supervisor, and none [80] other than the one residing in the district in which said elector resides.

SEC. 3. Notice—bond and oath—township clerk. Said election shall be held in conformity with the present election law; it shall be the duty of the township clerk to notify said supervisor elect, within five days after said election, which notice shall be in the following form, to wit:

Mr. (here insert the name,)—You are hereby notified that you were elected supervisor of road district No. —, in — township, — county, Iowa, for the year ending April 1st, A. D. (here insert the time when the supervisor's time of office expires,) and you are hereby required to appear before me, on or before the 20th inst., and give bond, and be sworn into office. Said clerk shall furnish each supervisor of his township with the boundaries of his district.

SEC. 4. Penalty for neglect to qualify. Any supervisor, after having been elected and notified as before directed, who shall fail to appear before said clerk (unless prevented by sickness) within the time specified, and give bond, and take an oath to faithfully, honestly, and impartially discharge the duties devolving upon him, as supervisor, according to the law, shall forfeit and pay the sum of five dollars, and in case of his failing or refusing to pay the same, it shall be the duty of his successor to collect the said sum by suit or otherwise, and apply it to the repairing of roads within his district.

SEC. 5. Bond and condition—vacancy. Each supervisor so elected, shall be required to give bond in such sum, and with such security as the township trustees may deem requisite, conditioned that he will faithfully, honestly, and impartially perform all the duties devolving upon him, and appropriate all moneys that may come into his hands by virtue of his office according to law, which bond shall be kept and filed by the township clerk among the papers of his office; and in the event of vacancy occurring in any road district within this state, it shall be the duty of the township trustees to fill the same by appointment.

SEC. 6. Notice to work—time—tools—certificate—non-residents. The supervisor shall be required to give at least three days' notice, previous to the day designated to work the roads, to all residents of his district, subject to pay road tax, between the first day of May and the first day of October, what day or days he will superintend the work on the [81] roads within

his district, and all persons desiring to work out their road tax in labor, must meet said supervisor at such time and place, and with such tools and implements as said supervisor may designate, and for such labor performed the supervisor shall give to the person so performing said labor a certificate of the number of days' work performed, which certificate shall be good in payment of road tax at the rate of one dollar for each day's labor: provided, no person shall be allowed to work out any portion of his road tax in any district other than the one in which the land lies; and the owner of land in any road district, being a non-resident thereof, shall have the privilege of working his road tax in said district, upon notifying the supervisor of his wish so to do.

SEC. 7. Age. No person over the age of fifty years, shall be liable to pay a road poll tax.

SEC. 8. To labor — pay — exempt. The supervisor shall perform the same amount of labor as is required by an able bodied man, for which he shall be allowed the sum of one dollar, out of the road fund, for every day he is actually employed, deducting therefrom the amount of his road tax. No person shall be required to serve two years in succession as supervisor; provided, that where there is no money in the hands of the clerk with which to pay the said supervisor, he shall be entitled to receive a certificate for the amount of labor performed by said supervisor, over and above his own road tax, which certificate shall be received in payment of his own road tax for any succeeding year.

SEC. 9. Clerk to give bond—to receive road fund from county treasurer. The township clerk of each township shall be required by the county judge of his county, to give bond to be approved by the judge, in the sum of twice the amount of the road tax in his township, therefore the county judge shall give an order to said clerk on the county treasurer for all moneys collected by him as road tax upon all property and polls within and for his township, upon the payment of which, by the treasurer, he shall take from said township clerk duplicate receipts for the sum thus paid him, one of which receipts said treasurer shall deliver over to the county judge, to be filed by him among the papers of his office, and said [82] judge shall charge the same to the account of the clerk upon the "road book."

SEC. 10. Distribution of road fund. The township trustees, after the payment of the supervisors, shall order the distribution of the "road fund" in the hands of the township clerk as they may deem expedient for the public interest, and the township clerk shall pay the same out as ordered by the trustees; the township clerk shall be entitled to five per cent. for all money coming into his hands by virtue of this act; and he shall be required, at least once in each year, to make a settlement with the county judge producing vouchers for all moneys paid out by him, specifying for what and to whom paid.

SEC. 11. Report of supervisors. The supervisor shall be required to report to the township trustees between the first and fifteenth day of October, which report shall embrace the amount of labor performed, the amount of money expended, and in what way expended, and the number of days he was employed in the faithful discharge of his duties, as well as the condition of the roads in his district, which report shall be signed and sworn to by said supervisor.

SEC. 12. County supervisor to settle. Each county supervisor in this state, shall make a settlement with the county judge of his county, before the first day of April next, and deliver to him all books, papers and implements in his hands or under his control; and the county judge shall apportion the same between the several townships, as equally as practicable.

SEC. 13. **Hedge.** That when any owner or occupant of land, adjoining and abutting upon any road or highway, may desire to plant a hedge upon the line of the road, he shall be allowed to build or remove his fence upon said road or highway: provided, he shall not build or remove his fence more than ten feet within the outer line of said road; and that unless the said road be sixty feet wide, the fence shall not be built or removed upon both sides at the same time, or until the fence on the first side has been taken away.

SEC. 14. **Limitation.** Such owner or occupant shall not be allowed to occupy such highway as aforesaid for the space of more than five years, and not more than twelve months, before such hedge shall be planted, and at the expiration of such time, he shall re- [83] move such fence upon the order of the supervisor of the district where such road is situated.

SEC. 15. **County treasurer's duty.** The county treasurer shall make out a list of the names of all persons who are liable to pay road tax, from the tax lists of the county, for each township respectively, together with the amount of personal, real, and poll road tax assessed against each person, in separate columns, which he shall, as soon as practicable, deliver to the respective clerks of each township.

SEC. 16. **Supervisor's duty—boards.** It shall be the duty of the supervisor to keep the roads in as good a condition as the funds at his disposal will permit, and to place guide boards at the forks of every road in his district: the trustees shall make a reasonable compensation to each supervisor, for providing and putting up guide boards in his district.

SEC. 17. **District liable for damages.** Every road district shall be responsible for all damages sustained by any person in consequence of defects in the roads and bridges in said district.

SEC. 18. **Travellers' duty—damages—fine.** Persons meeting each other on any of the public highways of this state, shall give one half of the same by turning to the right. All persons failing to observe the provisions of this section, shall be liable to pay all damages resulting therefrom, together with a fine not exceeding five dollars, to be appropriated to the repairing of roads in the district where the violation occurred.

SEC. 19. **Repeal.** Sections 573 to 581 inclusive, and sections 588 to 593 inclusive, and sections 595 to 612 inclusive, and all sections and parts of sections of the code, coming in conflict with this act, are hereby repealed—the word township or townships where it occurs in sections 583 and 584 is repealed, and the word "district" is substituted therefor.

SEC. 20. **Take effect.** This act to be in force from and after its publication in the Iowa City newspapers.

Approved, January 22, 1853.

I certify that the foregoing act was published in the Iowa City newspapers, February 2, 1853.

GEO. W. McCLEARY,
Secretary of State.

[84] CHAPTER 49.

BURLINGTON.

AN ACT to amend the charter of the city of Burlington.

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

SECTION 1. Expenses—taxes—limit. That, to defray the current expenses of said city, the city council shall have the power to levy and collect taxes on all the real and personal property in said city, not exempted by the general law from taxation: provided, that the amount of taxes levied for said purpose shall not, in any one year, exceed one dollar on each one hundred dollars' worth of property taxed.

SEC. 2. Power of city council. The city council shall have, in addition to the power already granted, full and exclusive power to grant or refuse license to sell merchandise, real estate, money, and pawnbrokers, to storage and forwarding or commission merchants, to lumber merchants, auctioneers, to hawkers and pedlars, either at wholesale or retail, to insurance, except mutual insurance companies, to keepers of billiard tables, nine or ten-pin alleys, bagatelle tables, or shuffle boards, to livery stable keepers, and also for the running of carriages, or any other vehicles for conveying persons or property, for hire; for all public concerts, or exhibitions for the public entertainment or amusement, and to require and receive for each license such sums of money as they may deem expedient and just. And all judgments rendered for violations of any ordinance in relation to licenses, shall be liens upon all the property used in violation of said ordinance, and the same may be sold to satisfy the execution.

SEC. 3. Fire—frame houses prohibited—may remove buildings. For the purpose of securing the city from the destructive ravages of fire, the city council shall have power and authority to prohibit, by ordinance, the erection of any building, or of any addition to any building heretofore erected, except the outer walls thereof shall be composed entirely of brick or stone and mortar, except by permission of the city council, and to provide for the prompt removal of any build- [85] ing or addition whatsoever, erected contrary to the intent and meaning of this section. And the city council shall also have full power to order and enforce the repair or removal of any building whatever, which shall appear to them to endanger the safety of the city or of the inhabitants thereof, either from fire or falling; and all judgments for the violation of any ordinance passed by virtue of this section, shall be liens upon the real estate upon which such building is located, and the same shall be sold to satisfy the execution.

SEC. 4. Prima facie evidence. The production of a printed copy of any ordinance of the city in any suit to which the city is a party, shall be *prima facie* evidence that said ordinance has been legally passed and published.

SEC. 5. Repeal. So much of the present city charter of said city as conflicts with this act, is hereby repealed.

SEC. 6. Take effect. This act to take effect from and after its publication in the "Iowa State Gazette" and the "Burlington Hawk-Eye," at the expense of the city.

Approved, January 22, 1853.

CHAPTER 50.

COUNTY SEAT.

AN ACT to locate the seat of justice of Black Hawk county.

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

SECTION 1. Commissioners—place and time of meeting. That A. J. Lowe, of Delaware county, and S. S. McClure and Edward Brewer of the county of Buchanan, be, and they are hereby appointed, commissioners to locate and establish the seat of justice of Black Hawk county. Said commissioners, or any two of them, shall meet at the house of E. D. Adams, in Black Hawk county, on the first Monday of May next, or within two months thereafter, as a majority of them may agree in pursuance of their duties under the provisions of this act.

SEC. 2. Oath—record. That said commissioners shall, before entering upon [86] the duties of their office, take and subscribe to the following oath, to wit: We do solemnly swear (or affirm) that we will faithfully and impartially locate the county seat of Black Hawk county, according to the best interests of said county, taking into consideration the future as well as the present population of said county. Which oath shall be filed in the office of the county judge of Buchanan county, and by him recorded.

SEC. 3. Duty—certificate—filed—county seat. Said commissioners, after being qualified as aforesaid, shall proceed to locate the seat of justice of said county; and as soon as they come to a determination, they shall make out a certificate containing a particular description of the place so selected, and upon which they have located said county seat, which shall be signed by said commissioners, and filed in the office of the county judge of Buchanan county, and the place thus designated shall be the seat of justice of said county.

SEC. 4. Fees. The said commissioners shall each receive the sum of two dollars per day while in the discharge of their duties, and two dollars for every twenty miles' travel in going to and returning, to be paid by said county.

SEC. 5. Counties attached. That the counties of Bremer, Grundy and Butler shall be, and hereby are attached to the county of Black Hawk, for judicial, elective and revenue purposes.

SEC. 6. Take effect. This act to take effect and be in force from and after publication.

Approved, January 22d, 1853.

CHAPTER 51.

ESCHEAT.

AN ACT relinquishing an escheat.

Whereas, Robert Cummings, late of Van Buren county, in this state, died on the 17th day of May, 1847, seized and possessed of the fee in and to the following described tracts [87] of land, in said county, to wit: the south-west quarter of section number seventeen, township sixty-eight north, of range eight west, and the west half of the north-west quarter of section

number twenty, in the same township and range; and whereas the said Robert Cummings, at the time of his death was an alien, and a subject of the kingdom of Great Britain, and died leaving a widow, Isabella Cummings, and no heirs of his body; and whereas, by the constitution and laws of this state, said real estate escheats to the school fund of this state to the injury of the said Isabella Cummings—therefore,

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

SECTION 1. Title of state relinquished. That all the right, title, interest, claim and demand of the state, or of the superintendent of public instruction, or of the school fund of the state, in and to the said real estate, be forever released, and conveyed to said Isabella Cummings, widow of the said Robert Cummings, and to her heirs, as aforesaid.

And be it further enacted,

Limitations. That the right of title hereby relinquished to said widow, shall not, in any way or manner enure to or vest in any prior purchaser, their heirs and assigns, by any contract made with said widow prior to the taking effect of this act; nor shall the same enure to any purchaser, their heirs or assigns, under any executor or administrator's sale, nor under any judicial sale, made prior to the taking effect of this act; but the title hereby relinquished shall vest in said widow, for her sole and separate use, unincumbered or affected by any incumbrance or lien prior to the taking effect of this act.

Approved, January 22d, 1853.

CHAPTER 52.

WEBSTER COUNTY.

AN ACT to create the county of Webster.

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

SECTION 1. Counties united—name. That the counties of Yell and Risley, be and the [88] same are hereby united into one county, to be called "Webster."

SEC. 2. Take effect. This act to take effect from and after its publication in the Iowa Star; provided the state shall incur no expense for such publication.

Approved, January 22d, 1854.

CHAPTER 53.

DECATUR COUNTY.

AN ACT to locate the seat of justice of Decatur county.

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

SECTION 1. Vote to decide—time of election—points—centre—majority—second vote—time—permanent seat of justice—deed. That the legal voters of Decatur county, may vote on the first Monday of April next, for the following points, to-wit; for either of the situations where locations have been selected,

and at the centre, or any other point the people may select within three miles of the geographical centre of said county; and if upon canvassing the votes, it is ascertained that any one point has received a majority of all the votes cast, then that shall be and remain the permanent seat of justice of said county of Decatur; but if no one point shall receive such majority, then the legal voters of said county may vote on the first Monday in May thereafter, for the two points which receive the highest number of votes at the April election; and also for such point, if there be any, that shall have receive a like number of votes with either of the two highest aforesaid, and the point receiving the highest number of votes, shall be and remain the permanent seat of justice of the county of Decatur; provided, that the owner or owners of such town or point, shall within ten days after the result of said election has been declared, make and execute to the county judge of said county, or the authorities that be, a good and sufficient deed for forty acres of land in said town, or at said point, for the use and accommodation of the public buildings of said county.

[89] **SEC. 2. Conduction of election—repeal—take effect.** Said election shall be conducted as other elections under the laws of this state. All acts or parts of acts, coming in conflict with this act, be, and the same are hereby, repealed. This act to take effect from and after its publication in the "Valley Whig," and "Keokuk Dispatch."

Approved, January 22d, 1853.

I hereby certify, that the foregoing act was published in the Keokuk Dispatch, February 8th, and Valley Whig, February 10, 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 54.

DUBUQUE.

AN ACT to amend "an act, to incorporate and establish the city of Dubuque."

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

SECTION 1. Boundaries. That the boundaries of the city of Dubuque shall hereafter be as follows: beginning at a point in the middle of the main channel of the Mississippi river, in the south line continued of section thirty-one, township eighty-nine, north of range three, east; thence west, and on the south line of said section, and of sections thirty-six and thirty-five, in the same township, in range two east, to the west line of said section thirty-five; thence north, on the west line of section thirty-five, twenty-six, twenty-three, and fourteen, to the north line of section fourteen; thence east, on the north line of sections fourteen and thirteen, to the range line between ranges two and three, east; thence north along the same, to the north line of section seven of same township, in range three, east; thence east, along the north of said section seven, and on the same continued to the middle of the main channel of the Mississippi river; thence down said river with the middle of said channel, to the place of beginning.

SEC. 2. Wards—elections—two aldermen—lot—term—five wards—aldermen. That the city council of the city of Dubuque shall divide the territory hereby brought into said city, into two [90] election districts, and shall provide for holding an election therein, in each of which shall be elected in the

manner, and at the time now provided for the election of city officers, two aldermen, whose qualifications shall be the same as now required in said city, and the city council shall thereafter consist of eleven members. The mayor shall continue to be elected annually, but the aldermen from each ward and district shall immediately after such election, decide by lot, which aldermen, so elected in each ward or district, shall hold for the term of two years, and which for the term of one year, and the aldermen so elected, shall respectively hold for the term so indicated. The said city council shall as soon as practicable after such election, proceed to divide said city into five wards, as public convenience may require, the boundaries of which may in like manner be altered, whenever the city council may deem proper; in each of which wards there shall be elected in each year thereafter, one alderman to hold for the term of two years.

SEC. 3. Assessed—damages—jury—deed. That all lands lying within the territory hereby brought into the city and not laid out into town lots or out-lots, shall not be assessed or taxed otherwise than by the acre, according to its value for agricultural, horticultural, mining, or other purposes; but all improvements thereon may be taxed at full value. And the city shall make adequate compensation to all person or persons injured by reason of the opening, extension, widening, or alteration of any highway, street, or alley in said city, to ascertain which, when such amount cannot be otherwise agreed upon, the said city council shall cause to be summoned six freeholders, and citizens of said city, not directly interested in the case, good and lawful men, who, being first duly sworn for that purpose, shall inquire into, and take in consideration the benefits, as well as the injury which may accrue, and shall estimate and assess the damages which would be sustained by reason of the opening, extending, widening, or altering of any highway, street, or alley, which damages, if any, shall be paid out of the city treasury; and upon the payment of the same, the person or persons, whose property has been so taken, shall deed to the city forever all such property for the purposes for which it is taken.

[91] **SEC. 4. City created a road district—road tax—how applied—exemption.** The city of Dubuque is hereby constituted a special road district, and the city council shall have power in addition to the taxes otherwise authorized, to levy road taxes, not exceeding the amount allowed to be levied by the county court, and may provide for the payment and collection of the same in a manner similar to that provided for the collection of county road taxes, or in the manner other city taxes are collected. They may also provide for the manner in which all such taxes shall be expended on the streets and highways in such city; and all persons and property rightfully taxed within said city in accordance with this section, are thereby exempt from all taxes to that extent for roads to the county.

SEC. 5. Council to supervise. The county supervisor of roads, or the township supervisor of Julien township, in said county, is not required to expend labor upon, or to exercise any control or supervision over the roads or streets in said city, but the duties and responsibilities imposed by law on such officer generally, shall as to the highways and streets in said city, devolve upon the city council, or upon such officer as they may appoint to take charge of the same.

SEC. 6. Council may levy a tax—vote—limitation. That, to defray the current expenses of said city, the city council may levy, in any year, in the manner now provided by law, a tax not to exceed one-half of one per cent. upon the assessed value of all property taxed; provided, that if in any year the city council shall deem it necessary for the same purpose, to levy a tax beyond the amount thus limited, they may submit the question of such ad-

ditional amount to the legal voters of said city at a special election in the manner provided in the twenty-seventh section of the act hereby amended; and if a majority of such votes shall thus express their wishes in favor thereof, then such city council may levy such additional amount, and provide for the collection thereof: provided, such additional sum shall not, with the sum already levied for the same purpose in any one year, exceed the sum of one per cent. upon the assessed value of the property taxed within said city: and provided, such tax shall only be levied for one year, by reason of any vote thereon, unless the question is again submitted and again carried by a majority of votes thereon.

[92] **SEC. 7. Compensation of council.** That each member of the city council of said city, shall receive a compensation for his services as such, to be fixed by ordinance, to be paid out of the city treasury; but such compensation shall not exceed one dollar per day, nor shall any one member of said council receive a compensation for his services as such, to exceed fifty-two dollars in any one year.

SEC. 8. Council may appoint officers. That the city council shall have power to appoint all officers or deputies, which may be necessary in their opinion for the municipal government of said city, whose election is not provided for by the act to which this is amendatory, by name, and who shall each, before entering upon their respective duties, take the necessary oath and give such reasonable bonds as the said council may require.

SEC. 9. Indebtedness—notice—present orders—orders not presented repudiated. That to ascertain the outstanding indebtedness of said city, the city council may publish a notice in one or more of the public newspapers published in said city, for four weeks, notifying and requiring all persons having any outstanding order and orders on the treasury, which have not been duly registered and countersigned by the treasurer, to present the same to the city treasurer for registering within ninety days from the first publication of such notice; and it shall be the duty of such treasurer to register and countersign the same, noting the date, amount, and to whom issued, with the name of the person holding or presenting the same, in a book to be by him kept, and to report the same to the city council. And all orders not so presented nor registered shall not thereafter be paid or received in payment by the treasurer, or by any officer in payment of any dues to the city: provided, that any order or orders duly issued or unpaid, but not so presented or registered, may be presented to the city council as other unpaid accounts against said city, and may be allowed or otherwise disposed of, as the said council may seem [deem] just.

SEC. 10. Schools. That it shall be the duty of the city council, and they are hereby authorized and required, to provide for the establishment and support of public schools within said city, and to pass all ordinances, and levy and collect all necessary taxes proper for such purposes, and for the good government [93] of the same; provided, that no tax shall be levied and collected in any one year beyond one fourth of one per cent. upon the assessed value of all property, taxed for the purposes in this section stated.

SEC. 11. Exemption. That all real estate owned by the city in its corporate capacity, shall be exempt from taxation for state, county or city purposes.

SEC. 12. Take effect—repeal. That this act shall take effect from and after its publication in the Miners' Express and Dubuque Herald, published in the city of Dubuque, and any thing contained in the act to which this is amendatory, and which is inconsistent with the foregoing provisions of this act, is hereby repealed; provided, the publication shall be at the expense of the city of Dubuque.

Approved, January 22d, 1853.

CHAPTER 55.

TOOLSBOROUGH.

AN ACT to vacate a part of the town of Toolsborough, in Louisa county.

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

SECTION 1. **Vacated.** That so much of the town of Toolsborough, in Louisa county, as is north of Main street, and east of Mound street in said town, except block number forty-three be, and the same is hereby declared vacated.

Approved, January 22d, 1853.

CHAPTER 56.

GUARDIANS.

AN ACT requiring guardians to account for the property of minors.

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

SECTION 1. [94] **Guardians to render acc't—liability.** That all guardians of minors, hereby are required to appear at least once in each year before the county judge, and render an account of all moneys or other property in their possession, together with all the interest which may have accrued on moneys loaned belonging to the minor or minors.

SEC. 2. In case the said guardian shall fail to appear before the county judge within the time above specified, he shall forfeit and pay into the county treasury the sum of fifty dollars as in other actions of misdemeanor.

Approved, January 22, 1853.

CHAPTER 57.

SECTION 2868 CODE.

AN ACT to repeal section 2868 of the Code, requiring the testimony taken before the recognizing magistrate to be reduced to writing.

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

SECTION 1. **Repeal.** That section 2868 of chapter 165 of the Code, with such other parts of said chapter, as requires the testimony taken before the recognizing magistrate to be reduced to writing, and certified to the district court with the papers in the case, be and they are hereby repealed.

Approved, January 22, 1853.

CHAPTER 58.

CHANGE OF VENUE.

AN ACT to allow a change of venue in suits pending before justice of the peace.

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

SECTION 1. Venue. That in all cases pending before a justice of the peace [95] either party before the trial is commenced may have a change of venue, upon filing an affidavit that said justice is prejudiced against him, or is of near relation to the other party, is a material witness for the affiant, or that the affiant cannot obtain justice before said justice.

SEC. 2. Justice to transmit papers. When said change of venue is allowed, said justice shall transmit all the original papers in said case, and a transcript of his proceedings to the next nearest justice in the township, if there be any, if not, to the next nearest justice in his county, which said justice shall proceed to try said case.

Approved, January 24, 1852.

CHAPTER 59.

B. S. BRYAN.

AN ACT to authorize Benjamin S. Bryan, a minor, to sell and convey a lot in the town of Cedar Rapids.

Recitation. Preamble—Whereas, Benjamin S. Bryan, a minor, holds, and is possessed of a lot in the town of Cedar Rapids, known as lot No. (9) nine, in block No. (31) thirty-one, as designated on the recorded plat of said town—And whereas, The said Bryan desires to sell and convey said lot, and it is desirable and important that such sale and conveyance should be legal and valid—Therefore,

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

SECTION 1. May sell lot No. 9, block No. 31, in Cedar Rapids. That the said Benjamin S. Bryan, a minor as aforesaid, is hereby authorized to sell and convey the said lot, in Cedar Rapids, known as lot No. (9) nine, in block No. (31) thirty-one, as designated in the recorded plat of said town, and the said sale and conveyance be, and are hereby declared good and valid in law, to the same extent as if the said Bryan was of legal age.

SEC. 2. Take effect. This act shall be in force from and after its passage.

Approved, January 24, 1853.

[96] CHAPTER 60.

FAYETTE COUNTY.

AN ACT to re-locate the county seat of Fayette county.

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

SECTION 1. Commissioners. That Silas Sawyer, of Dubuque county, E. K. Beckford, of Clayton county, and D. A. Mahony, of Dubuque, are hereby appointed commissioners to re-locate the county seat of Fayette county.

SEC. 2. Place and time of meeting—oath. Said commissioners or a majority of them shall meet at the house of William Russell, in said county, on the first Monday in May, 1853, or within sixty days thereafter, and shall there, before a person authorized to administer oaths, take an oath, or affirmation, to faithfully carry out the design and provisions of this act.

SEC. 3. Location—vote—proviso. In making the location hereby authorized, said commissioners shall take into consideration the present and prospective interests and convenience of the people of said county, and if it be consistent with such interest and convenience, they shall locate said county seat at or near the geographical centre of the county; provided however, that the voters of said county shall have the privilege of voting for or against said location (provided any other point be selected than the present seat of justice) at the next August election, to be regulated in the same manner as other elections.

SEC. 4. Grounds for public buildings. Said commissioners are hereby authorized and empowered to obtain for said county, either by purchase or donation, a suitable lot, or tract of land, for the use of the said county, for the erection of public buildings, etc., from the proprietor or proprietors of the land on which said county seat may be by them located, and the county of Fayette shall abide, and be bound by such contract, whether of gift or purchased.

SEC. 5. Report—removal of records—notice. When the location shall have been made, the commissioners shall immediately inform the county judge of the same, together with all their proceedings therein, and it shall then be the duty of the county judge to provide as soon as it may be conveniently done, for the removal of the records [97] and public offices of said county to the place so selected, and designated as county seat, and the county judge shall also inform the people of said county, by written or printed notices, put up in at least three public places in each township of said county, that (here he shall designate the place selected by the name which the commissioners are hereby authorized to give, unless the county seat should be located at some town already named)—place has been selected as the county seat of said county.

SEC. 6. Fees—travel—how paid. Said commissioners shall each receive for their compensation for discharging the duties hereby authorized, two dollars per diem, while engaged in such service, and two dollars for every twenty miles travelled going to and returning from the place so selected as county seat, from their respective places of residence, which compensation shall be audited by the county judges, and paid by the county treasurer of said county.

SEC. 7. **Repeal.** All acts and parts of acts repugnant to, or contravening this act, are hereby repealed.

SEC. 8. **Take effect.** This act shall take effect from and after its publication in the Dubuque Herald and Dubuque Tribune: provided, that the state shall be at no expense for the same.

Approved, January 24, 1853.

CHAPTER 61.

ESTATE OF DECEDENTS.

AN ACT to amend chapter eighty-three of the code.

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

SECTION 1. **Repeal—dower—evidence of marriage.** That section thirteen hundred and ninety-four of the code, be, and the same is hereby repealed, and that there be enacted in lieu thereof, the following, to wit: section 1394. One-third in value of all the real estate in which the husband at any time during the marriage had a legal or equitable interest, and to which the wife has made no relinquishment of [98] her rights, shall under the direction of the court, be set apart by the executor, as her property in dower upon the death of the husband, if she survives him. Said estate in dower to be and remain the same as at common law; continuous cohabitation as husband and wife, is presumptive evidence of marriage for the purpose of giving the right aforesaid.

SEC. 2. **Repeal—property indivisible may be appraised—yearly rent.** Be it further enacted, that sections fourteen hundred and four, fourteen hundred and five, and fourteen hundred and six, be, and the same are hereby repealed, and that there be enacted in lieu thereof the following, to wit: section 1404. If the referees report that the property cannot be readily divided as above directed, the court, if satisfied with such report, may order the whole to be appraised, and may fix a reasonable yearly rent thereon, and may order the whole to be sold, subject to one-third of said yearly rent, which the court shall order to be secured by the purchaser thereof to said widow during her natural life, which rent, so secured upon said land, shall be a lien thereon.

SEC. 3. **Repeal—husband to heir from wife.** Be it further enacted, that section fourteen hundred and twenty-one, be, and the same is hereby repealed, and that the following be enacted in lieu thereof, to wit: section 1421. All the provisions hereinbefore made in relation to the widow of a deceased husband, shall be applicable to the husband of a deceased wife. The estate, by courtesy is hereby abolished.

SEC. 4. **Personal property.** Be it further enacted, that said widow is entitled to receive the same amount of personal property that she is entitled to receive by virtue of section thirteen hundred and ninety, and that her title thereto shall remain absolute.

Approved, January 24, 1853.

[99] CHAPTER 62.

COMMISSIONER OF DESMOINES RIVER IMPROVEMENT.

AN ACT to authorize the commissioner of the Des Moines river improvement to sell certain lands.

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

SECTION 1. Commissioner to sell—\$1.25 per acre—county seat. That the commissioner of the Des Moines river improvement, be and he is hereby authorized to sell at one dollar and twenty-five cents per acre to the county judge of Boone county, for the use of the seat of justice of said county, the northwest quarter of section twenty-nine, of township eighty-four, north of range twenty-six west.

SEC. 2. Take effect. This act to take effect and be in force from and after its passage.

Approved, January 24, 1853.

CHAPTER 63.

IOWA CITY.

AN ACT to incorporate Iowa City.

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

SECTION 1. Boundaries. That the town of Iowa City, situated in section ten and the northwest quarter of section fifteen, in township seventy-nine, north of range six west, in Johnson county, is hereby declared to be a city, by the name of "Iowa City."

SEC. 2. Incorporation. The said city is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

SEC. 3. Council. The legislative authority of the city is vested in a city council, consisting of a mayor and board of aldermen, composed of three from each ward of the city.

SEC. 4. Wards—may be changed. The said city shall be divided into three wards, as follows, to wit: That portion lying south of Burlington street, [100] shall constitute the first ward; that portion lying north of Burlington street, and south of Jefferson street, shall constitute the second ward; and all that portion lying north of Jefferson street, shall constitute the third ward: provided, that the said city council may change, unite, or divide the said wards, or any of them, whenever they shall think it for the interest of the city.

SEC. 5. Qualification of voters. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city six months, and of the ward in which he offers his vote ten days next preceding a city election, is declared a citizen of the said city, and is entitled to vote at all the elections thereof.

SEC. 6. Conducting elections. The elections of the city (for officers) shall be conducted in a manner as similar to that in which the elections are conducted in the townships as the nature of the case permits.

SEC. 7. **Challenge—oath.** A person offering to vote may be challenged, as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

SEC. 8. **Eligible to office.** No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and has been a resident thereof for one year next preceding his election.

SEC. 9. **Election—council—quorum—term.** That the qualified electors of said city shall, on the first Monday of April, A. D. 1853, and annually, on the same day, thereafter, elect a mayor, and at the same time nine aldermen, a recorder, assessor, treasurer, and marshal; and the mayor and aldermen so elected, when assembled together, and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. They shall be elected for the term of one year, and until their successors are elected and qualified. The mayor, recorder, assessor, treasurer, and marshal shall be elected by the legal voters of said city.

SEC. 10. **Three aldermen to each ward.** Three aldermen shall be elected in each ward by the legal voters thereof.

SEC. 11. **Duty of mayor.** It shall be the duty of the mayor to see that the laws [101] and ordinances of the city are executed, and their violation punished; to superintend and direct the official conduct of the subordinate officers; to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties and exercise such powers as pertain to the office of the mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

SEC. 12. **Mayor ex-officio justice of peace—jurisdiction.** He shall be a conservator of the peace within the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction, for the violation of the ordinances of the city, and with criminal jurisdiction of offences against the laws of the state, committed within the city, and with civil jurisdiction, limited to the city in the same manner as that of justices is or may be limited to their townships. He shall not be disqualified from acting in such judicial capacity by any proceeding being in the name of or behalf of the city.

SEC. 13. **Appeals—fees—preside.** Appeals to the district court in the same county, shall be allowed from the judgments and decisions of the mayor, in the same cases, time and manner as may at any time be allowed by law from those of other justices, and they shall be tried as in other cases. He will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace. He shall be the presiding officer of the city council, when present, and shall give the casting vote when there is a tie; and in his absence the council may appoint a president for the time being from their own body.

SEC. 14. **Council judge of the election, etc., of members—record.** The council shall be the judge of the qualifications and election of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and may compel the attendance of its members in such manner, and by such penalties, as it may adopt.

SEC. 15. **Marshal's duty—deputies—fees.** The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor; and in cases for the violation of the city ordinances, and of the criminal laws of the state, may execute the same in any part of the county; and he shall

have the same authority within [102] the city to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the sheriff has within his county, and may, in the same cases, and under the same penalties, require the aid of the citizens, and perform all duties imposed by the council; he may, with the approval of the council, appoint one or more deputies, and discharge them, and he shall be responsible for their doings, when acting officially. For the service of legal process, he shall be entitled to the same fees as a constable, and for services required by the council, such compensation as it may allow.

SEC. 16. **Bond.** The treasurer, recorder, assessor and marshal shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinances not inconsistent with law.

SEC. 17. **Proclamation—elections.** In all elections for city officers, the mayor shall issue a proclamation to the voters of the city, or of the several wards, as the case may require, naming the time and place or places for election, and the officers to be chosen, and cause a copy to be posted up in each ward, at least ten days previous to the day of election. The poll shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open till four o'clock in the afternoon. Within two days after the election, the judges of the election shall make their returns to the president of the city council, who shall examine them at their next meeting, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

SEC. 18. **Ineligible.** No member of the city council shall be eligible to any office within the gift of the council during the time for which he is elected, nor shall he be interested directly or indirectly, in the profit of any contract, or job of work, or services to be performed for the city.

SEC. 19. **Ordinances—publication—recorded.** Ordinances passed by the city council shall be signed by the mayor, attested by the recorder, and before they take effect, be published in one or more newspapers, published in the city, at least ten days; and if there be no such newspaper, they shall be posted up in each ward the same length of time. They shall also be recorded in a book, to be kept for that purpose, and signed by the mayor, and attested by the recorder.

[103] SEC. 20. **Recorder's duty.** It is the duty of the city recorder to keep a true record of all the official proceedings of the city council, and such record shall at all times be open to the inspection of any citizen.

SEC. 21. **Oath—who may administer.** The mayor, aldermen, marshal, treasurer, recorder, and assessor, shall take an oath to support the constitution of the United States, and of the state of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the council. The oath of office may be administered by the mayor or recorder, when he is qualified; and in the transaction of the business of the corporation, those officers, and the president for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

SEC. 22. **Fees.** The recorder, marshal, and assessor shall receive such fees as the city council deem right, not exceeding the amount allowed county or township officers for such services.

SEC. 23. **Meeting of council.** The council may hold its meetings as it sees fit, having fixed stated times, or provide the manner of calling them by ordinance; and its meetings shall be public.

SEC. 24. **Council may appoint certain officers.** The council may appoint in such manner as it determines, and during its pleasure, street commis-

sioners, a clerk of the market, city surveyor, health officers, and such other officers as it deem advisable, and may prescribe their duties, powers, and qualifications, and may prescribe for the election of any such officers by the citizens.

SEC. 25. **Vacancy.** When a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record until the next election, and the qualification of the successor.

SEC. 26. **City council's authority—ordinances—fines.** The city council is invested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace; to suppress riots, gambling and drunkenness, or indecent or disorderly conduct, to punish lewd behavior in public places, and generally to provide for the safety and prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dol- [104] lars, which may be recovered by civil action in the name of the city, or by complaint before the mayor as in criminal proceedings before a justice of the peace, and the laws of the state relating to carrying into effect a judgment of a justice of the peace imposing a fine, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

SEC. 27. **Same—wharf.** The council is authorized to establish and organize fire companies, and to provide them with fire engines and other apparatus; and it has the control of the landing on the Iowa river, and may regulate the landing, wharfage, and dockage of all water crafts, goods, lumber, and other things landed or taken from the same.

SEC. 28. **Powder.** The council may regulate the keeping and sale of gunpowder within the city.

SEC. 29. **License—shows, etc.—gaming tables—exceptions—liquor.** The council have the exclusive authority to provide for the license, regulation and prohibition of all exhibitions, shows and theatrical performances; billiard tables, ball and ten pin alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character—when the laws of the state permit or refuse licenses for the sale of intoxicating liquors, that matter shall be within the exclusive authority of said council, and it may at all times prohibit the retail of such liquors, unless such prohibiting would be inconsistent with the laws of the state, at the time existing; and the said council is authorized to revoke or suspend any of the above licenses, when it deems that the good order and welfare of the city require it.

SEC. 30. **Health—drains—city may.** The council may make all necessary ordinances in relation to the cleanliness and health of the city; and may require the owners of lots, on which water becomes stagnant, to drain or fill up the same; and in default thereof, after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots and cause them to be sold by the collector of the city, as in the case of taxes; and the owner may redeem from such sale as in case of a sale for tax.

SEC. 31. **Drayage, etc.—hogs, etc.** It may regulate the system of cartage and drayage within the city, and may issue license therefor; and may pro- [105] hibit hogs from running at large within the city, and may prohibit other animals from running at large from the first day of November to the first day of April.

SEC. 32. **Moneys—publish.** The council shall provide by ordinance for the keeping of the public moneys of the city, and the manner of disbursing

the same, and shall audit all claims against the city, and all officers of the city are accountable to the council in such manner as it directs. It shall publish annually a particular statement of the receipts and expenditures of the city and of all debts owing to and from the same.

SEC. 33. **Grade of wharves and streets.** It has the exclusive authority to establish the grades of wharves, streets and alleys of the city, and may change the same upon the petition of two-thirds the value of the real property on both sides of the street, when it is desired to change.

SEC. 34. **Imprisonment.** Imprisonment for the violation of any ordinance shall not exceed fifteen days, and the county jail shall be the place of imprisonment, but at the expense of the city.

SEC. 35. **Taxes—exempt improvements by vote—limit—dogs—limitation of tax.** The city council is authorized to levy and collect taxes, not exceeding one-half of one per cent. on all property within the city, which is liable for state and county taxes, including improvements on such property; and it may exempt such improvements, when it is so determined by a vote of a majority of all the voters of the city; but when such an exemption takes place, the rate of tax on personal property shall not exceed that above named, and the rate on realty shall not exceed one and one-half of one per cent. on the valuation; the council may also levy a tax on dogs, or may prohibit their running at large in the city; provided, that the tax thus levied and collected, when improvements are included, shall not exceed one-fourth of one per cent., and when improvements are exempt as above named, one-fourth of one per cent. on personal property, and one per cent. on real property, until otherwise determined by the qualified electors of the city, at an annual election or a special election, held for that purpose.

SEC. 36. **Collector—notice.** The marshal, or in case of his absence or disability, such person as the council may appoint in his stead, shall be the collector of taxes; and before proceeding to collect the [106] same, shall give thirty days notice of the assessment and levy of the tax, and the rate thereof, in general terms, without the names or description of property, in a newspaper printed in the city, if there be one, and if not, then by three months notice in the most public places in each ward.

SEC. 37. **Appeal.** During the thirty days, any person aggrieved by this assessment or taxation, may appear before the council, which may correct the same if found erroneous.

SEC. 38. **Distrain—sell.** The marshal may distraint upon personal property liable to taxation, and sell the same for payment, if not paid in reasonable time after demanded, as constables may sell personal property on execution.

SEC. 39. **Lien—sale.** Taxes on real property shall be a lien thereon, and it may be sold therefor, when the taxes remain unpaid for six months after posting the notice of the tax.

SEC. 40. **Notice of sale—purchaser.** Such sale must be at auction, and there must be thirty days' notice prior to the sale, given as above provided for, notifying the assessment and tax. In such sale, he who bids to pay the amount due for the least quantity of land will be the highest bidder; and the manner of ascertaining the portion bid for, shall be as in the state revenue law.

SEC. 41. **Deed.** The marshal shall execute and deliver to the purchaser a deed, running in the name of the state, which shall have the same force and effect as the deed of the treasurer of the county in like circumstances on sales for county and state taxes.

SEC. 42. Powers of council—pavements—road tax—working roads—super-visors. The council have the control of the streets and alleys and public grounds of Iowa City, and may cause sidewalks to be paved in the same, and to this end, it may require the owners of lots to pave or repair the same, contiguous to their respective lots, and in case of neglect after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed on the contiguous lots, which shall have the effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption. All road tax which may hereafter be paid upon any property in Iowa City, in lieu of labor, shall be paid to the proper authorities of said city, for the improvement of the streets thereof; any person being a resident of [107] said city, subject by the laws of this state to do work upon roads and highways, shall be required to do and perform, or cause the same to be done, under the direction of the proper authorities, upon the streets of said city, or public roads and highways leading thereto, as said authorities may direct. The city council shall supercede the road supervisor in all jurisdiction within the corporate limits, and perform all of their duties.

SEC. 43. Schools. The city council is hereby invested with full control and authority over the common schools in said city, and shall receive and disburse all the school tax levied upon property within said city, or receive from the school fund for distribution therein, within the limits of said city.

SEC. 44. Borrow money. The council are authorized to borrow money for any object in its discretion, if at a regular notified meeting, under notice stating distinctly the nature and object of the loan, and the amount thereof, as nearly as practicable, the voters of the city determine in favor of the loan by a majority vote of two-thirds of the votes given at the election, and said loan can in no case be diverted from the specified object.

SEC. 45. Charter submitted to a vote of the city—election of officers—court house—time. On the passage of this act the trustees of Iowa City township, shall cause a vote to be taken on the acceptance of this charter, in the manner in which township elections are now called and holden; in which the vote shall be "for the charter" or "against the charter," and shall be by ballot, and at the same time and place, and by said trustees, an election shall be held for the election of a mayor and nine aldermen, three aldermen from each ward; also, for a recorder, treasurer, marshal and assessor; if said vote result in favor of said charter, the result shall be so declared and entered of record, and thenceforth the same is accepted. The foregoing election shall be held at the court house, in Iowa City, on the first Monday of April, A. D., 1853, shall be opened between the hours of nine and ten o'clock, a. m. and kept open until 4 o'clock, p. m., of said day.

SEC. 46. Take effect. This act to take effect from and after its passage.

Approved, January 24th, 1853.

[108] CHAPTER 64.

COUNCIL BLUFFS CITY.

AN ACT to incorporate the City of Council Bluffs.

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

SECTION 1. Boundaries—city of Council Bluffs. That the town of Council Bluffs, in the county of Pottawattamie, in this state, which town is situated on the following described land, to-wit: the north half of the west half, of

the south west quarter of section thirty, township seventy-five, range forty-three; the south east quarter of section twenty-five, and the south half of the east half of the south west quarter of section twenty-five, township seventy-five, range forty-four; also the north half of the east half of the north west quarter of section thirty-six, and the north half of the west half of the north east quarter of section thirty-six, in township seventy-five, range forty-four, together with all additions that may be hereafter made thereto, and duly recorded, is hereby declared to be a city, by the name of Council Bluffs.

SEC. 2. Incorporated. The said city is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

SEC. 3. Council. The legislative authority of the city, is vested in a city council, consisting of a mayor and board of aldermen composed of three from each ward of the city.

SEC. 4. Wards. The said city shall be divided into three wards, as follows, viz: That portion lying east of Hyde street, shall constitute the first ward; that portion lying north of Main street, shall constitute the second ward; that portion lying south of Main street, shall constitute the third ward; provided, that the said city council may change, unite or divide the said wards, or any of them, whenever they shall think it for the interest of the city.

SEC. 5. Qualification of voters. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city six months, and of the ward in which he offers his [109] vote ten days, next preceding a city election, is declared a citizen of the said city, and is entitled to a vote at all the elections thereof.

SEC. 6. Conduction of elections. The elections of the city officers, shall be conducted in a manner similar to that in which the elections are conducted in the townships, as the nature of the case permits.

SEC. 7. Challenge—oath. A person offering to vote, may be challenged as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

SEC. 8. Who are eligible. No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and have been a resident thereof for one year next preceding his election.

SEC. 9. Election of officers—council—quorum—term. That the qualified electors of said city shall on the first Monday of April, A. D., 1853, and annually on the same day thereafter, elect a mayor, and at the same time nine aldermen, a recorder, assessor, treasurer and marshal; and the mayor and aldermen so elected, when assembled together, and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business; they shall be elected for the term of one year, and until their successors are elected and qualified; the mayor, recorder, assessor, treasurer and marshal, shall be elected by the legal voters of said city.

SEC. 10. Number of aldermen. Three aldermen shall be elected in each ward by the legal voters thereof.

SEC. 11. Mayor's duty. It shall be the duty of the mayor to see that the laws and ordinances of the city are executed and their violations punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties and exercise such powers as pertain to the office of mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

SEC. 12. **Authority—justice of the peace ex officio.** He shall be a conservator of the peace within the city, and ex officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the city ordinances and with criminal jurisdiction of offences against the laws of the [110] state committed within the city and with civil jurisdiction limited to the city in the same manner as that of justices, as may be limited to those townships; he shall not be disqualified from acting in such judicial capacity by any proceedings being in the name or in behalf of the city.

SEC. 13. **Appeal—fees—pro tempore.** Appeals to the district court in the same county, shall be allowed from the judgments and decisions of the mayor in the same cases, time and manner as may at any time be allowed by law, from those of other justices, and they shall be tried as in other cases; he will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace. He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie; and in his absence the council may appoint a president for the time being from their own body.

SEC. 14. **Council to be judge of qualification of its members.** The council shall be the judge of the qualifications and election of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and may compel the attendance of its members in such manner and by such penalties as it may adopt.

SEC. 15. **Marshal's duty—fees.** The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all processes directed to him by the mayor, and in cases for the violation of the city ordinances and of the criminal laws of the state may execute the same in any part of the county; and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the sheriff has within his county, and may in the same cases, and under the same penalties require the aid of the citizens, and perform all duties imposed by the council; he may, with the approval of the council appoint one or more deputies, and discharge them; and he shall be responsible for their doing, when acting officially. For the service of legal process, he shall be entitled to the same fees as a constable, and for services required by the council such compensation as it may allow.

SEC. 16. **Bonds.** The treasurer, recorder, assessor, and marshal shall give such bond, perform such duties, and exercise such pow- [111] ers as may be required of them by ordinance, not inconsistent with law.

SEC. 17. **Proclamation—time and place of election—returns—recorded.** In all elections for city officers, the mayor shall issue a proclamation to the voters of the city or of the several wards, as the case may require, naming the time and place for such election, and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days previous to the day of election: the polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon. Within two days after the election the judges of the election shall make their returns to the president of the city council, who shall examine them at their next meeting, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

SEC. 18. **Ineligible.** No member of the city council shall be eligible to any office within the gift of the council during the term for which he is elected; nor shall he be interested directly or indirectly in the profits of any contract or job of work or services to be performed for the city.

SEC. 19. Ordinances—publication—recorded. Ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect be published in one or more newspapers printed in the city at least ten days, and if there be no such newspaper, they shall be posted up in each ward the same length of time; they shall also be recorded in a book to be kept for that purpose, and signed by the mayor and attested by the recorder.

SEC. 20. Duty of recorder. It is the duty of the recorder to keep a true record of all the official proceedings of the city council, and such records shall at all times be open to the inspection of any citizen.

SEC. 21. Oath. The mayor, aldermen, marshal, treasurer, recorder, and assessor, shall take an oath to support the constitution of the United States and of the state of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the council: the oath of office may be administered by the mayor or recorder, when he is qualified, and in the transaction of the business of the [112] corporation, those officers and the president for the time being may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

SEC. 22. Fees. The recorder, marshal, and assessor, shall receive such fees as the city council shall deem right, not exceeding the amount allowed county or township officers for similar services.

SEC. 23. Meetings of council. The council may hold its meetings as it sees fit, having fixed stated times, or provide the manner of calling them by ordinance, and its meetings shall be public.

SEC. 24. Council may appoint certain officers. The council may appoint, in such manner as it determines during its pleasure, street commissioners, a clerk of the market, city supervisor, health officers, and such other officers as it may deem advisable, and may prescribe their duties, powers and qualifications, and may provide for the election of any such officers by the citizens.

SEC. 25. Vacancy. When a vacancy occurs in any of the elective city offices, the council may fill the vacancy by appointment of record until the next election, and the qualification of the successor.

SEC. 26. Authority of council—fine. The council is vested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace, to suppress riots, gambling and drunkenness, and indecent or disorderly conduct, and to punish lewd behavior in public places, and in general to provide for the safety and prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars, for each offense, which may be recovered in a civil action in the name of the city, or by complaint before the mayor, as in civil proceedings before a justice of the peace, and the laws of the state relating to carrying into effect a judgment of a justice of the peace imposing a fine, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

SEC. 27. Fire companies. The council is authorized to establish and organize fire companies, and provide them with fire engines, hose, and other apparatus.

[113] **SEC. 28. Powder.** The council may regulate the keeping and sale of gun powder within the city.

SEC. 29. License—limitation—liquor. The council shall have the exclusive authority to provide for the license and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball alleys or other bowl-

ing saloons, ten-pin or other alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character. When the laws of the state permit or require license for the sale of intoxicating liquors, that matter shall be within the exclusive authority of said council, and it may at all times prohibit the retail of such liquors, unless such prohibition would be inconsistent with the laws of the state, and no license shall be granted for less than one hundred dollars each for that purpose.

SEC. 30. Health, etc. The council may make all necessary ordinances in relation to the cleanliness and health of the city, and may require the owners of lots, on which water becomes stagnant, to drain or fill up the same; and in default thereof, after reasonable notice, may cause the same to be done at the expense of the city, and assess the cost thereof on the specific lots, and cause them to be sold by the city collector as in case of taxes, and the owner may redeem from such sale as in case of a sale for tax.

SEC. 31. Drayage, etc. Said council may regulate the system of cartage, drayage, hacks and omnibuses within the city, and may issue license therefor; and may prohibit hogs and other animals from running at large within the limits of said city.

SEC. 32. Public money. The council shall provide by ordinance for the keeping of the public money of the city, and the manner of disbursing the same; and shall cause all claims against the city to be audited, and all city officers are accountable to said city council in such manner as it directs. Said council shall publish annually a particular statement of receipts and expenditures of the city, and of all debts owing to and by the same.

SEC. 33. Grades. Said council shall have exclusive authority to establish the grades of all streets and alleys in the city, and may change the same upon the petition of the owners of two [114] thirds in value of the real property on both sides of the street, when it is desired to be changed.

SEC. 34. Imprisonment. Imprisonment for the violation of any ordinance shall not exceed fifteen days, and the county jail shall be the place of imprisonment, but at the expense of the city.

SEC. 35. Taxes—rate—dogs—limitations. The city council is authorized to levy and collect taxes not exceeding one-half of one per cent. on all property within the city, which is liable for state and county taxes, including improvements on such property, and it may exempt such improvements when it is so determined by a vote of all the voters of the city; but when such exemption takes place, the rate of tax on personal property shall not exceed that above named, and the rate on realty shall not exceed one and one-half per cent. on the valuation; said council may also tax and prohibit dogs from running at large in the city: provided, that the tax thus levied and collected, when the improvements are included, shall not exceed one-fourth of one per cent., and when improvements are exempt as above named, one-fourth per cent. on personal property, and one per cent. on real property, until otherwise determined by the qualified electors of the city at an annual election or a special election held for that purpose.

SEC. 36. Collector—notice. The marshal shall be collector, or in case of his absence, or disability, such person as the council may appoint in his stead shall be the collector of taxes, and before proceeding to collect the same, shall give thirty days' notice of the assessment and levy of the tax, and the rate thereof in general terms, without the name or description of the property, in a newspaper printed in the city, if there be one; if not, then by three months' notice in the most public places in each ward.

SEC. 37. **Appeal.** During the thirty days, any person aggrieved by the assessment or taxation, may appear before the council, which may correct the same, if found erroneous.

SEC. 38. **Distrain.** The marshal may distrain upon personal property liable to taxation, and sell the same for payment, if not paid in reasonable time after demand, as constables may sell personal property on execution.

SEC. 39. **Lien.** Taxes on real property shall be a lien thereon, and [115] it may be sold therefor when the taxes remain unpaid for six months after posting the notices of the tax.

SEC. 40. **Sales.** Such sale must be at auction, and there must be thirty days' notice prior to the sale given as above provided for, notifying the assessment and tax; in such sale he who bids to pay the amount due for the least quantity of land will be the highest bidder, and the manner of ascertaining the portion bid for, shall be as in the state revenue law.

SEC. 41. **Deed.** The marshal shall execute and deliver to the purchaser a deed running in the name of the state, which shall have the same force and effect as the deed of the treasurer of the county in like circumstances on sales for county and state taxes.

SEC. 42. **Public ground—pave—sell lots—redemption.** The council have the control of the streets and alleys, and public ground of the city of Council Bluffs, and may cause side walks to be paved in the same, and to this end it may require the owners of lots to pave or repair the same contiguous to their respective lots, and in case of neglect, after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed on the contiguous lots, which shall have the same effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption.

SEC. 43. **Borrow money.** The council are authorized to borrow money for any object in its discretion, if, at a regular notified meeting, under a notice stating distinctly the nature and object of the loan and the amount thereof as nearly as practicable, the voters of the city may determine in favor of the loan by a majority of two-thirds of the vote given at the election, and such loan can in no case be diverted from the specified object.

SEC. 44. **Road tax.** All road tax which may hereafter be paid upon any property in the city of Council Bluffs, in lieu of labor, shall be paid to the proper authorities of said city for the improvement of the streets thereof.

SEC. 45. **Working roads.** Any person being a resident of said city, subject by the laws of this state to do work upon roads and highways, shall be required to do and perform, or cause the same to be done, under the direction of the proper authorities, upon the streets of said city or public roads and highways, leading [116] thereto, as said authorities may direct; the city council shall supercede the road supervisor in all jurisdiction within the corporate limits, and perform all of their duties.

SEC. 46. **Submitting charter to a vote—election of officers—returns—notice—oath.** On the passage of this act, the county judge of Pottawattamie county shall order an election for the purpose of submitting this charter to the citizens of said city, which election shall take place on the first Monday in March, A. D. 1853, and shall be conducted in all respects as now provided by law, and returns thereof made to the county judge of said county, and in the event that a majority of all the votes polled are in favor of said charter, then it shall be the duty of the said judge to order an election in each ward in said city, to be held at such places in each ward as he may think proper, for the election of mayor, recorder, treasurer, mar-

shal, assessor, and three aldermen from each ward, which election shall be held on the first Monday in April, 1853, and conducted in all respects as now provided by law, and returns thereof made to the county judge, whose duty it shall be to notify the persons elected to the respective offices named in this section, who shall enter upon their duties by taking the oath of office prescribed in this act.

SEC. 47. Take effect. This act to take effect from and after its publication in the Western Bugle, and Frontier Guardian and Sentinel: provided, said publication be done without any expense to the state.

Approved, January 24, 1853.

CHAPTER 65.

SWAMP LANDS.

AN ACT supplemental to an act entitled "An act to dispose of the swamp and overflowed lands within this state, and to pay the expenses of selecting and surveying the same," approved January 13th, 1853.

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

SECTION 1. Returns made to secretary—his duty. That, so soon as the examination and survey of the swamp and overflowed lands in any of the counties of this [117] state, shall be completed by the county surveyor, (or other person appointed for that purpose,) a full and complete return of the same shall be forwarded to the secretary of state, whose duty it shall be to report the same to the surveyor general.

SEC. 2. Expenses how paid. That all expenses which may have accrued prior to the passage of this act, in any of the counties of this state for the examination and survey of said swamp and overflowed lands, shall be paid in accordance with the provisions of the act to which this is amendatory.

Approved, January 24th, 1853.

CHAPTER 66.

DAVENPORT.

AN ACT to amend the act to incorporate the city of Davenport.

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

SECTION 1. Addition to city—1st addition—2nd addition—3d addition—4th addition—all included in city. That the charter of said city be so amended as to include and embrace within the limits of said city the following described tracts or parcels of land, to-wit: a tract or block of land, bounded on the west by Rock Island street, on the north by Sixth street, on the east by Iowa street, and on the south by Fifth street, of said city; also, all the land included within the following described limits, to wit: bounded on the west by Rock Island street, on the north by Third street, on the east by Iowa street, and on the south by Second street, of said city; also the following tract of land, to wit; bounded on the east by the original town of

Davenport, on the south by Green's addition to Davenport, and on the west by Cook and Sargent's addition thereto, and on the north by the land and addition of G. C. R. Mitchell; the tract of land hereby added to said city of Davenport, being known as the land of Samuel Hirschl. Also, the following tract of land to wit: beginning on Second street of said city, at or near the north-west corner [118] of block No. one (1) in the original town of Davenport, thence running west on the south line of said Second street, to a point due south of the south-west corner of Cook and Sargent's first addition to said city; thence south to the Mississippi river, thence east along the meanders of said river to the south-west corner of said block one (1); thence north along the west side of said block No. one (1), to the place of beginning. All of which foregoing described tracts of land are hereby declared to be within the boundaries of said city of Davenport.

SEC. 2. Additions may be included. Tracts of land laid off into town lots adjoining to the present boundaries of said city, shall be a part of said city, whenever the same are duly recorded as required by law.

SEC. 3. Take effect. This act is to be in force from and after its publication for two successive weeks in the Banner and Gazette, printed in the said city of Davenport: provided, said publication shall be at the expense of said city.

Approved, January 24th, 1853.

I certify that the foregoing act was published in the "Banner," and "Gazette," Davenport, and that the last publication in the "Banner" was on the 11th Feb., and the last publication in the "Gazette" was on the 10th Feb., 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 67.

APPORTIONMENT.

AN ACT to re-apportion the state into representative districts.

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

SECTION 1. Representative districts—1st district, 1 representative. That the counties of Alamakee and Winneshiek shall constitute the first representative district, and shall have one representative.

2nd district, 2 representatives. The county of Clayton the second district, and shall have two representatives.

3rd district, 1 representative. The counties of Fayette, Chickasaw, Butler, Bremer, Black [119] Hawk, Grundy, Franklin, Cerro Gordo, Floyd, Howard, Mitchel, and Worth, the third district, and shall have one representative.

4th district, 1 representative. The counties of Delaware and Buchanan, the fourth district, and shall have one representative.

5th district, 4 representatives. The county of Dubuque, the fifth district, and shall have four representatives.

6th district, 2 representatives. The county of Jackson, the sixth district, and shall have two representatives.

7th district, 1 representative. The county of Jones, the seventh district, and shall have one representative.

8th district, 1 representative. The counties of Jackson and Jones, the eighth district, and shall have one representative.

9th district, 1 representative. The county of Cedar, the ninth district, and shall have one representative.

10th district, 1 representative. The county of Clinton, the tenth district, and shall have one representative.

11th district, 2 representatives. The county of Scott, the eleventh district, and shall have two representatives.

12th district, 1 representative. The counties of Cedar, Clinton and Scott, the twelfth district, and shall have one representative.

13th district, 1 representative. The county of Washington, the thirteenth district, and shall have one representative.

14th district, 1 representative. The county of Louisa, the fourteenth district, and shall have one representative.

15th district, 1 representative. The counties of Washington and Louisa, the fifteenth district, and shall have one representative.

16th district, 2 representatives. The county of Muscatine, the sixteenth district, and shall have two representatives.

17th district, 4 representatives. The county of Des Moines, the seventeenth district, and shall have four representatives.

18th district, 3 representatives. The County of Henry, the eighteenth district, and shall have three representatives.

19th district, 6 representatives. The county of Lee, the nineteenth district, and shall have six representatives.

20th district, 2 representatives. The county of Linn, the twentieth district, and shall have two representatives.

21st district, 1 representative. The county of Johnson, the twenty-first district, and shall have one representative.

[120] **22d district, 1 representative.** The counties of Johnson and Iowa, the twenty-second district, and shall have one representative.

23rd district, 1 representative. The counties of Poweshiek, Jasper, Benton and Tama, the twenty-third district, and shall have one representative.

24th district, 4 representatives. The county of Van Buren, the twenty-fourth district, and shall have four representatives.

25th district, 3 representatives. The county of Jefferson the twenty-fifth district, and shall have three representatives.

26th district, 2 representatives. The county of Davis, the twenty-sixth district, and shall have two representatives.

27th district, 2 representatives. The county of Wapello, the twenty-seventh district, and shall have two representatives.

28th district, 1 representative. The counties of Wapello and Keokuk, the twenty-eighth district, and shall have one representative.

29th district, 1 representative. The county of Keokuk, the twenty-ninth district, and shall have one representative.

30th district, 1 representative. The county of Appanoose, the thirtieth district, and shall have one representative.

31st district, 1 representative. The county of Monroe, the thirty-first district shall have one representative.

32nd district, 1 representative. The counties of Wayne, Decatur, Lucas and Clarke, the thirty-second district, and shall have one representative.

33rd district, 2 representatives. The county of Mahaska, the thirty-third district, and shall have two representatives.

34th district, 1 representative. The county of Marion, the thirty-fourth district, and shall have one representative.

35th district, 2 representatives. The counties of Marion, Warren, and Madison, the thirty-fifth district, and shall have two representatives.

36th district, 1 representative. The county of Polk, the thirty-sixth district, and shall have one representative.

37th district, 1 representative. The counties of Polk, Dallas, and Guthrie, the thirty-seventh district, and shall have one representative.

38th district, 1 representative. The counties of Greene, Boone, Story, Hardin, Webster, Yell, Fox, Pocahontas, Humbolt, Wright, Hancock, Kossuth, Palo Alto, Emmett, Bancroft, Winnebago, and Marshall, the thirty-eighth district and shall have one representative.

39th district, 1 representative. The counties of Fremont, Page, Taylor, and Ringgold, the thirty-ninth district, and shall have one representative; and the election returns shall be made to the county judge of Page county.

[121] **40th district, 1 representative.** The counties of Mills, Montgomery, Adams, Union, Adair, Audubon, and Cass, the fortieth district, and shall have one representative; and the election returns shall be made to the county judge of Cass county.

41st district, 2 representatives. The county of Pottawattamie the forty-first district, and shall have two representatives.

42nd district, 1 representative. The counties of Harrison, Shelby, Carroll, Crawford, Monona, Woodbury, Ida, Sac, Buena Vista, Cherokee, Plymouth, Sioux, O'Brien, Clay, Dickinson, Oceola, and Buncombe, the forty-second district, and shall have one representative.

SEC. 2. Elections how conducted. That elections in said districts shall be conducted in all respects as now provided for by law, except as herein-after provided.

SEC. 3. Judges to meet in certain districts. The county judges of the counties composing the 8th, 12th, 15th, 22d, 28th, 35th, 37th, and 42d districts, shall meet as provided for in the 296th section of the code, on the third Monday after the election.

SEC. 4. Take effect. This act shall be in force from and after its publication.

Approved, January 24th, 1853.

CHAPTER 68.

RECORDS.

AN ACT to provide for transcribing certain records, of Polk county.

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

SECTION 1. Recorder of Warren county—transcribe records of Polk county—books. That the recorder of Warren county, be and he is hereby authorized to transcribe from the records of Polk county, all deeds, mortgages, bills of sale, releases and conveyances of whatever kind, relating to the real estate or property lying and situated in township No. seventy-seven

(77) north of ranges twenty-two, twenty-three, twenty-four and twenty-five, except so much of range twenty-two aforesaid as lies north east of the Des-moines river. Said records [122] to be transcribed into well bound books, to be for that purpose furnished by the county judge of said Warren county.

SEC. 2. **Made valid.** Such records when transcribed and deposited in the office of the recorder of Warren county, shall have the same effect and be of the same validity as if the conveyances therein had been originally recorded in said office.

SEC. 3. **Fees.** Said recorder shall receive from the county treasury of Warren county, the sum of ten cents per folio of one hundred words for transcribing, and a reasonable compensation for indexing said records.

Approved, January 24, 1853.

CHAPTER 69.

ASSESSORS.

AN ACT to amend chapter thirty-seven of the code, in relation to assessors:

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

SECTION 1. **Township assessors—election.** That there shall be elected on the first Monday of April, 1853, and annually thereafter, by the qualified voters in each township in this state, one township assessor, who shall hold his office for one year, and until his successor is elected and qualified, and shall perform all duties that are, or may hereafter be, required of him by law.

SEC. 2. **Bond.** Each assessor before entering upon the duties of his office, shall give bond with two or more securities to the acceptance of the township trustees, or in counties not organized into townships, of the county judge, in the sum of two hundred dollars, payable to said trustees or county judge, conditioned for the faithful and impartial performance of his duty according to law, which bond shall be deposited with the township clerk, or the county clerk of the county court in counties not organized, and by him preserved.

SEC. 3. **Failure office vacant.** If any assessor shall not give bond and security as [123] required in the preceding section, within ten days after his election, his office shall be considered vacant.

SEC. 4. **Vacancy.** In all cases where the office of assessor shall become vacant by death, removal from the township, resignation, failure to give bond, or from any other cause, the township trustees, or county judge, as the case may be, shall forthwith appoint some suitable person in the township to fill the vacancy.

SEC. 5. **Qualify.** The person so appointed, shall give bond as required in the second section, and hold his office until the next annual election, and until his successor is elected and qualified.

SEC. 6. **Suit on bond.** Suit may be instituted in the name of the obligees of the bond of the assessor, either by the state, county, township, or any person injured by his misconduct in office, or for the omission of any duty, before any tribunal having jurisdiction of the same.

SEC. 7. **Fees.** The assessor shall be allowed one dollar and fifty cents for each day the county judge may be satisfied he has been faithfully and

necessarily employed in the discharge of his duties, to be paid out of the county treasury.

SEC. 8. Penalty for refusing to serve. Any person elected or appointed to the office of assessor, who shall neglect or refuse to serve therein, shall forfeit and pay to the county the sum of five dollars, to be recovered in the name of the township, and it shall be the duty of the county treasurer to demand, receive, sue for, and pay over the same into the county treasury.

SEC. 9. Meet to classify. The several assessors of each county, shall meet together at the office of the county judge of their county, on the third Monday of April annually, and classify the several descriptions of property required to be assessed, for the purpose of equalization of such assessments.

SEC. 10. Board of equalization. The said assessors shall also meet at the office of said judge, on the first Monday of July in each year, and in conjunction with the county judge, shall form a board of equalization of such assessments as may be made by them.

SEC. 11. Code amended. Section six hundred and thirteen of the code, is hereby amended so as to read "township assessors," instead of county assessors.

SEC. 12. State tax. There shall be levied for state taxes, until further [124] provided by the General Assembly, one and one-quarter mill on a dollar of the assessed property in the State.

SEC. 13. Code amended. The fifth clause of section four hundred and fifty-five is amended so as to read not exceeding ten acres, instead of three acres, and the tenth clause of said section is repealed and stricken out.

SEC. 14. Time to commence assessing—returns. The assessors shall enter upon the discharge of their duties respectively on or before the fourth Monday of April of each year, and with the assistance of each person assessed, make out a list of the property in their township respectively, which by law is subject to assessment and taxation; they shall arrange their returns in alphabetical order, and deposit the same with the county judge on or before the first Monday in July.

SEC. 15. Refusing to list fine. Any person who shall refuse to assist in making out a list of his property, when required so to do by the assessor or to subscribe the oath required by law, shall forfeit the sum of five dollars to be recovered in the name and for the use of the county.

SEC. 16. Code amended.—\$100 worth of tools exempt. Chapter thirty-seven of the code is amended in this, wherever the word July occurs the word August is substituted, and where the word September occurs the word October is substituted. The words "the sum of ten dollars" in section five hundred and five, are hereby repealed and stricken out. The word "sleds" and the words "all other property not above exempted, although not herein specified," in section four hundred and fifty-six, and the words "amount of all other personal property not enumerated" in section four hundred and seventy-one, and the words "and whether situated in this state or not," in section four hundred and fifty-six, are repealed, and stricken from those sections; provided, that farmers' and mechanics' tools to the extent of one hundred dollars for each farmer and mechanic shall be exempted from taxation.

SEC. 17. Tax on pedlars. A tax for state purposes shall be levied upon pedlars of watches, jewelry, and clocks, dry goods, fancy articles, notions, patent medicines, and other merchandize not manufactured in this state, for a license to peddle throughout the state for one year, as follows: upon each pedlar of watches [125] and jewelry, or either of them, thirty dollars; upon each pedlar of clocks, fifty dollars; upon each pedlar of dry goods, fancy

articles, notions and patent medicines, as follows: upon each foot pedlar of such articles, ten dollars; upon each pedlar who pursues his occupation with a carriage drawn by one animal, twenty-five dollars; if drawn by two and less than four animals, fifty dollars; if drawn by four or more animals, seventy-five dollars.

SEC. 18. Duty of county treasurer—auditor to direct payment. Every county treasurer in this state shall pay into the state treasury all moneys in their hands belonging to the state, on the fifteenth day of January, and the first day of September in each year, except when otherwise directed by the auditor of state. The auditor of state may require such county treasurer to make two additional payments in each year, or he may direct them, or any one of them, to omit paying the amount due to the state, and to hold the same subject to the order of the auditor.

SEC. 19. Repeal. The second clause in the 454th section of the code, and sections 180, 470, 472, 477, 479, 481, 482, 483, and 510 of the code, and that part of chapter 37 which conflicts with the provisions of this act, are hereby repealed.

SEC. 20. Take effect. This act to take effect from and after its publication in the Iowa Capital Reporter and Iowa Republican.

Approved, January 22, 1853.

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

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

CHAPTER 70.

DELAWARE COUNTY.

AN ACT to appoint a commissioner to perform certain duties in Delaware county.

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

SECTION 1. Commissioner—to sell town lots—public buildings. That Thomas Helm, of Delaware county, be, [126] and he is hereby appointed, a commissioner, with power to sell all, or any of the unsold and unappropriated town lots of the town of Delhi, in said county, and expend the proceeds upon the court house and jail of said county, or so much thereof as he may deem necessary to complete the same, and for no other purpose.

SEC. 2. Bond—oath. Said commissioner shall give bond in the penal sum of two thousand dollars, for the use of said county, to the acceptance of the clerk of the district court, and take the usual oath of office.

SEC. 3. Certificate—deed—report. Said commissioner shall give the purchaser a certificate of sale, and the county judge, upon the presentation of said certificate, shall execute and deliver to said purchaser a good and sufficient deed for the lot or lots therein described, and make a semi-annual report of his doings to the county judge, on the first Monday of April and October, and receive a reasonable compensation, to be allowed by the county judge, and paid out of the county treasury.

SEC. 4. Repeal. So much of the act to which this is supplemental and amendatory, as conflicts with this act, is hereby repealed.

SEC. 5. Take effect. This act shall take effect, and be in force from and after its publication.

Approved, January 22, 1853.

CHAPTER 71.

SALINE LANDS.

AN ACT to dispose of the saline lands.

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

SECTION 1. **Sale.** That the saline lands may be sold, and the proceeds thereof appropriated in the manner herein provided.

SEC. 2. **How sold—condition.** The sales shall be made by the same officer, and under the same regulations, as though the lands formed a portion of the school lands of this state; and said officer shall execute a bond to the state of Iowa, in the penalty of [127] (\$10,000) ten thousand dollars, with sureties to be approved by the county judge of the county, in which the lands to be sold lie, conditioned for the faithful performance of the duties of his office connected with said saline lands, and for the faithful disposition of all moneys arising therefrom, according to law.

SEC. 3. **Pre-emption.** Any head of a family or single person, over the age of twenty-one years, who is an actual resident upon such lands at the time he makes his application, is entitled to a pre-emption: provided, he makes application therefor before the first day of September next.

SEC. 4. **Entry.** After the first day of September next, the lands may be sold by private entry in the usual manner.

SEC. 5. **Officer governed by school law—minimum.** The officer selling said lands shall be governed by the school laws, so far as regards the sales for cash or partial credit, and rules of pre-emption; and said lands shall be sold on the same terms as school lands: provided, the minimum price of said lands, shall be fixed at one dollar and twenty-five cents per acre.

SEC. 6. **Proceeds.** The proceeds arising from the sale of saline lands shall be disposed of according to law.

SEC. 7. **Money to be paid into state treasury.** Unless otherwise provided by law, the officer selling said lands, shall dispose of the proceeds arising from the sale thereof, by paying the same annually on the first Monday of December, or oftener, if required by the treasurer of state, into the state treasury.

SEC. 8. **Take effect.** This act to take effect and be in force from and after its publication in the Iowa Capital Reporter and Des Moines Republic.

Approved, January 22d, 1853.

I certify that the foregoing act was published in the Iowa Capital Reporter, Feb. 9, and in the Des Moines Republic, Feb. —, 1853.

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

[128] CHAPTER 72.

COUNTY JUDGES.

AN ACT requiring county judges to pay into the county treasury all money received by them from the sale of county property.

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

SECTION 1. **County judges to pay.** The county judge shall pay into the county treasury all monies and county warrants received by him from the sale of town lots, or other county property, which he is empowered by law

to sell in his county, within twenty days from the receipt of the same; and upon failure thereof, he shall pay twenty per cent. upon all money so received from the date of its reception.

SEC. 2. Take effect. This act to be in force from and after its publication.

Approved, January 22, 1853.

CHAPTER 73.

PRECINCT.

AN ACT to create an additional election precinct in Village township, Van Buren county.

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

SECTION 1. Precinct—boundaries—elections. That all that part of Village Township, in said county, which lies south of the Des Moines river, be, and the same is hereby declared an election precinct, in which there shall be a poll opened, and elections held as in other townships in said county.

SEC. 2. Judges and clerk. The judges and clerks of the first election in said precinct shall be appointed by the county judge of Van Buren county; but those to conduct all subsequent elections, shall be chosen by the qualified voters of said precinct, each year.

SEC. 3. Justice and constable. That at the April election, in 1853, and every two years thereafter, there shall be elected in said precinct, one justice [129] of the peace, and one constable; the justice and constable to qualify and hold their offices as other justices and constables now do.

SEC. 4. Remain. That for all other purposes than elections, and the election of justices of the peace, constables, trustees and clerks of election, the said precinct shall remain a part of Village township.

SEC. 5. Take effect. This act shall be in force from and after its passage.

Approved, January 22d, 1853.

CHAPTER 74.

DELINQUENT TAX.

AN ACT to enforce the claims of the state and county against lands, and lots, on which the owners have failed to pay the taxes charged hereon prior to 1851.

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

SECTION 1. Taxes a lien. That in case when from any cause whatever the state, county and school taxes remain unpaid on any tract of land, or city or town lot, within this state, the same shall continue a lien thereon until paid, with the interest allowed by the law, under which the same accrued.

SEC. 2. County judge to inquire into the delinquent tax list.—treasurer to furnish list—correct errors— delinquent tax not paid by January 1854—collected under the code. That on the first Tuesday in June, the county judge in each county shall hold open court (continuing from day to day if necessary) for the purpose of enquiring into the delinquent taxes, at which time the county treasurer shall lay before him a complete list of all the lands, and city and town lots in his county, on which taxes remain unpaid for any

year prior to the year 1851, which list shall show the amount of tax, interest and penalty due on each tract, and the year for which the same is due, and any person interested in any tract of land, or town or city lot, may appear and have any error corrected in regard to the amount charged against any such land or lot; and the judge, after making such corrections, where errors are shown to exist, shall attach to such list his official certificate stating his proceeding thereon; [130] and if in the said delinquent taxes, together with the interest and penalties which may have accrued, shall not be paid before the first day of January, 1855, said delinquent taxes, together with said interest and penalties, shall be collected in the same manner as provided in the code of Iowa for the collection of taxes remaining unpaid on the first day of January.

Approved, January 22, 1853.

CHAPTER 75.

SOLOMON BOND.

AN ACT for the relief of Solomon Bond.

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

SECTION 1. Refund—arbitration. That the commissioner and register of the Des Moines River Improvement, be and are hereby required to refund to Solomon Bond seventy dollars—money collected from him for a certain forty acres of land, lying in Marion county, which land was sold to him at the rate of three dollars per acre; provided, that the officer in charge of the Des Moines River Improvement, shall agree to submit said claim to arbitration, said officer choosing one arbitrator, and the claimant another—said arbitrators, in case of a disagreement, to choose a third, and said arbitrators shall determine said claim according to justice and equity, and shall be governed by the provisions of the code, regulating arbitrators and their proceedings; provided, said officer refuse to pay said claim without said arbitration.

SEC. 2. Take effect. This act to take effect and be in force from and after its publication in the Oscaloosa Herald.

Approved, January 22, 1853.

[131] CHAPTER 76.

CODE OF IOWA.

AN ACT granting to certain officers therein named, a copy of the code and laws of Iowa.

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

SECTION 1. Officers entitled to the code—laws—none to be printed—supervisors last. That each sheriff, coroner, justice of the peace and township clerk of this state, shall be entitled to a copy of the code of Iowa, together with a copy of all acts of the general assembly of this state, which have been, or hereafter may be passed, subsequent to the adoption of the code;

provided, that no additional copies of the code shall be printed by reason of anything herein contained; and provided further, that if there be not a sufficient number of copies of the code printed, to furnish all the officers aforesaid, those already printed shall be equally distributed among the several organized townships of this state, and road supervisors shall be the last supplied.

SEC. 2. Duty of secretary. The secretary of state shall ascertain as soon as practicable what number of copies of the code and laws of 1850-1 will be required in addition to those remaining in the hands of the county clerks, to comply with the provisions of this act, and he shall forward the same to said clerks, who shall on application deliver them to the several officers in their counties, according to the provisions of section one, and take receipts for the same.

SEC. 3. To successors—or clerk. Persons obtaining laws under the provisions of this act, shall, upon application deliver the same to their successors in office; provided, that in case of death, resignation, or removal, said laws shall be deposited with the township clerk.

SEC. 4. Clerk to refund money. Any justice of the peace, who may have purchased a code from the county clerk, shall have the purchase money refunded, upon returning the same to the clerk in good condition.

SEC. 5. Take effect. This act shall be in force and effect after its passage.

Approved, January 22, 1853.

[132] CHAPTER 77.

KEOKUK.

AN ACT to amend an act, entitled "An act to incorporate the city of Keokuk." passed

Dec. 13th, 1848.

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

SECTION 1. Council may levy special tax—purposes—questions must be submitted. That the city council of said city of Keokuk shall have authority to levy and collect, in addition to the taxes now authorized by law, a special tax of not exceeding one-half of one per cent, per annum, upon the property, real and personal, situated in said city, and subject to taxation for county revenue, for the purpose of improving the streets, alleys, and wharf of said city, and the payment of the annual interest upon the bonds that have been, or hereafter may be issued on account of the improvement of said streets, alleys, or wharf: provided, that the question whether any additional tax shall be levied in pursuance of this section, shall first be submitted by said city council to the legal voters of said city, at any special election, and if a majority of said legal votes be given for said additional tax then the same may be levied and collected, as provided in this section; but sale tax shall not be levied and collected as provided in this section; but said tax shall not be levied for more than one year, unless the question of levying said tax be again submitted to the people.

SEC. 2. How collected. The special tax aforesaid shall be levied and collected at the same time, and in the same manner as the other annual tax levied by said city; and the said city shall have the same rights, powers and remedies to enforce the collection of the same, by the sale of property, or

otherwise, as is or may be provided for in other cases relative to the city revenue.

SEC. 3. How paid—set apart. Said tax shall be payable only in money and when collected, shall, by said city, be set apart and held separate and distinct from the other portions of the city revenue as a fund specially pledged for the payment of the annual interest on the bonds aforesaid, and the improvement of the streets, alleys and wharf of said city; and shall from [133] time to time be so applied by said city council, and for no other purpose whatever.

SEC. 4. Tax on lots—for paving, etc. The city council of said city shall have power to levy and collect a special tax on the lot or lots, or the owner or owners thereof, or any street, lane, avenue or alley, or any part of a street, lane, avenue, or alley, within said city, for the purpose of curbing, paving or grading the side-walks in front of their respective lots, and keeping the said side-walks in repair, and for the purpose of lighting such street, lane, avenue, or alley.

SEC. 5. Tax—paving, planking, etc.—proviso. The city council of said city shall have the power to levy and collect a special tax on the lot or lots, or the owner or owners thereof, on any street, lane, avenue, or alley, or any part thereof, within said city, according to their respective fronts for the purpose of paving, planking, or macadamizing the streets, lanes, avenues or alleys in front of their respective lots: provided, that in case a special tax be levied on the owners of property in said city, in pursuance of said sections four and five, for the purposes therein specified, no tax either general or special, shall thereafter be levied on the same property to make the same kind of improvements on any other street, lane, avenue or alley, or any part thereof, in said city.

SEC. 6. Powers of council—damages—appeal—file papers—decision. The city council of said city shall have power to lay out public squares, or grounds, streets, alleys, lanes, avenues and highways, and to alter, widen, vacate, or extend the same—making the persons injured thereby adequate compensation; to ascertain which, the city council shall cause to be summoned three disinterested freeholders residing in the city, who, being duly sworn for that purpose, shall inquire into and take into consideration the benefits, as well as the injury, which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, altering, widening, vacating, or extending of any street, alley, lane, avenue, highway, public square, or ground; which damages they shall apportion and assess upon the real estate of the persons benefitted, in proportion as nearly as may be, to the benefits resulting to each; all of which they shall return under their hands to the city council of said city, and the as- [134] sessments so made, shall be collected and paid over to the person or persons whose property has been taken for the purposes aforesaid: provided, that any person deeming himself aggrieved by said assessment or apportionment, may, in thirty days from the time when such person shall receive notice in writing by the mayor of such assessment or apportionment, appeal from said assessment or apportionment, to the district court, and said appeal shall be perfected by the injured party giving bond to the satisfaction of the mayor, conditioned for the payment of all costs which may be adjudged against the appellant. It shall be the duty of the mayor to file all proper papers connected with said appeal in the district court, on or before the first day of the next term of said court. Said appeal shall be heard and determined as other appeals are heard and determined in said court; and the court shall certify its decision to the city council, by whom the same shall be carried into effect.

SEC. 7. Wharf and wharves. The said city council of Keokuk shall have the power to establish and regulate a wharf or wharves in said city, and more particularly to use the whole of Water street for said purpose, and to fix the rates of landing and wharfage of all boats, rafts, water crafts, goods, wares, merchandise, produce and other articles that may be moored at, landed, or taken from any landing, wharf or wharves that have been or may be hereafter established by said city, and in case private property is taken for public use, under the power herein conferred, then the damages and benefits shall be assessed, collected, and paid over in the manner provided in the section in reference to streets, alleys, etc.

SEC. 8. Collection. The assessments of taxes made by virtue of the authority contained in the four preceding sections of this act, shall be enforced and collected as may be provided by ordinance of the city council of the city.

SEC. 9. Tax a lien. All taxes and assessments, general or special, levied or assessed by the city council under this act, or the act to which this is an amendment, shall be a lien upon the real estate upon which the same may be imposed, voted, or assessed, for one year from and after the assessment has been confirmed by the city council, and upon personal property [135] from and after the delivery of the warrant for the collection thereof, until paid, and no sale or transfer shall affect the lien: provided, that in case the collection of any assessment shall be delayed by judicial proceedings, the same shall continue a lien (unless set aside) upon such real estate, for the period of one year from after the final disposition of such judicial proceedings.

SEC. 10. Regulations—quarantine—licenses—appoint officers—inspectors—weighing and measuring—inspection of flour, etc.—markets. The city council of said city shall have power to make regulations to prevent the introduction of paupers, or of contagious diseases, into the city, also to make quarantine laws and enforce the same within the city and not to exceed four miles beyond the city bounds; also to license, tax, and regulate agents or agencies of foreign insurance companies, hawkers or peddlers, and pawnbrokers; also to appoint deputy marshals, watchmen, policemen, and prescribe their duties and powers; also to regulate the measuring and inspecting of lumber, shingles, timber, and all building materials, and appoint one or more inspectors of the same; also to regulate the weighing and the place and manner of selling hay; also to regulate the measuring of wood, and the weighing of coal, and the place and manner of selling the same; also to regulate the inspection of flour, meal, beef, pork, and other provisions; also to establish and regulate markets and other public buildings, and to provide for their erection and location; also to regulate, license, or prohibit butchers, and to revoke their licenses for misconduct in the course of trade, and to regulate, license and restrain, the sale of fresh meats and vegetables in the city.

SEC. 11. Marshal—fees—election—bond. The city marshal of said city shall, by virtue of his office, be a constable of Jackson township, with power to serve process, and do all acts that constables may lawfully do, and shall receive the same fees as are allowed to other constables by law—and hereafter the said marshal shall be elected by the voters resident within the incorporated limits of the city of Keokuk, who are qualified to vote for mayor of said city, at the time, and in the same manner, that the mayor of said city is elected, and he shall hold his office for the same length of time said mayor holds his office, and shall, before entering upon the discharge of his office, in [136] addition to the bond required of him by the ordinances of said city, execute another bond, and file the same in like manner as con-

stables are required by law to do, and he shall moreover take the same oath to discharge the duties of this office, and in the same manner, that constables are required to take.

SEC. 12. Mayor's jurisdiction—imprisonment—fine. In addition to the jurisdiction of the mayor of the city of Keokuk already established in criminal cases, the said mayor shall have power to hear, try, and determine, all public offences where the punishment by law does not exceed five hundred dollars fine, or imprisonment in the county jail one year, or where the punishment is by both such fine and imprisonment.

SEC. 13. Mode of proceeding. All proceedings before the mayor of the city of Keokuk by virtue of the authority conferred in the preceding section shall be conducted in the same manner, and by the same rules and regulations as are or may be prescribed by the laws of the state of Iowa in criminal cases before justices of the peace; and persons charged with public offences before the said mayor, shall have the same rights and remedies as they are entitled to by law in criminal proceedings before justices of the peace.

SEC. 14. Deeds. All deeds made to purchasers of lots sold for taxes or assessments by order of the city council, in pursuance of this act, or the act to which this is amendatory, shall be conclusive evidence in all controversies and suits in relations to the right of the purchaser, his or her heirs or assigns, to hold or recover the premises, except it be shown that no tax or assessment was levied on the lot or lots, or that the same was paid before the sale, or that the lot or lots were redeemed, in pursuance of the provisions of the charter, or ordinances of said city, before the execution of the deed or deeds.

SEC. 15. Extension of boundaries. The boundary of the city of Keokuk shall extend to the middle of the main channel of the Mississippi river in front of said city. And whenever any tract of land adjoining said city shall have been laid out into lots (as an addition to said city) and duly recorded, as required by law, the same shall be annexed to, and form a part of the city of Keokuk.

SEC. 16. Exemption. The property within the limits of the city of Keokuk shall be exempt from taxation by the county of Lee for road [137] purposes, so long as any tax herein authorized for the purpose of grading and improving the streets of said city, equal in amount to the tax levied by the county for road purposes, shall be actually levied, collected, and expended upon said streets.

SEC. 17. Repeal—proviso. The provisos of section 26 and 31 of the act to which this is an amendment, and all such portions of said act as are repugnant to the provisions of this act, are hereby repealed: provided, as to the said thirty-first section, that no debt above the amount authorized by the said thirty-first section shall be incurred by said council, unless the question of contracting the same shall be first submitted to the people of said city, in the same manner as provided in the first section of this act.

SEC. 18. Take effect. This act shall take effect and be in force from and after its passage.

Approved, January 22, 1852.

CHAPTER 78.

MUSCATINE.

AN ACT to amend the charter of the city of Muscatine, approved, February, 1st, 1851.

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

SECTION 1. Absence of mayor justice of peace to act—jurisdiction—president pro tempore his duty. That in case of the absence of the mayor of the city of Muscatine from the city, and in case of his inability to act as a justice, any justice of the peace in the township of Bloomington may take cognizance of cases arising under the ordinances of the city; such absence or inability being made to appear upon the docket of the justice. And in like cases of the absence or inability of the mayor, the president of the council pro tempore shall have authority to sign ordinances and orders on the treasurer, and to administer oaths, and to do all other things pertaining to the office of mayor (except [138] acting as a justice of the peace,) stating, in connection with his signature, the absence or inability of the mayor.

SEC. 2. Council may appoint—bond. The council of the said city shall have authority to appoint the marshal and recorder of the city, which officers shall hold their respective offices during the pleasure of the council, and from whom, or any of them, the council may, by general ordinance, require bond.

SEC. 3. Assessor—assessment—tax. The said council shall appoint an assessor for the city who shall be sworn to perform the duties of office faithfully and impartially, and whose duty it shall be to make an assessment of the property in the city, subject to taxation, and upon whose assessment the council may lay a tax, not exceeding one per cent. upon the value in any one year.

SEC. 4. Evidence of publication of ordinances. An affidavit made by the recorder, marshal, or mayor, or by the printer or publisher of a newspaper in which an ordinance may be published, stating the time and manner of the publication of an ordinance, and sworn to before the mayor, or any justice of the peace in the county of Muscatine, and filed in the recorder's office, or made and signed on the face of the record of ordinances, shall be prima facie evidence of the publication therein stated.

SEC. 5. Road district—collection—expenditure. The said city of Muscatine shall hereafter form one road district, and the road tax assessed by the county authorities upon the persons and property in the said city, may be collected by the street commissioner, or such other officer as is now or may be created or appointed by the council to conduct the improvements upon the streets of the city; and such officer is empowered to collect such tax as fully and in the same manner as the road tax is collected in the county generally, and the said tax shall be expended by the proper officer, under the supervision and direction of the council upon the streets and alleys of the city.

SEC. 6. Repeal. All parts of the act and charter, of which this is an amendment, and of any other acts conflicting with this act, are hereby repealed.

SEC. 7. Public act. This act shall be taken and may be pleaded as a public act.

SEC. 8. **Submission of this act to a vote.** This act shall be submitted to the voters of the city of Muscatine, for acceptance or rejection, on the first Mon- [139] day of March next, in which election the vote shall be taken by ballot, and by the word "amendments," or "no amendments," written upon the ballot. If accepted, the result of the election shall be entered in the records of the city, and this act shall take effect from the said first Monday of March, and the votes cast for recorder and marshal shall be held for naught, and the council shall thereafter appoint those officers.

SEC. 9. **Take effect.** This act shall take effect from and after its publication in the "Democratic Enquirer" and "Muscatine Journal," provided the state shall not incur any expense for publication.

Approved, January 22d, 1853.

CHAPTER 79.

SUPREME COURT.

AN ACT regulating the terms of the supreme court.

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

SECTION 1. **Place.** That the terms of the supreme court of this state shall be held at the capital of the state, and at no other place.

SEC. 2. **1st term—terms.** The first term of said court shall be held on the first Monday in June next, and there shall be a term commencing on the first Monday of June and December of each year thereafter.

SEC. 3. **Clerk's duty to arrange causes—publication.** It shall be the duty of the clerk of the supreme court to arrange the causes pending, or which may probably be pending, in classes so that the causes from the first judicial district shall be first heard and determined, and so on by judicial districts in their numerical order, giving such certain number of days or weeks for the causes of each district, as in his judgment may be proper; and it shall further be his duty so to arrange them, and publish the same in some newspaper published at the seat of government, at least four weeks before the commencement of said court, which notice shall be published once a week, until the sitting of said court.

[140] SEC. 4. **Continue.** Said court shall continue its session until all the causes before it are adjudicated.

SEC. 5. **Clerk must publish list, etc.** The clerk of said court shall, at the end of each term, publish a list of the causes determined, and whether affirmed or reversed; he shall also publish a list of causes continued, and whether at the instance of the parties, or of the court; a list of causes argued and not determined, and how long the same have been under advisement, and whether opinions are filed thereon.

SEC. 6. **Duty of clerks—papers, etc.** It shall be the duty of the clerks of the supreme court, held at Burlington, Ottumwa, Dubuque and Fort Des-moines respectively, to deposit all the records, papers and files belonging and appertaining to their offices, with the clerk of the supreme court, at Iowa City, on or before the first day of April next.

SEC. 7. **Prohibition.** All officers of state are hereby expressly prohibited from auditing, allowing or paying any sum of money for the contingent expenses of said court over and above the amount for that purpose expressly appropriated by the general assembly.

SEC. 8. **Bailiff.** The court when in session shall be entitled to the attendance of one sheriff or bailiff, and no more; the sheriff of the county where court is held may act in that capacity, or he may select a deputy.

SEC. 9. **Opinions.** The written opinion of the supreme court shall never be removed from the clerk's office when deposited there by the court, or a member thereof, or by any other person; but any person shall be permitted to examine or copy the same, or demand a copy from the clerk upon paying six cents per folio of one hundred words therefor.

SEC. 10. **State exempt from costs.** The state shall in no case be liable to pay for the recording of the opinions of said court, nor shall the clerk of said court be entitled to any compensation for services in suits where the costs are due from the state.

SEC. 11. **Repeal.** Sections 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, of the code of Iowa are repealed.

SEC. 12. **Suits now pending returned.** All causes now pending in any of the supreme district courts, and undetermined (except the Iowa City district) [141] shall be returned to the January term, 1854, of said supreme court, to be heard and determined.

Approved, January 22d, 1854.

I certify, that the foregoing act was published in the Iowa Capital Reporter Feb. 9, and in the Iowa Republican Feb. 16, 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 80.

TOWNS.

AN ACT to amend section 649, chapter 42, of the code of Iowa.

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

SECTION 1. **Number of inhabitants.** That section 649 of chapter 42, of the code of Iowa, be, and it is hereby so amended, that one thousand inhabitants in any town or village, shall be entitled to all the benefits now secured in said section to two thousand inhabitants.

Approved, January 24th, 1853.

CHAPTER 81.

STATE HOUSE.

AN ACT providing for the further completion of the state house, at Iowa City.

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

SECTION 1. **Appropriation—\$5,000—half in 1853—half in 1854.** That there be, and hereby is, appropriated towards the further completion of the capitol, at Iowa City, the sum of five thousand dollars, out of any monies in the treasury not otherwise appropriated; one-half of which amount shall be drawn and expended during the fiscal year of 1853, and the remaining half during the fiscal year of 1854: provided, that [142] there shall be paid out of said appropriation any deficit of the last appropriation for said purpose.

SEC. 2. **Superintendent—compensation.** This appropriation shall be expended under the superintendence of William Pattee, who shall be allowed the sum of three hundred dollars, as a compensation therefor, to be paid out of said appropriation.

SEC. 3. **Duty of superintendent—gallery—porticoes—limitation.** It shall be the duty of said superintendent to have constructed, in a permanent and workman-like manner, a gallery across the hall of the house of representatives, from east to west, and the necessary stairs leading thereto upon such plans as may be deemed most suitable: to have the porch upon the east and west sides of the capitol completed with stone steps, flagging, end walls, etc., according to the original design, except the columns and other work extending above the first floor; to have that part of the building above the second well-hole completed in a plain and substantial manner; and to have done such other work as may be necessary to complete and preserve said building; not exceeding in cost the sum appropriated by the first section of this act.

SEC. 4. **Building and property—prepare halls, etc.** It shall further be the duty of said superintendent to take charge of and safely keep said building and all the furniture, etc., belonging thereto, and to prepare the halls with all necessary additional furniture, and fit them up in a proper manner for the use of the general assembly, the expenses whereof shall be paid out of this appropriation.

Approved, January 24th, 1853.

CHAPTER 82.

ASHLAND.

AN ACT to provide for the election of a justice of the peace, in Ashland, Wapello county.

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

SECTION 1. **Additional justice of the peace.** That at the April election, 1853, and every two years [143] thereafter, there shall be one justice of the peace elected in the town of Ashland, in Wapello county; said justice to be in addition to the two now authorized to be elected in the township in which said Ashland is situated.

SEC. 2. **Take effect.** This act shall take effect from and after its passage.

Approved, January 24, 1853.

CHAPTER 83.

VINTON.

AN ACT to change the name of Fremont, in Benton county, to Vinton.

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

SECTION 1. **Change of name.** That the name of Fremont, in Benton county, be and the same is hereby changed to Vinton.

SEC. 2. **Record.** Provided, however, that this change of name shall be recorded in the recording office of Benton county, within six months from and after the passage of this act.

SEC. 3. Take effect. This act shall take effect from and after its publication in the "Progressive Era," at Cedar Rapids: provided, that no expense for the publication of the same shall be incurred by the state.

Approved, January 21, 1853.

CHAPTER 84.

CODE OF IOWA.

AN ACT to amend section 1848 of the code of Iowa.

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

SECTION 1. Attachments—abscond—refusal to give up. That in addition to the causes for which attachment may issue, as prescribed in said section, said writ shall be authorized upon the plaintiff's statement in his petition, sworn to as therein required, that the defendant is about to [144] abscond to the injury of his creditors, or that he has property, goods, or money, or lands, and tenements, or choses in action, not exempt from execution, which he refuses to give either in payment, or security of said debt.

Approved, January 24, 1853.

CHAPTER 85.

VERNON.

AN ACT to change the name of South Bentonsport to Vernon.

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

SECTION 1. Change. That the name of South Bentonsport, of the county of Van Buren, be and is hereby changed to Vernon.

SEC. 2. Take effect. This act shall take effect from and after its passage.

Approved, January 24, 1853.

CHAPTER 86.

PROBATE.

AN ACT to amend the law in relation to executors, etc.

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

SECTION 1. Notice—publication. That in all cases where any order of the county or probate court has been, or hereafter may be made, requiring any executor, administrator, or guardian of any estate, or person to do or perform any particular thing or things, in relation to said estate or person, and notice of such order cannot be personally served on such executor, ad-

ministrator, or guardian, service of the same be made and had by publication of such notice in some weekly newspaper published in said county four weeks in succession.

SEC. 2. **Nearest county.** When there is no newspaper published in such county, then said notice may be published in the newspaper published nearest to the county seat of the county in which said order is made, which publication may be proved as required in like cases in the district court.

SEC. 3. **Effect.** Service made as above, shall be as effectual as if personally served, and suits and proceedings may be prosecuted or commenced, had and maintained, in all respects, as if such notice or notices, order or orders, had been personally served.

Approved, January 24th, 1853.

CHAPTER 87.

POTTAWATTAMIE COUNTY.

AN ACT to legalize the assessment of Pottawattamie county, for the years 1851 and 1852.

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

SECTION 1. **Legalized.** That the assessment of tax for the county of Pottawattamie for the years 1851 and 1852, be and the same is hereby legalized.

SEC. 2. **Take effect.** That this act shall be in force from and after its publication in the "Western Bugle, and Guardian and Sentinel," newspapers published at Kaneshville.

Approved, January 22d, 1853.

CHAPTER 88.

TOWN SITES.

AN ACT regulating the disposal of lands purchased in trust for town sites.

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

SECTION 1. **Town site—enter in trust.** That whenever any portion of the surveyed public lands of the United States within any organized county in the [146] state of Iowa, has been or shall be settled upon and occupied as a town site, and therefore not subject to entry under existing pre-emption laws, it may be lawful and shall be the duty (if required by the occupants of such land) of the corporate authorities of said town, if incorporated, and if not, of the county judge of the county in which said town is situated, if furnished by said occupants with money sufficient to enter at the proper land office, the land so settled and occupied, in trust for the several use and benefit of the occupants thereof, according to their respective interests.

SEC. 2. **Deeds—payment—proportion of expense.** After purchasing as above prescribed such land, it shall be the duty of said corporate authorities,

or county judge, as the case may be, to make out, execute, and deliver to each person who, as an occupant, may be entitled to the same, a deed in fee simple for such part or parcels, lot or lots of said lands as he or they may lawfully be entitled to, on the payment by said occupant of his proper and due proportion of the purchase money of said land, together with his proportion of such sum as may be necessary to pay for so much of said land as may be occupied as streets, alleys, and public grounds, and also his proportion of the expense incurred in laying off said town, together with the sum of one dollar for each deed, which last named sum shall be the only compensation of said corporate authorities or county judge for their or his services in performing the duties herein prescribed.

SEC. 3. Laying off towns—sale. Should any portion of the lands purchased in pursuance of this act, not be claimed or laid off by actual bona fide occupants or claimants, it shall be the duty of said corporate authorities, or county judge, as the case may be, to lay off into lots such lands, making such streets, alleys, and public grounds, as may be required for said town, such unclaimed lots to be, by said authorities or county judge, sold to the highest bidder at a public sale after giving four weeks' public notice thereof, and the proceeds of the sale of said lots to be appropriated to building school houses in such town.

SEC. 4. Take effect. This act to be in force from and after its publication in the Iowa Capital Reporter and the Iowa Republican; provided, that said publication be made without expense to the state.

Approved, January 22, 1853.

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

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 89.

LAWS.

AN ACT providing for the publication of the laws of the present session.

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

SECTION 1. Number to be printed—distribution. That four thousand copies of the laws, resolutions, and memorials, passed at the present session of the general assembly, be published under the superintendence of the secretary of state. Three thousand copies of which shall be distributed by said secretary among the organized counties in this state, in proportion to the population of each, giving twenty copies, at least, to each county; the remainder to be distributed to counties hereafter organized.

SEC. 2. Compensation. The secretary of state is allowed the sum of four hundred dollars for superintending the printing, indexing, and distributing said laws throughout the state.

SEC. 3. Take effect. This act to take effect, and be in force from and after its passage.

Approved, January 24, 1853.

[148] CHAPTER 90.

TRIAL BY JURY.

AN ACT in relation to trial by jury.

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

SECTION 1. **Jury—fees abolished.** That in all cases in the district court either party may demand a trial by jury; and jury fees in said courts are hereby abolished.

SEC. 2. **Justice's court.** Be it further enacted, that, when a jury is called before a justice of the peace, the jury fees shall abide the event of the suit, and be taxed with the costs thereon.

Approved, January 24, 1853.

CHAPTER 91.

ADMINISTRATION.

AN ACT to amend section 1272 chapter 83, of the code of Iowa.

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

SECTION 1. **Lands of decedents.** That where administration is duly granted by the county court upon the estate of any deceased person, in any county of this state, the said county court shall have the same power and authority over any lands and tenements of the decedent, situate in any other county in this state, which said county court may by law exercise over the lands and tenements of such decedent in the county where said administration is granted.

SEC. 2. **Transcript.** That the county court shall order a transcript of any proceeding in said court, affecting the title to lands in any other county, ordered to be sold by said court, to be transmitted for record to the county judge of the county in which said lands are situated.

Approved, January 24th, 1853.

[149] CHAPTER 92.

SERVICE OF WARRANTS.

AN ACT to amend section 2122 of the code of Iowa.

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

SECTION 1. **Process.** That any constable or marshal of any incorporated town, may, if the sheriff is not at hand, serve and execute the warrant, provided for in said section, whether the same issue from the office of the clerk of the district court, or of a justice.

Approved, January 24, 1853.

CHAPTER 93.

ATTACHMENT AND REPLEVIN.

AN ACT to amend chapter 129 of the code, concerning writs of attachment and replevin issued by justices of the peace.

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

SECTION 1. Duty of justice of peace. That when a writ of attachment, or of replevin, has been issued by any justice of the peace in any action, and it shall be found that the defendant is absent so that personal notice, or service of process, cannot be had, it shall be the duty of the justice, upon the return day, unless the defendant appear, to make an order, fixing a day for the trial, not less than sixty days thereafter, and requiring notice to be given by any constable as provided in the next section.

SEC. 2. Notice. That upon such order being made, at least sixty days' notice of the pendency of such action shall be given by posting up written or printed notices in three public places in the township where the action was commenced, and such notices shall have the same effect of a personal service, and the justice shall proceed to hear the cause upon the day specified for that purpose.

[150] **SEC. 3. Jurisdiction.** That in actions in which writs of attachment or replevin shall be issued, justices of the peace shall have jurisdiction coextensive with the county.

SEC. 4. Repeal. That so much of chapter 129, and all other provisions of the code conflicting with this act, be, and the same are hereby repealed.

SEC. 5. Repeal, etc. Section 2359 of chapter 129 of the code, is hereby repealed; and sections 1846 and 1852 of the code are hereby declared applicable to proceedings in justices' courts.

Approved, January 24th, 1853.

CHAPTER 94.

APPEALS AND WRITS OF ERROR.

AN ACT further to regulate appeals and writs of error to the district court.

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

SECTION 1. Appeals and writs of error—appellee. That in all cases of appeal to, or error from the supreme court, unless a transcript be filed by the first day of the term, and the fee paid or security given, the judgment may be affirmed with a penalty of not exceeding ten per centum upon the amount of the judgment in the court below, at the discretion of the court; and if the transcript and other proper papers connected with said appeal, or writ of error be not filed by the first day of the term next after the appeal is perfected, or writ of error taken, the appellee may cause said papers to be filed and take judgment as above provided.

SEC. 2. Repeal. Such provisions of the code as may be in conflict herewith are repealed.

Approved, January 24th, 1853.

[151] CHAPTER 95.

WARREN COUNTY.

AN ACT to provide for taking the census of a part of Warren county.

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

SECTION 1. **Census—compensation.** That the township assessors of township 77 north, of ranges 25, 24, 23, and so much of range 22 as lies in Warren county, be and they are hereby authorized to take the census of said township at the time of assessing the same in the year 1853, for which services they shall be allowed a reasonable compensation from the treasury of Warren county.

SEC. 2. **Take effect.** This act shall be in force from and after the first day of March, A. D., 1853.

Approved, January 24, 1853.

CHAPTER 96.

RECORDS.

AN ACT to amend section 106, chapter fifteen, of the code of Iowa.

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

SECTION 1. **County judge—transcribe and index.** That chapter fifteen of the code of Iowa, section one hundred and six, be and the same is hereby amended so as to authorize the county judge to have transcribed and indexed the records of his county, in manner and form as he may prescribe, not inconsistent with law.

Approved, January 24, 1853.

[152] CHAPTER 97.

ALAMAKEE.

AN ACT to re-locate the county seat of Alamakee county.

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

SECTION 1. **Commissioners.** That Clement Coffin, of Delaware county, John S. Lewis, of Clayton county, and Dennis A. Mahony, of Dubuque county, are hereby appointed and empowered as commissioners to re-locate the county seat of Alamakee county.

SEC. 2. **Time and place of meeting—oath.** Said commissioners, or a majority of them, shall meet at Columbus, the present county seat of said county, on or about the first Monday in March, 1853, and there take an oath or affirmation before some person authorized to administer oaths, to faithfully and honestly discharge their duty to the people of said county in the location of their county seat.

SEC. 3. Centre. Said commissioners shall locate the county seat of the county aforesaid as near the geographical centre as a due regard for the present and prospective interests of the county will appear to them just and proper; they shall also be influenced by the comparative eligibility of locations, and the conveniences of water, roads, and building materials, as also by the comparative facilities of acquiring for said county suitable building lots, or blocks, if the county seat should be located by them on private property.

SEC. 4. Name—notice—describe. As soon as said commissioners shall make the location hereby authorized, they shall name the same, and give notice to the county judge of their decision, indicating in their certificate, the fractional part of the section, range and township in which said location shall have been made.

SEC. 5. Contract. Should the location aforesaid be made upon private property, the commissioners are hereby authorized to make such a contract with the owner or owners for the purchase of suitable building lots for county buildings, as to said commissioners shall seem just and equitable, and such contract shall be binding upon said county.

SEC. 6. Notice of vote. As soon as the county judge of said county shall have [153] received information of the location aforesaid, he shall give notice to the electors of said county, that, at the succeeding April election, a vote of the qualified voters of said county would be taken for or against the adoption of the place selected by said commissioners as the county seat.

SEC. 7. Conducting election—decision—proviso. The election authorized by the foregoing section, shall be conducted as other elections for county officers are, except that the ballot of the electors shall have written or printed thereon the name chosen by the commissioners to designate the place selected for the county seat, or the word Columbus, the name of the present county seat; and that place having the greatest number of votes cast therefor, shall be thereafter the county seat: provided, that the county judge of said county shall re-convey to the proprietors of the town of Columbus, all lands and town lots which have been deeded to said county by said proprietors for county purposes; and if any such lands or town lots have been sold or disposed of by or for the benefit of said county, the said county judge shall pay over to said proprietors all monies he may have received on such sales; and also all amounts which he is to receive at such time or times as the same may become due.

SEC. 8. Removals. As soon, after the decision of the people, as suitable rooms can be procured, (if the decision should be in favor of the point selected by the commissioners,) the county officers shall remand all the records of said county, to the new county seat; and the county judge of said county is hereby authorized to make suitable arrangements at such new county seat for the preservation of said records, and for the accommodation of the county officers.

SEC. 9. Compensation. The commissioners hereby appointed shall receive as compensation for their services respectively, the sum of two dollars per diem, while employed or engaged in the discharge of their duties hereby enjoined and authorized, and they shall receive for their traveling expenses, two dollars for every twenty miles going to and returning from the point selected for the county seat, as before authorized, calculating the distance by the nearest route to said point, by way of the present county seat, from their respective places of residence; said compensation to be paid by the county for and on behalf [154] of said county; after having the amount audited as the other amounts against the county.

SEC. 10. Take effect. This act shall take effect and be in force from and after its publication in the Dubuque Democrat and Lansing Intelligencer: provided, said county of Alamakee shall be at the expense of said publication.

Approved, January 24, 1853.

CHAPTER 98.

SWAMP LANDS.

AN ACT appointing agents to superintend the making of levees and drains to reclaim certain swamp lands in the counties of Muscatine and Louisa.

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

SECTION 1. Agents—duty—oath. That William H. Miller, of Muscatine county; and John C. Lockwood, of Louisa county, in this state, be and are hereby appointed as agents to superintend the construction of the necessary levees and drains to reclaim the swamp lands situated on the Muscatine island, and on the borders of the Muscatine slough, within the said counties of Muscatine and Louisa. And the said William H. Miller and John C. Lockwood are hereby authorized, after subscribing an oath before the county judges of their respective counties, for the faithful performance of their duty, to proceed immediately to construct the necessary levees and drains for the reclaiming of said swamp lands.

SEC. 2. Proceeds of land expended. The proceeds of the sales of such swamp lands, on said Muscatine island and slough, as may be conveyed by the United States to the state of Iowa, in conformity with an act of congress, passed 28th September, 1850, or so much thereof as may be necessary, shall be applied to defray the expense incurred by said agents in their respective counties, in constructing the necessary levees and drains for the reclaiming of said swamp lands.

[155] **SEC. 3. Compensation.** The said William H. Miller and John C. Lockwood, shall receive such compensation for their services as the county judges of their respective counties may deem just to award them, to be paid out of the proceeds of the sales of said swamp lands.

SEC. 4. Take effect. This act to take effect from and after its publication in the "Muscatine Enquirer" and "Louisa County Times;" provided, that the state shall be at no expense for said publication.

Approved, January 24, 1853.

I certify that the foregoing act was published in the Muscatine Enquirer, Feb. 5, and Louisa County Times, Feb. 8, 1853.

GEO. W. McCLEARY,
Secretary of State..

CHAPTER 99.

BREMER AND BUTLER.

AN ACT to locate the county seats of the counties of Bremer and Butler.

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

SECTION 1. Commissioners—Bremer county. That James Wood, of Black Hawk county, and Thomas Clark, of Butler county, and O. H. P. Roszell, of Buchanan county, be and they are hereby appointed commissioners to locate and establish the county seat of Bremer county.

SEC. 2. Commissioners—Butler county. That John T. Barricks and William Payne, of Bremer county, and D. C. Overman, of Black Hawk county, be and they are hereby appointed commissioners to locate and establish the county seat of Butler county.

SEC. 3. Time and place of meeting—oath—recorded. That said commissioners, or any two of them, shall meet in some place in the county for which they are respectively appointed, on the first Monday of May next, or within two months thereafter, and after taking the following oath, shall proceed to locate and establish the seat of justice of the respective counties: "We, A B and C, do solemnly swear, or affirm, that we have no personal interest in the location of [156] the seat of justice for _____ county, and that we will faithfully and impartially locate the same according to the best interest of said county, taking into consideration the future as well as the present population of said county;" which oaths shall be filed in the office of the county judge of Buchanan county, and by him recorded.

SEC. 4. Certificate—filed. As soon as said commissioners respectively come to a determination, they shall make out a certificate, containing a particular description of the places so selected, and name the same, which shall be signed by said commissioners and filed in the office of the county judge of Buchanan county, and there recorded, and the places thus designated shall be the respective seats of justice of said counties respectively.

SEC. 5. Compensation. That said commissioners shall each receive two dollars per day while necessarily employed in the discharge of their duties, and two dollars for every twenty miles travel in going and returning, to be paid out of the county treasury of each county respectively.

SEC. 6. Take effect. This act to be in force from and after its publication.

Approved, January 24, 1853.

CHAPTER 100.

UNIVERSITY.

AN ACT to increase the powers of the trustees of the branch of the state university, at Fairfield.

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

SECTION 1. Trustees may sell—mortgage. That the trustees of the branch of the State University, established at Fairfield, are hereby authorized and empowered to transfer or mortgage the whole, or any portion, of the grounds and buildings belonging to the institution, to such person, persons, or body

corporate, and in such manner as in the discretion of said trustees may be most advantageous to said institution.

SEC. 2. **Repeal.** All laws contravening the provisions of this act, are hereby repealed.

[157] SEC. 3. **Take effect.** This act shall take effect and be in force from and after its publication.

CHAPTER 101.

SCHOOL DISTRICTS.

AN ACT to extend the powers of school districts.

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

SECTION 1. **Permanent district—alteration—trustees.** That any school district by which this act may be adopted, as hereinafter provided, shall form a permanent school district, not subject to alteration by the school fund commissioner, but may be altered by a vote of the majority of the legal voters of the district, or districts, where the proposed alteration affects more than one district, and shall be under the direction of three trustees; (which number may be increased to six by a vote of the district, at any regular meeting,) and to be styled the "board of directors."

SEC. 2. **Classification—term.** Within ten days after their election, the said board shall meet and cause the said trustees to be divided into three classes, to be denominated the first, second, and third classes; the term of office of the first class shall expire at the end of one year; of the second class, at the end of two years, and of the third class at the end of three years, from the time of their election.

SEC. 3. **Election—term.** There shall, in like manner, in each year thereafter, be elected one or two trustees (as the case may be,) for said district to supply the place, or places, of those whose term of office is about to expire. They shall hold their office for three years, and until their successors are elected and qualified. The term of office of all trustees elected pursuant to the provisions of this act, shall commence on the first Monday after their election, and said election shall take place in each year thereafter, on the second Monday of April.

SEC. 4. **President—secretary—pro tempore—collector and treasurer.** At the first meeting of the board, after an election, they shall select one of their number president, and another [158] secretary. In the absence of either of such officers at any regular meeting, a president or secretary may be appointed for the time being. They shall also appoint a collector and treasurer, who shall hold their offices during the pleasure of the board, who shall give bonds for the faithful performance of their duties.

SEC. 5. **Board powers and duties—rate bill—warrant—fees—proviso.** The board shall have power, and it shall be their duty, to fix the rate of tuition fees in their respective schools, and to designate a person, or persons, to whom the same may be paid previous to the issuing a warrant for the collection thereof, and at the expiration of ten days after the close of each school term, to make out a "rate bill," containing the name of each person liable to pay tuition fees, who shall not have paid them, (prior to the making out of such "rate bill," and issuing such warrant) to the person, or persons, designated by the board for that purpose, and the amount for which each person is liable, adding thereto a sum not exceeding ten cents on each dollar

of the sum due, for collector's fees thereon, and to deliver such rate bill, with the warrant annexed, to the collector of said district, who shall execute the same in like manner, and with like effect with the other warrants for the collection of taxes placed in his hands, or in the discretion of the board, to any person whom they may appoint for that especial duty, who shall have the same powers in the execution of said warrant that the collector of taxes of said district has, by virtue of this act, and shall give similar bonds, and be subject to the same penalties for any official misconduct; but no tuition fees shall be assessed against, or collected from, persons who do not send scholars to any of said district schools.

SEC. 6. Warrant—distress—sale. The warrant annexed to any rate bill pursuant to the provisions of this act, shall be under the hands of the trustees, or a majority of them, and shall command the collector to collect from every person in such rate bill named, the sum therein set opposite his name, and in case any person so named shall not pay such sum on demand thereof, to levy the same, together with the fees of the collector by distress and sale of the goods and chattles in his possession, wheresoever the same may be found in the district, and to make returns of such warrant to the treasurer of the district within thirty days after the delivery thereof.

[159] **SEC. 7. Special meeting—vote for or vs. the act—record—election.** The present board of directors of said district, in their discretion, at any time after the passage of this act, shall call a special meeting of the electors thereof, and cause a vote to be taken on the acceptance of this act, in which the vote shall be "for the act" or "against the act" and shall be taken by ballot, and if the vote shall be in favor of the acceptance, such result shall be declared, and be entered on the records of the district, and thenceforth the same is accepted and become of full force in said district; and the meeting shall then proceed to the election of trustees for said district, which election shall be by ballot.

SEC. 8. Take effect. This act shall be in force from and after its publication in the Iowa Capital Reporter, and Iowa Democratic Enquirer.

Approved, January 24, 1853.

I certify that the foregoing act was published in the Iowa Capital Reporter, Feb. 9, and Iowa Democratic Enquirer, February 12, 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 102.

STATE PRINTER.

AN ACT to amend the several acts in relation to a state printer.

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

SECTION 1. Compensation—laws, etc.—binding—large volume—bills—blanks. That from and after the term of service of the state printer elected at the last session of the general assembly, the state printer shall receive for his services the following compensation, to-wit: for printing the laws, journals, documents, and all other book or pamphlet work, fifty cents per thousand and ems, for composition, fifty cents, and double price for rule and figure work, fifty cents per token for sixteen page form, when the work ordered is enough to make such a form, for press work. For stitching, folding, pressing and binding the laws and journals of the general assembly, in strong

[160] paper covers, five cents per copy. For folding, stitching, pressing and printing any large volume of laws, in the manner in which the code is bound, fifty cents per copy, for bills ordered by either house of the general assembly, fifty cents per thousand ems for composition, fifty cents per token for press work to be printed in 'pica type,' the lines numbered, beginning with the figure one at the commencement of each section, with a space between the lines, not exceeding the size of pica; for printing blanks for the officers of state, one dollar and twenty-five cents per quire, for the first quire, fifty cents for each additional quire, until the quantity equals a ream; when the quantity is from one to five reams, twenty-five cents per quire; when the quantity exceeds five reams, fifty cents per thousand ems for composition, and fifty cents per token (of as large a form as sixteen page octavo form.)

One charge—account. When the printing of the same document is ordered by both houses of the general assembly, there shall be allowed only one charge for the composition; no charge shall be made for unnecessary blanks, nor for constructive services. The work shall be done full and in a workmanlike manner. The accounts of the public printer in addition to the mode of auditing now required, shall be verified by his affidavit.

Transportation—proof. The public printer shall pay and discharge all cost and expense arising from transportation of paper and other materials to and from the capitol of the state, and the place where the printing may be executed, and all postage between himself and the executive departments. He shall employ skilful and competent proof-readers at his own expense, and shall not be allowed for any constructive services or for any contingencies.

SEC. 2. Stationery—proposals—contract—delivery—payment. The auditor, secretary, and treasurer of state shall make an estimate or estimates of all the paper needed for the public printing, and of all the paper, pens, ink, and other articles of stationery necessary for the general assembly, the public officers and the supreme court and the auditor shall advertise for sealed proposals of the quantity, quality and kinds thereof, which may be needed for the public use in two newspapers at the capital, and in one newspaper printed at St. Louis, Chicago, and New York, for the period of sixty days, [161] requiring a delivery of the articles at least ninety days before the same will be wanted for public use, and bids for the same shall be opened by said auditor, treasurer and secretary, at such time as may be fixed by said advertisement; and they shall award the contract or contracts for furnishing said stationery, paper, etc., to the lowest responsible bidder or bidders therefor who shall give security, to be approved by them, for the performance of his or their contract; and upon the delivery of the articles contracted for at the office of the secretary of state, at the capitol, in compliance with the terms of said contract or contracts, and presenting a receipt or receipts therefor, signed by the secretary to the auditor of state, he shall issue to the contractor or contractors, his warrant on the treasurer for the amount due, which shall be paid out of any money in the treasury not otherwise appropriated.

SEC. 3. Secretary to furnish printer—officers supreme court. It shall be the duty of the secretary of state, to take charge of said articles, and furnish the public printer elected to serve after the expiration of the term of the public printer elected at the last session of the General Assembly, all the paper needed for the various kinds of public printing, in such quantities as may be needed for the prompt discharge of his duties, and he shall supply the Governor, Secretary of State, Auditor, Treasurer, Attorney General, Clerk of the Supreme Court, Superintendent of Public Instruction, and General Assembly, all the stationery required for public use, taking receipts of the proper officers therefor.

SEC. 4. Repeal—take effect. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed; and this act shall be in force from and after its publication in the Reporter and Republican newspapers published at Iowa City.

Approved, January 24th, 1853.

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

GEO. W. McCLEARY,
Secretary of State.

[162] CHAPTER 103.

DESMOINES RIVER IMPROVEMENT.

AN ACT to secure to the electors of Iowa, the right to elect a commissioner and register of the Des Moines river improvement, and to make further provisions for the prosecution and completion of said improvement.

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

SECTION 1. Election—commissioner and register—term—returns—qualifications. That there shall be a commissioner and register of the Des Moines river improvement elected by the qualified electors of this state, on the first Monday of April, 1853, who shall hold their respective offices for the term of two years and until their successors are elected and qualified; the said election to be conducted as other state elections are, and returns made, canvassed, and certified, as provided in the case of other state officers; and the said commissioner and register to qualify as is provided in sections 3 and 4 of "an act to secure the more vigorous prosecution and early completion of the Des Moines River Improvement," etc., approved Feb. 5th, 1853.

SEC. 2. Assistants. That for the purpose of aiding the commissioner in conducting or concluding any contract, or agreement, under the provisions of this act, or any other act on the subject of the Des Moines River Improvement, George G. Wright, of Van Buren county, and Uriah Biggs of Wapello county, are hereby appointed his assistants, with equal power with said commissioner, in making and determining such contracts and agreements, as are mentioned in section 6 of this act.

SEC. 3. Oath. Prior to the said assistants entering upon the discharge of the duties devolved upon them, they shall each take and subscribe an oath that they will faithfully and impartially discharge their said duties, which said oath shall be filed with the register.

SEC. 4. Duties—powers. The duties of said assistants shall not extend any further than to aid said commissioners in negotiating such contracts or agreements as are contemplated in this act, or any other act passed at the present session of the general assembly; and any thing in this act, or any act on the subject of the Des Moines river improvement, which vests authority and power in the commissioner and register to make contracts and agreements, is herein so modified as to vest said power and authority in, the said commissioner and the two assistants.

SEC. 5. Pay. The compensation to each of the said assistants shall be three dollars per day, for each day he may be necessarily engaged in negotiating as aforesaid, to be paid out of any moneys arising from the sales of lands granted to this state, to aid in improving said river.

SEC. 6. Contracts—tolls and water rents—settlers—rate—unsurveyed lands. That the said commissioner and assistants, in contracting for the means to carry on said improvement, shall not make any contract, or agreement, with any company, or individual, under the provisions of this act, or any law now in force, or which may be in force at the time of making said contract, or agreement, unless such contract or agreement stipulates for at least thirteen hundred thousand dollars to be faithfully expended in the payment of the debts and liabilities of said improvement, and to the completion thereof to the greatest extent practicable: provided, that if it be necessary, in order to effect a contract, or agreement of the character in this section mentioned, such contract or agreement may convey to any company, or individual, the right to the tolls and water rents arising from said improvements for such length of time, and upon such terms as they may deem expedient: provided, any of said lands which may be claimed by bona fide settlers, at the time of taking effect of this act, may be purchased by such settlers, at any time before the first day of December next, under such rules and regulations as may be established by said commissioner and register; and any contract made as herein contemplated, shall reserve to said settlers the right to purchase, as aforesaid, one hundred and sixty acres, at the rate of \$1.25 cents per acre; provided, however, that where such *bona fide* settlement is now made on lands, which are not now surveyed, said settlers shall have the right to purchase their said lands, under the regulations aforesaid, at any time within one year after said lands are surveyed, at the rate per acre above named.

[164] **SEC. 7. Salary to cease—unfinished work—preservation.** If no contract or agreement shall have been made by said commissioner and assistants, on or before the first day of September, 1853, of the character of that required in section 6 of this act, then from that day the compensation to all officers connected with said improvement, except the register and one engineer, whom he shall employ, shall cease; and all operations connected with said work, except such parts as are now under contract, shall be suspended until further legislation can be had on the subject. But the register shall, nevertheless, cause the unfinished work, not now under contract, to be placed in such condition as to prevent injury, and shall also see that all the property of the state, connected with the work is carefully preserved, and exercise all other powers connected with said improvement now vested by law in the commissioner, except as herein otherwise provided.

SEC. 8. Propositions. If at any time subsequent to the first of September, 1853, the register shall receive propositions, from any individual or company, which he deems of sufficient importance, he may submit the same to the commissioner and the assistants; and, should a contract of the kind required in this act be consummated, then the salary of the commissioner shall again commence to run; and the improvement shall proceed, under such contract, as though the work had not been suspended.

SEC 9. State to be protected. Any contract made under the laws now or hereafter to be in force, shall be so made as to protect the state from any damages under any pre-existing contract; and, in no event shall the state be liable for any contract made, or to be made; but the person or company contracting shall look alone to the funds belonging to, and arising from, said improvement.

SEC. 10. Repeal—take effect. All acts and parts of acts coming in conflict with the provisions of this act are hereby repealed; and this act shall take

effect and be in force, from and after its publication in the Iowa Star and Des Moines Republic.

Approved, January 24, 1853.

I certify that the foregoing act was published in the Des Moines Republic Feb. 3, and Iowa Star Feb. 10, 1853.

GEO. W. McCLEARY,
Secretary of State.

[165] CHAPTER 104.

WATER CRAFTS, ETC.

AN ACT to provide for the taking up of water crafts found adrift, lost goods and stray animals.

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

SECTION 1. Take up—value—affidavit—justice of the peace to issue warrant—appraisers—appraisement—report—estray book—copy—record. That if any person or persons shall hereafter stop, or take up, any keel or flat boat, ferry boat, batteau, pirogue, canoe, or other vessel, or water craft found adrift on any water course within the limits, or upon the boundaries of this state, and the same shall be of the value of five dollars, or upwards, including her cargo, tackle, rigging, and other appendages, it shall be the duty of such person or persons within five days thereafter, provided the same shall not have been previously proven and restored to the owner, to go before some justice of the peace of the proper county, and make affidavit in writing, setting forth the exact description of such vessel or water craft, where and when the same was found; whether any, and if so, what cargo, tackle, rigging or other appendages were found on board or attached thereto; and that the same has not been altered or defaced, either in the whole or in part, since the taking up, either by him, her, or them, or by any other person, to his, her or their knowledge; and the said justice shall thereupon issue his warrant, directed to some constable of his township or district, commanding him forthwith to summon three respectable householders of their neighborhood, if they cannot otherwise be had, whose duty it shall be to proceed, without delay, to examine and appraise such boat or vessel, her cargo, or tackle, rigging, and all other appendages as aforesaid, and to make report thereof, under their hands and seals, to the justice issuing such warrant as aforesaid, who shall enter the same, together with the affidavit of the taker up at large, in his estray book; and it shall be the further duty of such justice, within ten days after the said proceedings shall have been entered on his estray book aforesaid, to transmit a certified [166] copy thereof to the clerk of the county judge of the proper county, to be by him recorded in his estray book and file the same in his office.

SEC. 2. Less than \$20—advertise—vest—exceed \$20—notice—newspapers—sell—county treasury. In all cases where the appraisement of any such boat or vessel, including her cargo, tackle, rigging, or other appendages, as aforesaid, shall not exceed the sum of twenty dollars, the taker up shall advertise the same on the door of the court house, and in three other of the most public places in the county, within five days after the justice's said certificate shall have been entered on the records of the county judge, and if no person shall appear to claim and prove such boat

or vessel within six months from the time of taking up as aforesaid, the property in the same shall vest in the taker up; but if the value thereof shall exceed the sum of twenty dollars, it shall be the duty of the clerk of the county judge, within ten days from the time of the reception of the justice's said certificate at his office, to cause an advertisement to be set up on the door of the court house, and at three other of the most public places of the county; and also, a notice thereof to be published for three weeks successively in some public newspapers printed in this state, and if the said boat or vessel be not claimed or proven within ninety days after the advertisement of the same as aforesaid, it shall be the duty of the taker up to deliver the same to the sheriff of the county wherein such boat or vessel may have been so taken up, who shall thereupon proceed to sell the same at public auction to the highest bidder, for ready money having first given ten days' notice of the time and place of sale; and the proceeds of all such sales, after deducting the cost, and other necessary expenses, shall be paid into the county treasury.

SEC. 3. Money—description—return. If any person shall hereafter find any lost goods, money, bank notes, or other choses in action, of any description whatsoever, of the value of five dollars, and upwards, it shall be the duty of the person or persons to inform the owner thereof, if known, and to make restitution of the same, without any compensation whatever, except the same be voluntarily given, on the part of the owner; but if the owner be unknown, such person or persons shall, within five days after such finding as aforesaid, take such goods, money, bank notes, or [167] other choses in action, before some justice of the peace of the proper county, and make affidavit of the description thereof, the time and place when and where the same was found; that no alteration had been made in the appearance thereof since the finding of the same; whereupon the justice shall enter a description of the property thus found, and the value thereof, as near as he can ascertain, in his estray book, together with the affidavit of the finder, to be taken as aforesaid; and shall also, within ten days after said proceedings shall have been entered on his estray book as aforesaid, transmit to the clerk of the county judge a certified copy thereof, to be by him recorded in his estray book, and file the same in his office.

SEC. 4. Finder or taker up—vest in finder—exceed \$10—advertise—newspaper—county treasury—clerk—sheriff—sell—notice—county treasury. In all cases where such lost goods, money, bank notes, or other choses in action, shall not exceed the sum of ten dollars in value, it shall be the duty of the finder to advertise the same on the door of the court house, and three other of the most public places in the county; and if no person shall appear to claim and prove such money, goods, bank notes, or other choses in action, within twelve months from the time of such advertisement, the right to such property, when the same shall consist in goods, money, or bank notes, shall be vested in the finder; but if the value thereof shall exceed the sum of ten dollars, it shall be the duty of the clerk of the county judge, within ten days from the time of the justice's said certificate, at his office, to cause an advertisement to be set up on the court house door, or three of the most public places in the county; and also a notice thereof to be published for three weeks successively in some public newspaper printed in this state; and if said goods, money, bank notes, or other choses in action, be not reclaimed within six months after the advertisement as aforesaid, it shall be the duty of the finder of the property, if the same shall consist in money or bank notes, to deliver the same to the county treasury after deducting the necessary expenses hereinafter provided for; if in bank bills, notes of hand, patents, deeds of conveyance, articles of apprenticeship, mortgages, or other instru-

ments of value, the same shall be delivered to the clerk of the county judge, to be preserved in his office, for the benefit of the owner, whenever legal application shall be made there [168] for; if in goods, wares, or merchandize, the same shall be delivered to the sheriff of the county, who shall thereupon proceed to sell the same at public auction to the highest bidder, for ready money, having first given ten days' notice of the time and place of such sale; and the proceeds of all such sales, after deducting the cost and other expenses, shall be paid into the county treasury.

SEC. 5. Duty of when less than \$5. In all cases where any vessel or water craft shall be taken up, or any goods, money, or bank notes shall be found as aforesaid, which shall be of a value less than five dollars, it shall be his duty to advertise the same by setting up three advertisements in the most public places in the neighborhood; but in such cases, the taker up or finder shall be required to keep and preserve the same, in his or her possession, and shall make restitution thereof to the owner, without fee or reward, except the same be given voluntarily, whenever legal application shall be made for the same, provided it shall be done within three months from the time of such taking up or finding; but if no owner shall appear to claim such property within the time aforesaid, the exclusive right to the same shall be vested in the finder or taker up.

SEC. 6. Householder's duty in taking up horses, etc.—oath—warrant—appraisement — marks — return — advertise — proviso. Every person being a householder, who shall take up any estray horse, gelding, mare colt, mule, or ass, shall, within five days thereafter, take the same before some justice of the peace of the county wherein such estray shall have been taken up; provided the same shall not have been previously proven by the proper owner or owners, and a tender of the compensation herein provided for, and make oath before such justice, that the same was taken up at his or her plantation, or place of residence, in said county, or otherwise, as the case may be, and that the mark or brands have not been altered by him or her, or any other person, to his or her knowledge, either before or after the same was taken up; the justice shall then issue warrant, directed to a constable of his township, commanding him to summon three disinterested householders of the neighborhood, unless they can otherwise be had, to appraise such estray; and after they, or any two of them, have been sworn, to appraise such estray, without partiality, favor or affection, they shall forthwith proceed to ap- [169] praise the same, and shall immediately make report thereof in writing under their hands and seals to the said justice, in which they shall be required to set forth a description of the marks, natural and accidental, brands, color and age of such horse, gelding, mare, colt, mule or ass; and the said justice shall thereupon enter the same in his estray book, and transmit a certified copy thereof, under his hand and seal together with the original return of the appraisers, to the county judge of said county within ten days thereafter, who shall enter the same in his estray book, and file the aforesaid transcript and report of the appraisers in his office; and the said judge shall, within twenty days from the time of the reception of the justice's said transcript, cause an advertisement thereof to be set up on the door of the court house, and at three other of the most public places in the county; and also, a notice to be published for three months successively in some public newspaper, printed in this state; provided, the newspaper publication may be dispensed with in all cases, where the value of such estray shall not exceed the sum of fifteen dollars.

SEC. 7. Cattle, etc.—similar to 6th section—fees—horses, etc. Any person being a householder, who shall take up any head of neat cattle, sheep, goat, or hog, shall, within five days thereafter, cause the same to be advertised in three of the most public places in the neighborhood or township, and shall also, within ten days thereafter, unless such stray or strays shall have been previously reclaimed by the owner, go before some justice of the peace of the proper county, and make oath as is required in the taking up of any estray horse, whereupon such justice shall take from such taker up, on oath, a particular description of the marks, brands, color, and age of such neat cattle, sheep, goat, or hog; and said justice shall also cause such estray or estrays last mentioned to be appraised in like manner as is required to be done in the case of an estray horse, after which the same entries and proceedings shall be made as is required in the sixth section, except that it shall not be necessary to make publication in a newspaper when the valuation of the property shall not exceed the sum of fifteen dollars: provided, that if two or more estrays of the same species [170] are taken up by the same person, at the same time, they shall, in all cases, be included in one entry and in one advertisement, and in such cases, the said justice, clerk, and appraisers shall receive no more for their services, than is allowed in cases where but one of the same is taken up; but in all cases where the value does not exceed the sum of five dollars, no further proceedings need be had than for the justice to enter the same in his estray book, for which the justice shall be entitled to a fee of twenty-five cents; and when so posted and entered, the right, after the expiration of six months, shall vest in the taker up; and if the appraisement of any estray or estrays shall exceed five dollars, and does not exceed ten dollars, the right therein shall be vested in the taker up, by his paying all charges which may have accrued in posting the same.

SEC. 8. Oath—proviso. Any person being a householder, finding any estray horse, gelding, mare, colt, mule or ass, running at large without any of the settlements in this state, may take up the same, and shall forthwith take such estray or estrays before the nearest justice of the peace, and make oath as directed in the sixth section of this act, after which it shall be lawful for such person to post such estray or estrays in manner and in form as in other cases: provided, that nothing in this act shall be so construed, as to authorize any person to take up or stop any estray animal between the first day of May and the first day of November, unless the same be a work beast, and manifestly straying away from the owner.

SEC. 9. Compensation—horse, mule, ass, \$2.00—cattle, 20 cents—sheep or hogs—goods or money—costs. As a reward for the taking up of all boats and other vessels, and of estrays, and for finding of lost goods, money, bank notes, and other choses in action, there shall be paid by the owner, to the taker up or finder, before restitution of the property; or proceeds thereof shall be made, for every horse, mare, colt, mule or ass, the sum of one dollar, except when the same may have been taken up out of the settlement, in which case the taker up shall be allowed the sum of two dollars, for each head of neat cattle; twenty cents, for every sheep, or hog, ten cents; and in all cases where goods, money, or bank notes, shall be found, the finder shall be entitled to ten per cent. upon the value thereof, in addition to which said allowance, the owner shall also be re-[171] quired to pay to the taker up, or finder, all such cost and charges as may have been paid by him, or her, for services to be rendered as aforesaid, including the cost of publication; together with reasonable charges for keeping and taking care of such property, which last mentioned charge, in case the taker up, or finder, and the owner cannot agree, shall be assessed by two disinterested house-

holders of the neighborhood, to be appointed by some justice of the peace of the proper county, whose decision, when made, shall be binding and conclusive on all parties.

SEC. 10. No owner—within 1 year—vest—sheriff—sell—county treasury. In all cases where any stray animal shall be taken up as aforesaid, and no owner shall apply or prove his or her property, within one year after advertisement shall be made as aforesaid, and the valuation exceed the sum of ten dollars, and no owner appear within the time aforesaid, the property may be vested in the taker up, by his paying the appraised value into the county treasury, after deducting all necessary expenses as hereinafter provided; but if the taker up or finder shall fail to comply as aforesaid, it shall be his duty to deliver the same to the sheriff of the county, who shall thereupon proceed to sell such stray or strays at public auction to the highest bidder, for ready money, having first given ten days public notice of the time and place of sale, and the money arising from the sale thereof, after deducting the cost and charges paid by the taker up, and reasonable expenses for keeping the same, together with all other costs and charges which may be incident thereto, shall be paid into the county treasury: provided, that the taker up shall in all cases have the privilege, at the expiration of the year aforesaid, to pay into the county treasury the aforesaid value of such estray, after deducting the cost and charges aforesaid, and by so doing, shall acquire an absolute right to the property in such estrays; and provided, that if the taker up and treasurer cannot agree on the charges for keeping, it shall be assessed as aforesaid, by two disinterested householders, which decision shall be binding.

SEC. 11. County treasury—owner apply—use of schools. The net proceeds of all such sales, as may at any time be made by sheriff in pursuance of this act, and all such money or bank notes, as may be paid over to the county [172] treasurer, as directed in the tenth section of this act, shall remain in the hands of the county treasurer, in trust for the owner, if any such shall apply within one year from the time the same shall have been paid over; but if no owner shall appear within the time aforesaid, the said money shall be considered as forfeited, and the claim of the owner thereto forever barred, in which event the money shall remain in the county treasury for the use of common schools in said county.

SEC. 12. Accidents—not accountable—notice. If the taker up of any estray animal, water craft or lost goods, bank notes, or other choses in action, shall be faithful in taking care of the same, and if any unavoidable accident shall happen thereto, without the fault or neglect of the finder or taker up, before the owner shall have an opportunity of reclaiming the same, such taker up or finder shall not be accountable therefor: provided, that in all cases of accident as aforesaid, it shall be the duty of the taker up or finder, within ten days thereafter, to certify the same under his hand and seal to the clerk of the county judge, who shall make an entry thereof in his estray book.

SEC. 13. Taker up disposing of property—forfeit. If any person shall trade, sell or loan, out of the limits of this state, any such property as may at any time be taken up or found as aforesaid, except such animals as are suitable for the harness or saddle, before he, she or they shall be vested with the right to the same, agreeably to the provisions of this act, he, she or they so offending shall forfeit and pay double the value thereof, to be recovered by any person who shall sue for the same, in any court, or before any justice of the peace having jurisdiction thereof, by action of debt, one-half thereof shall go to the person suing, and the other half to the county as aforesaid.

SEC. 14. **Failure to comply—fine.** If any person shall take up any boat or vessel, or any stray beast, or shall find any goods, money, bank notes or other choses in action, and shall fail to comply with the requisition of this act, every such person so offending shall forfeit and pay the sum of twenty dollars, to be recovered before any justice of the peace; who will sue for the same, the one-half whereof, shall be for the use of the person suing, and the other half to be deposited in the county treasury, for the use of common schools: provided, that nothing herein [173] contained shall prevent the owner from having and maintaining his action for the recovery of any damage he or she may sustain.

SEC. 15. **Fees—justice of the peace—clerk—sheriff—constable—appraiser.** In all cases where services shall be performed by any officer or other person under this act, the following fees or compensation shall be allowed, to wit: To the justice of the peace, for administering the oath to the taker-up or finder, making an entry thereof, with the report of the appraisers, and making and transmitting a certificate thereof to the clerk of the county judge, fifty cents; to the clerk for taking proof of the ownership of the property, and granting certificate of the same, twenty-five cents; for registering each certificate transmitted to him by the justice as aforesaid, ten cents; for advertisements, including the newspaper publication, fifty cents; to the sheriff, on account of sales made by him in pursuance of this act, four per cent. on the amount; to the constable, for each warrant served on appraisers, twenty-five cents; to each appraiser, twenty-five cents; all which said costs and charges, with the exception of the justice for granting a certificate of ownership, and the sheriff's commission, shall be paid by the taker up to the person entitled thereto, whenever the service shall be performed; provided, that in all cases where it shall be necessary to make publication in a newspaper, the taker up or finder, as the case may be, shall be required to deposit with the clerk of the county judge a sum of money sufficient to pay for the same, previous to the publication thereof, all which costs and charges shall be reimbursed to the taker up or finder, in all cases where restitution of the property shall be made to the owner, or the same shall be delivered to the sheriff to be sold, or where money or bank notes shall be paid into the county treasury, in addition to the reward to which such person may be entitled, for such taking up or finding as aforesaid.

SEC. 16. **Estray book.** For the more speedy recovery of the estrays or other lost property, it shall be lawful at all times for any person interested, to search and examine the estray book of the clerk for any information, he or she may want in relation to any property which may at any time have strayed away or been lost by any such person as aforesaid, for which said clerk shall be entitled to no compensation.

[174] SEC. 17. **Take effect.** This act to take effect from and after the publication of the laws of this session.

Approved, January 24, 1853.

CHAPTER 105.

FENCES.

AN ACT concerning fences.

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

SECTION 1. **Fences—lawful.** That any fence constructed of strong materials, put up in a good and substantial manner, with sufficiently small spaces between the materials composing said fence, and raised to the height of

four feet six inches, shall be considered a lawful fence, or such other construction of fences as may, in the opinion of the fence viewers, be of equal strength and security to the enclosure, shall in like manner be considered lawful.

Approved, January 24, 1853.

CHAPTER 106.

STATE ROADS.

AN ACT in relation to certain state roads therein named.

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

SECTION 1. Commissioners—Anamosa to Crane's. That Austin S. Warren, Joseph A. Hunt and Roswell Crane, of Jones county, be and they are hereby appointed commissioners to review and establish that portion of the military road running between Anamosa and the residence of Roswell Crane, in said county.

SEC. 2. Commissioners to review. Allen Scroggs, Orrin Harvey and G. W. Mead, of Jones county, be and they are hereby appointed commissioners to review and establish that portion of the Anamosa and Camanche state road that lies within eight miles of Anamosa.

SEC. 3. Commissioners—widow Fesler's to south line of Washington county. Frederick Schwaebe, Joseph Myers and Presley Figgins, of Washington county, are hereby appointed commissioners to locate and establish a state road, commencing at the bridge on what is termed the military road, near widow Fesler's residence, in Johnson county, thence on the nearest and most practicable route from bridge to bridge on the road so called, to the south line of Washington county.

SEC. 4. Commissioners—Ft. Desmoines to Wahtawah. O. D. Smally, of Dallas county; W. W. Jones, of Polk county; and Wilson Miller, of Dallas county, be and they are hereby appointed commissioners to locate and establish a state road from Fort Desmoines via (best route) to Wahtawah, in Adair county.

SEC. 5. Commissioners—Centerville to Ft. Desmoines. J. F. Stratton, of the county of Appanoose; Elijah Robinson, of the county of Lucas, and Alexander Roberts, of the county of Warren, be and they are hereby appointed commissioners to locate and establish a state road from Centerville, Appanoose county, via Chariton, in Lucas county, Indianola, Warren county, to Fort Desmoines, Polk county.

SEC. 6. Commissioners—Monroe to Indianola. I. Q. Doekin, of Jasper county, C. W. Freel, of Polk county, and R. W. Steele, of Warren county, be, and they are hereby appointed, commissioners to locate and establish a state road from Monroe, Jasper county, via Lafayette, in Polk county, to Indianola, in Warren county.

SEC. 7. Commissioners—Newton to Marietta. William H. McHenry, of Polk county, J. Hobbs, of Marshall county, and Thomas Reese, of Jasper county, be, and they are hereby appointed, commissioners to locate and establish a state road from Newton, in Jasper county, via C. Brady's, to Marietta, in Marshall county.

SEC. 8. Commissioners—bridge on Skunk to Marietta. John McLain and D. Bryant, of Polk county, and J. M. Ferguson, of Marshall county, be, and

they are hereby appointed, commissioners to locate and establish a state road from the bridge on south Skunk via Webb's point to Marietta, in Marshall county.

SEC. 9. Commissioners — near Marengo — to near Overman's. Nicholas Wintersteen and W. H. Henderson, of Johnson county, A. B. Phillips, of Muscatine county, be, and they are hereby appointed, commissioners to review and re-locate that part of the state road beginning above Marengo, [176] on the north side of the river, in Iowa county, running eastward and south eastward through the counties of Johnson and Cedar, to intersect the road leading from Iowa City to Overman's ferry, between Joseph Felkner's corner, where said road intersects it, and its intersection with said road leading to Goverman's ferry, and to conform that part of said road according to their judgment to the public interest.

SEC. 10. Vacated. That so much of the state road from Columbus City via McClure's mill, to Iowa City, as lies between McClure's mill, in Washington county, and widow Fry's, on Old Man's creek, in Johnson county, be, and the same is hereby vacated.

SEC. 11. Commissioners — to re-locate — points. Thomas Hanson and Stephen Chase, of Iowa county, and Dr. E. Burton of the county of Poweshiek, be, and they are hereby appointed commissioners to re-locate such part of the state road from Iowa City to Newton, in Jasper county, as in their judgment may be necessary to place said road on more practicable ground, provided that Marengo, in Iowa county, Jesse G. Win's, in Poweshiek county, shall be points in said road.

SEC. 12. Commissioners—Marengo to Ft. Dodge. Samuel C. Trowbridge, of Johnson county, Andrew D. Stephen, of Benton county, and C. C. Slocomb, of Iowa county, are hereby appointed commissioners to locate and establish a state road from Marengo, in Iowa county, on the nearest and best route to Fort Dodge, on the Des Moines river.

SEC. 13. Vacated. That the state road laid out from the southwest corner of section sixteen, of Franklin township, in Lee county, to Plymouth, in Van Buren county, be and the same is hereby vacated.

SEC. 14. Vacated. That so much of a road commencing at Bushe's mill, in Jefferson county, thence to the Des Moines river, in Van Buren county, established by an act of the territorial legislature, approved January 19, 1846, as lies in the county of Jefferson, be, and the same is hereby vacated.

SEC. 15. Commissioners—New Wine to state line. That Clark Newcomb, of the county of Fayette, John McCoy, of the county of Winneshiek, and David Moorland, of the county of Delaware, are hereby appointed commissioners to locate and establish a state road, commencing at New Wine, Dubuque county, by way of Strawberry Point, in [177] Clayton county; West Union, in Fayette county, and Decorah, in Winneshiek county, thence northerly to the state line.

SEC. 16. Commissioners—Dubuque to the forks. That Charles Gilliam, James Crider, and F. V. Goodrich, of the county of Dubuque, are hereby appointed commissioners to locate and establish a state road, commencing at the corporation line westerly of the city of Dubuque; thence westerly to the forks of the road that is now travelled at or near Henry's house, at a point where the said road forks, one fork leading to Delhi, in Delaware county, the other leading to Colesburgh, in same county.

SEC. 17. Commissioners—Lyons to Iowa City. That Robert Gower, of the county of Cedar, William Edgar, of the county of Clinton, and Cornelius Lancaster, of the county of Johnson, be, and they are hereby appointed commissioners to locate and establish a state road from Lyons, via Dewitt, Buena Vista, Tipton, and Cedar Bluffs, to Iowa City.

SEC. 18. Commissioners—Young's to Montezuma. That Daniel Coriell, of Washington county, Charles Patterson, of Keokuk county, and Robert Taylor, of Poweshiek county, are hereby appointed commissioners to lay out and establish a state road, commencing at the most suitable point on the road from Washington to Wassonville, between the residence of Samuel P. Young, on said road, and Wassonville; thence, on the best route to suit the settlements, to Montezuma, in Poweshiek county.

SEC. 19. Commissioners—Columbus to Independence. That Jacob LyBrand, Thomas B. Twiford, and S. S. McClure, be, and they are hereby appointed commissioners to locate and establish a state road from Columbus, in Alamakee county, via LyBrand, and West Union, to Independence, in Buchanan county.

SEC. 20. Commissioners—Delhi to Glenwood. O. N. Tyson, of the county of Mills, William S. Townsend, of the county of Cass, and William C. Stamberry, of the county of Benton, be, and they are hereby appointed commissioners to locate a state road from Delhi, in Delaware county; thence, upon the nearest and best route, to Fremont, in Benton county; thence, through Poweshiek and Jasper counties, to Fort Des Moines; thence on the nearest route, to Lewis, the county seat of Cass county; thence to Glenwood, the county seat of Mills county.

SEC. 22. Commissioners—Iowa City to Isaac Smith's. Abner Arrowsmith, of Linn county, and H. Medowel [178] and Cyrus Sanders, of the county of Johnson, are hereby appointed commissioners to locate a state road from Iowa City, in Johnson county, via James Payne's, in said county of Johnson; thence, on the most practicable route, to intersect the Prairie du Chien road at or near the house of Isaac Smith, in section twenty-four, (24) in township eighty-two (82) north, of range seven (7) west, in the county of Linn.

SEC. 23. Commissioners—Marengo to Ft. Dodge. William Hench, of Iowa county, William Taylor, of Tama county, and William Deeshon, of Marshall county, are hereby appointed commissioners to locate a state road from Marengo, in Iowa county, by way of Marietta, in Marshall county to Fort Dodge.

SEC. 24. Commissioners—Bloomfield to Winterset. C. G. Cramer, of the county of Monroe, Parris T. Totten, of the county of Marion, and R. W. Steel, of the county of Warren, be, and they are hereby appointed commissioners to locate a state road, commencing at Bloomfield, in Davis county, via Drakesville, Albia, Knoxville, Indianola, to Winterset, in Madison county.

SEC. 25. Commissioners—Ottumwa to northern boundary of Missouri. Alexander Brown, of the county of Wapello, Henry Cramer and Ephraim Nelson, of the county of Davis, be, and they are hereby appointed commissioners to locate a state road, commencing at Ottumwa, via Drakesville, to the northern boundary of Missouri, in the direction of Kirksville, Missouri.

SEC. 26. Commissioners—Eddyville to Knoxville. Daniel Sherwood, Julius Bridges and James W. Turk, are hereby appointed commissioners to locate a state road from Eddyville, in Wapello county, to Knoxville, in Marion county.

SEC. 27. Commissioners—Agency City to Lancaster. Jesse Brookshin, and Solomon McReynolds, of the county of Wapello, and R. F. Weller, of the county of Keokuk, are hereby appointed commissioners to locate a state road from Agency City, in Wapello county, to Lancaster, in Keokuk county.

SEC. 28. State road in Davis and Van Buren counties legalized. That so much of the state road located and surveyed in the year 1847, by Richard Abanathy, John Allen and J. F. Stratton, running from Sulavan's line to

the west side of Appanoose county, as runs through the counties of Davis and Van Buren, is hereby declared to be a public highway, subject to all the regulations of state roads, and the returns [179] of said survey and location made to the counties of Davis and Van Buren, and to the secretary of state, by Richard Abanathy, John Allen, and J. F. Stratton, shall be sufficient evidence in all cases of said road so located, being a state road.

SEC. 29. **Commissioners—Cascade to Gear's ferry.** Jonathan Higgins and Sylvester Dean, of the county of Dubuque, and John E. Goodenow, of the county of Jackson be, and they are hereby appointed commissioners to locate a state road, commencing at Cascade, in the county of Dubuque, to Gear's ferry, on the Mississippi river.

SEC. 30. **Commissioners—A. D. Stephen's to southeast corner of Hardin county.** George W. Vorees, of Marshall county, David F. Bruner, of Tama county, and A. D. Stephen, of Benton county, be appointed commissioners to locate a state road, commencing at A. D. Stephen's in Benton county, thence to the southeast corner of Hardin county.

SEC. 31. **Commissioners—Buena Vista to Iowa City.** Alonzo Shaw and Thomas Curtis, of the county of Cedar, and William R. Edgar, of the county of Clinton, are hereby appointed commissioners to locate a state road, commencing at Buena Vista, in Clinton county, thence, via Postten's Grove, Tipton and Cedar Bluffs, in Cedar county, to Iowa City, in Johnson county.

SEC. 32. **Commissioners—re-locate road Muscatine to Davenport.** George Bumgardner and James H. Franklin, of the county of Muscatine, and Jabez A. Richard, of the county of Scott, be, and they are hereby appointed commissioners to locate a state road, commencing at Muscatine, in Muscatine county, thence to Davenport, in Scott county, and known as the river road, so as to place the same above high water mark of the Mississippi river.

SEC. 33. **Alteration.** That the state road leading from Camanche, in Clinton county, to Anamosa, in Jones county, located under the act approved, February 5th, 1851, be hereby altered, as follows: commencing where said road crosses the east line of section No. three (3,) in township No. eighty-one (81,) north, of range five (5,) east, from thence said road shall run north to the township line between townships Nos. eighty-one and eighty-two north, thence west on said township line, one-half mile, thence north to said road.

SEC. 34. **Alteration—vacation.** That the state road from Davenport, in Scott county by Moscow, in Muscatine county, to intersect the territorial [180] road, leading from Muscatine to Iowa City, located under the act, approved February 5th, 1851, be hereby altered as follows: commencing about one hundred and thirty-five rods from the western terminus of said road, thence running south so the said road so changed shall be located on the east line, and on the land of William Lewis, to intersect the said territorial road from Muscatine to Iowa City and so much of the aforesaid road as runs west from the eastern line of said William Lewis' is hereby vacated.

SEC. 35. **Commissioners—Iowa City to Snook's grove.** John D. Abel, of Johnson county, Thomas Henson, of Iowa county, and Joshua Talbot, of Poweshiek county, be and they are hereby appointed commissioners to locate and establish a state road, commencing at Iowa City, thence crossing the Iowa river at the most convenient point, and running westward on the best grounds, on or near the line dividing sections nine and sixteen, opposite said Iowa City, thence westward to Snook's Grove, in Poweshiek county: provided, however, that no portion of the expense of locating said road shall be paid by the county of Iowa.

SEC. 36. **Vacated.** That so much of a certain territorial road as lies southwest of Hale's Bridge (now Sheek's mill,) on Fox river, in Van Buren

county, which was located by an act of the territorial legislature, approved, February 2, 1842, providing for the location of a territorial road from Keosauqua to the southern boundary of the territory, be, and the same is hereby vacated.

SEC. 37. Commissioners—Cedar Falls to Buena Vista. E. L. Adams, of Black-Hawk county, Daniel Preeley, of Buchanan county, and H. D. Wood, of Delaware county, be, and they are hereby appointed commissioners to locate a state road, commencing at Cedar Falls, in Black-Hawk county, thence by Greely settlement, and Richardson's grove, in Buchanan county, and Turner's mill, Eads' grove, and the Dixon settlement, in Delaware county, to Buena Vista, in Clayton county.

SEC. 38. Commissioners—from one road to another. George Acres and Roswell Turner, of Delaware county, and Noah W. Harrow, of Fayette county, be, and they are hereby appointed commissioners, to locate a state road, commencing on the centre line of section eight, in township eighty-eight, north of range four, west, in the road which [181] runs from Delhi to Eads Grove, in Delaware county, thence by Delaware Centre and Turner's mill, in Delaware county to a road in Fayette county, which runs to West Point.

SEC. 39. Commissioners—Muscatine to Mt. Pleasant. George Bungardner, of Muscatine county, William Stronach, of Louisa county, and John S. Bartruff of the county of Henry, are hereby appointed commissioners to locate a state road on the nearest and best route, commencing at Muscatine, in Muscatine county, by way of Columbus City, in Louisa county, to Mt. Pleasant, in Henry county.

SEC. 40. Commissioners—Ft. Des Moines to Ft. Dodge. John Saylor, of Polk county, Peter J. Nicholson, of Boone county, and William Pierce, of Webster county, are hereby appointed commissioners to locate a state road from Fort Des Moines, via Saylorville, Polk county, Sweet Point, Boonsboro and Dakotah, to Fort Dodge, in Webster county, and that so much of the old state road from Fort Des Moines to Boonville as runs from David Parker's to Boonville be, and the same is hereby vacated.

SEC. 41. Commissioners—Currier's ferry to Eddyville. Robert Oldham, Butler Delashmutt, and John Brint, of Mahaska county, be, and they are hereby appointed, commissioners to locate a state road from Charles Currier's ferry, at the crossing of Skunk river, in Mahaska county, to Eddyville, in Wapello county.

SEC. 42. Commissioners—Muscatine to Washington. Samuel Lucas, of the county of Muscatine, J. R. Sisson, of the county of Louisa, and Jonathan Wilson, of the county of Washington, are hereby appointed commissioners to locate a state road on the nearest and best ground from Muscatine, in Muscatine county to Washington, in Washington county.

SEC. 43. Commissioners—Garden Grove to Lewis. That O. N. Kellog and Judge Morgan, of Decatur county, and C. E. Woodward, of Cass county, be, and they are hereby appointed commissioners to locate and establish a state road from Garden Grove, in Decatur county, via the county seat of Union county, to Lewis, in Cass county.

SEC. 44. Commissioners—Glenwood to Chariton. That O. N. Tyson, Samuel Martin, and C. W. Talls, of the county of Mills, be, and they are hereby appointed commissioners to locate and establish a state road from Glenwood, Mills county, thence east through the centre of Montgomery county, via Quincy and the county seats of Union and Clark counties, to Chariton, in Lucas county.

[182] **SEC. 45. Commissioners—west line of Dallas county to Council Bluffs city.** That John Longmire, of Dallas county, Hiram Harkings, of Guthrie county, and A. D. Jones, of Pottawattamie county, be, and they are hereby appointed commissioners to locate and establish a state road from the west line of Dallas county, via Shelbyville, in Shelby county, to Council Bluffs.

SEC. 46. Commissioners—Shelbyville to Magnolia. That Mansel Wicks, of Shelby county, James Hardy, of Harrison county, and Joseph Holeman, of Pottawattamie county, be, and they are hereby appointed commissioners to locate and establish a state road from Shelbyville to Magnolia, in Harrison county.

SEC. 47. Commissioners—Calhoun Point via Ham's to county seat of Yell. That Thomas N. Copeland, A. D. Jones, and John McKinney, be, and they are hereby appointed commissioners to locate and establish a state road, starting at a point on the Missouri river, nearly opposite old Fort Calhoun, thence to Magnolia, thence to Ham's Grove, Summit Grove, Pilot Grove, and thence to the county seat of Webster county, (formerly Yell.)

SEC. 48. Commissioners—Lewis to Council Bluffs. That A. D. Jones and Harvey Dunn, of Pottawattamie county, and V. M. Conrod, of Cass county, be, and they are hereby appointed commissioners to locate and establish a state road from Lewis, in Cass county, to Council Bluffs.

SEC. 49. Commissioners—Fremont to Bradford. E. A. Brown, of Black-Hawk county, John Blunt, of Chickasaw county, and W. C. Stanberry, of Benton county, are hereby appointed commissioners to locate a state road from Fremont, in Benton county, to Waterloo, in Black-Hawk county, thence to John H. Messenger's, in Bremer county, thence to Bradford, in Chickasaw county.

SEC. 50. Commissioners—Muscatine to Davenport. Jabez A. Birchard, A. W. Campbell, of the county of Scott, and George Bumgardner, of the county of Muscatine, are hereby appointed commissioners to locate a state road, beginning at Muscatine, at the same point or place where the Burdit road begins, and running thence along and with said Burdit road, until the same intersects the Muscatine and Tipton graded road, and thence on and along said latter road to a point near or opposite the house of Mr. Senate, thence east to the telegraph line, thence along said telegraph line, or as near the same as may be deemed best and practicable, to the residence of John P. Baker, thence on the nearest and best route to the southeast corner of township [183] 78 north, of range one (1) east, thence east on said township line to a point at or near the house of John Friday, thence along the established road to the city of Davenport.

SEC. 51. Commissioners—Independence to Bradford. Samuel Saffecool, of Buchanan county, Westly Tibbets, of Bremer county, and William Tucker, of Chickasaw county, be, and they are hereby appointed commissioners to locate a state road from Independence, in Buchanan county, by J. H. Messenger's, at the lower Big Woods of Cedar river, to Bradford, in Chickasaw county.

SEC. 52. Vacated. That a certain part of the state road leading from Fairfield to Agency City, through a portion of Jefferson and Wapello counties, to wit: commencing at the east side of section twenty-seven, (27) township seventy-two, (72) north of range twelve, (12) at the half-mile corner, thence running west on the half mile line to Abel Marsh's, thence to Agency City.

SEC. 53. Vacated. That so much of the state road leading from Hillsborough, Henry county, to Farmington, Van Buren county, as lies between

where the road leading from Keokuk to Fairfield crosses the county line between Lee and Van Buren, and Farmington, laid out in accordance with section 14 of "an act to locate and establish certain state roads therein named, approved February 5, 1851," be, and the same is hereby vacated.

SEC. 54. **Commissioners—Pella to Pleasantville.** E. F. Graffe, Robert Clark, and Westley Jordan, of the county of Marion, are hereby appointed commissioners to locate a state road, commencing at Pella, in Marion county, and running via Red Rock to Pleasantville, in said county, of Marion.

SEC. 55. **County line declared a road.** That so much of the county line dividing Johnson and Washington counties, as lies between the state road leading from Iowa City to Sigourney, and the county road leading from English bridge, at Bunker's mill, to the north line of Washington county, near George Snyder's, is hereby declared a state road.

SEC. 56. **Commissioners—Yankee settlement to section 27, township 93, range 8.** Clark Newcomb, R. R. Richardson, and James Crawford, are hereby appointed commissioners to locate a state road from the Yankee settlement, in Clayton county, via Strawberry Point, Brush Creek, and Spring Grove to section [184] twenty-seven, (27) in township ninety-three, (93) range eight (8) west, in Fayette county.

SEC. 57. **Commissioners—Charleston to Keokuk, with valley plank road—vacant.** That Smith Hammill, William Lamb, and John A. Bishop, of Lee county, be, and the same are hereby appointed commissioners to lay out and establish a state road from the town of Charleston, in said county, to the city of Keokuk, in said county, commencing at the said town of Charleston, and running to the bluff west of Montrose, intersecting the road from Montrose to Keokuk, thence to the city of Keokuk, on the nearest and most feasible route, and as far from the line of the Keokuk and Des Moines valley plank road as the nature of the ground and the convenience of the public will permit; and so soon as said road is laid out and established, and opened for travel, the old state road between the two points is hereby declared vacant.

SEC. 58. **Vacated.** That so much of the state road leading from Waugh's Point, in Keokuk county, to Oskaloosa, in Mahaska county, as lies between the 8th and 18th angle posts, be, and the same is hereby vacated.

SEC. 59. **Commissioners—Camp Creek to Clear Lake.** John H. Martin and John T. Barrick, of Bremer county, and Alexander Glenn, of Butler county, be, and they are hereby appointed, commissioners to locate a state road, commencing at Camp Creek, in Buchanan county, thence by Barrick's ford, on Cedar river, and Coon Grove, on Shell Rock river, thence to intersect the road which runs from Cedar Falls to Clear Lake.

SEC. 60. **Commissioners—Cedar Falls to Clear Lake.** James Newel and Jesse Morgan, of Black-Hawk county, and William Payne, of Bremer county, are hereby appointed commissioners to locate a state road, commencing at Cedar Falls, in Black-Hawk county, thence through Beaver and Gohen groves, in Butler county, and through Bubas grove, in Floyd county, thence to Clear Lake, in Cerro Gordo county.

SEC. 61. **Legalized—commissioners—Corydon to Chariton.** That the county road, as now located, from Linnville to Corydon, in Wayne county, be, and the same is hereby declared a state road, and that George Garman and Kellogg M. Heart, of Wayne county, and R. M. Swarts, of Lucas county, be and they are hereby appointed commissioners to locate a state road from Corydon, in Wayne county, to Chariton, in Lucas county.

[185] SEC. 62. **Commissioners—re-location.** John R. Sision, John Radon, and Henry Rockafellar, of Louisa county, are hereby appointed commis-

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] 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.

SEC. 2. **Certificate.** The certificate of the register or receiver of any land office of the United States, as to the entry of land within his district, shall be prima facie evidence of the title of the person entering, to the real estate therein named.

SEC. 3. **Grace.** Grace shall be allowed upon bills and notes executed or payable within this state, according to the principles of the law merchant; and notice of non-acceptance or non-payment, or both, of said instruments, shall be required according to the rules and principles of the commercial law.

And be it further enacted,

SEC. 4. **Competent witness.** That no member of any firm, or stockholder, or owner or any stock in any incorporated company, shall be competent to testify in any cause now or hereafter pending before any tribunal in this state, wherein such firm or corporation is a party; unless called on for that purpose by the opposite party.

SEC. 5. **Books.** Nothing in this act contained shall alter or change the law now in force in relation to the introduction of books of accounts as evidence, but the same shall remain as heretofore in force.

SEC. 6. **Repeal.** All acts and parts of acts inconsistent herewith, are repealed.

SEC. 7. **Take effect.** This act to be in force after its publication in the Iowa Capital Reporter and Iowa Republican.

Approved, January 24, 1853.

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

GEO. W. McCLEARY,
Secretary of State.

[189] CHAPTER 109.

SUPREME COURT.

AN ACT supplemental to an act regulating the terms of the supreme court.

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

SECTION 1. **1st term—terms.** That the first term of the supreme court of the state shall be held on the first Monday in June next, at Iowa City, and a term shall be held on the first Monday in December next, and that thereafter a term shall be held on the first Monday in June and December, in each year.

SEC. 2. **Clerks to file.** That the clerks of the supreme court at Burlington, Ottumwa, Dubuque and Fort Desmoines, shall file all papers, books and files in their office with the clerk of the supreme court, at Iowa City, on or before the first Monday in June next, in place of the time stated in the act to which this is supplemental.

SEC. 3. **Cases pending—June term.** That all causes now pending in the said supreme court at Burlington, Ottumwa, Dubuque, and Fort Desmoines, be set for hearing and trial at the June term, 1853, of said court.

SEC. 4. Take effect. That the act regulating the terms of the supreme court, to which this is supplemental, together with this act, take effect and be in force from and after their publication in the Iowa Capital Reporter, and Iowa Republican, newspapers published at Iowa City.

Approved, January 24, 1853.

I certify that the foregoing act was published in the Iowa Capital Reporter, Feb. 9, and in the Iowa Republican, Feb. 16, 1853.

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

[190] CHAPTER 110.

APPROPRIATIONS.

AN ACT making additional appropriations for the support of the state government, for the fiscal years 1853 and 1854.

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

SECTION 1. Appropriation. That the following sums of money be, and the same are hereby appropriated.

Stationery. To J. L. Corse, the sum of \$1154.60, for stationery furnished the general assembly.

Wood. To secretary of state, the sum of \$200.00 for wood furnished.

Sundries. To Trowbridge & Sanders, the sum of \$29.45 for sundries per bill.

To C. A. Robbins, the sum of \$7.00 for sundries per bill.

To L. B. & O. A. Patterson, the sum of \$26.55 for sundries per bill.

Labor. To J. Startzer, the sum of \$50.00 for labor performed.

Maps. To William Lee, the sum of \$1.50 for mounting two maps.

Rollers. To P. Roberts, 50 cents per bill.

Lettering. To M. B. Root, the sum of \$35.00 for block for Washington monument.

Labor. To N. G. Benton for labor performed \$25.00.

Postage. To A. Hart, the sum of \$843.14 for postage for general assembly (to the 19th inst.)

Penitentiary. To the support of the Iowa penitentiary, as per recommendation of committee on public buildings, as follows:

For payment of existing debt,	\$1096 34
For building and plastering 10 cells,	2980 00
For general support two years,	2000 00
For fencing garden and yard,	330 00
For building two cisterns,	200 00

Total \$6606 34

Indexed journals. To J. Smith Hooten, the sum of \$75.00 for indexing the journal of the house of representatives.

[191] **Clerk.** To John P. Davies, the sum of \$28.00 for 7 days services as assistant engrossing and enrolling clerk.

Translating. To William Vogt, the sum of \$50.00 for translating the governor's message into the German tongue, by order of the house.

Newspapers. To John Clark, the sum of \$747.00.

To Morgan, McKinney & Co., the sum of \$22.50.
 To Geo. D. Crosthwait & Co., the sum of \$285.00.
 To H. D. LaCossitt, the sum of \$37.00.
 To W. H. Merritt, the sum of \$21.00.
 To Mahoney, Stanton & Dorr, the sum of \$22.00.
 To A. P. Wood, the sum of \$15.00.

Contingent expenses. To George W. McCleary, secretary of state, the sum of \$79.20, being excess of expenditures over contingent fund, as per certified bill.

Warden. For pay of salary of warden, clerk and deputy warden, of the penitentiary, from 1st of October, 1852, to the 1st of November, 1852, \$96.66.

Attorney's fees. For the payment of certificate issued by auditor of state, to Ezra Drown, for services as prosecuting attorney, the sum of \$40.00.

To Ezra Drown, for professional services in the case of the state of Iowa, versus, Anson Ford, ten dollars.

To Caleb Baldwin, for professional services in the same case, ten dollars.

To Joseph C. Knapp, for professional services in the same case, \$50.00.

To Charles Negus, for professional services in the same case, \$50.00.

Sundries. H. W. Fyffe, for sundries furnished for the use of the general assembly, \$11.38.

To F. Sanxy, for sundries, \$1.99.

Chairs. To Charles Gamon, for twelve sets of chairs, \$120.00.

Work. To Thomas Snyder, for work done by order of the house, \$20.00

Painting. To E. C. Cole, for painting, glazing, etc., as per bill rendered, \$35.60.

Fitting hall. To William Pattee, for monies expended in fitting up legislative hall, \$50.00.

[192] **Sundries.** To Gower and Holt, for sundries furnished for the use of the general assembly, \$124.56.

To J. D. Templin, for sundries furnished to the state house, \$16.50.

Desks. To John Pattee, for making desks for legislative halls, etc., \$206.00.

Stoves, etc. To Hart and Love, for stoves, stove pipes, and fixtures, \$39.91.

Papers. To J. Mahlin & Son, for papers furnished the house of representatives, \$3.00.

Labor. To James Pattee, for work, etc., about the state house, \$13.00.

Sundries. To George Andrews, for sundries furnished to the state house, \$4.26.

To John Powell & Brother, for sundries furnished to the state house, \$48.35.

Clerk. To P. B. Bradley, as clerk pro tem., \$16.00.

Newspapers. To John R. Needham, for newspapers, \$6.00.

Curtains. To S. V. Pattee, for making curtains, \$10.00.

Lumber. To Hutchinson and Watts, for lumber for work done by order of house of representatives, \$17.17.

Postage. To Anson Hart, P. M., for additional postage bill, \$80.00, or so much thereof as may be accounted for to the auditor of state.

Newspapers.

To the publisher Jackson County Press,	\$3.50
To the publisher Davenport Gazette,50
To the publisher Davenport Banner,	4.50

To the publisher Davenport Demokrat,	15.00
To the publisher Dem. Union,	31.50
To Saml. L. Hoar, for papers,	1.50
To G. G. Galloway, for papers,	1.50
To publisher Anamosa News,	1.50
To publisher Hawkeye,	16.00
To publisher Burlington Gazette,	10.50
To publisher Louisa County Times,	1.50

Mileage. To Sanford Harned, mileage and per diem as senator elect from the county of Keokuk, twenty-eight dollars.

Services. To Thomas S. Espy, for services in 1851 and 1852, as [193] inspector of Iowa penitentiary, twenty-two days, at three days per day, sixty-six dollars.

Newspapers. To G. D. Crosthwait & Co., for 192 copies of the Iowa Republican, at \$0.50 per copy, ninety-six dollars.

To James B. Howell, for 4 copies Des Moines Valley Whig, 50 cts. per copy, two dollars.

To Morgan, McKinney & Co., for one copy of Daily and four of Weekly Telegraph, four dollars.

To H. D. La Cossit, for 3 copies of Democratic Enquirer for the senate, one dollar and fifty cents.

To Keokuk Dispatch, for fifty-three copies of the Weekly Dispatch, twenty-six dollars and fifty cents.

To John Remlin, as assistant fireman to the senate, forty dollars.

To Wm. H. Merritt, for 16 copies of the Weekly Express, eight dollars.

To Mahony, Stanton and Dorr, for three copies of the Dubuque Herald and five copies of the State Democrat, four dollars.

Contingent expenses. To William Pattee, for amount of money paid for extra of contingent expenses of auditor's office, in 1851 and 1852, over appropriation, sixty-four dollars and sixteen cents.

Newspapers. To William Haddock, for four copies of Anamosa News, two dollars.

To John Clark, for eighty-three copies of Legislative Reporter, and one hundred and eighteen copies Weekly do., one hundred and forty-two dollars.

To publisher Iowa Star, for two copies per session, \$1.00

To publisher Dubuque Tribune, per session, \$1.00.

To publisher Anamosa News, 4 copies per session, \$2.00.

To publisher Oskaloosa Herald 10 copies per session, \$5.00.

To publisher Burlington Hawkeye, 6 copies per session, \$3.00.

To publisher Fairfield Ledger, 2 copies per session, \$1.00.

To publisher Burlington Gazette, 4 copies per session, \$2.00.

To publisher Progressive Era, 2 copies per session, \$1.00.

Index. To the secretary of the senate, for indexing journals of the senate, seventy-five dollars.

Paste. To William Lee, for paste for the use of the senate and house of representatives, seven dollars.

[194] **Distributing journals.** To the secretary of the senate, and clerk of the house, for distributing the journals of both houses of the present session, five hundred dollars.

Clerking. To George S. Hampton, for three days' services, as assistant enrolling clerk of the house of representatives, twelve dollars.

Approved, January 24, 1853.

CHAPTER 111.

DAM ACROSS CEDAR RIVER.

AN ACT to authorize Nicholas B. Brown and his associates to construct a dam across Cedar river, in LINN county.

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

SECTION 1. **Dam.** That Nicholas B. Brown, John F. Ely, William Greene, and Joseph Greene, or their assigns, be and they are hereby authorized to construct and maintain a dam across Cedar river, at Cedar Rapids, in Linn county.

And be it further enacted,

SEC. 2. **Exclusive privilege—proviso—lock.** That said Nicholas B. Brown and his associates as aforesaid, shall have the exclusive right and use of the water power created by the erection of such dam: provided, said Brown and his associates as aforesaid, shall, within one year from the passage of this act, construct and build a lock at least forty feet wide, and one hundred and thirty-five feet in length.

SEC. 3. **Passage of boats.** Said lock shall, after completed as aforesaid, be tended by good and skillful men, at the expense of said Brown and his associates at all times during the day, when necessary for boats and rafts to pass through the same, and said lock shall be kept in good repair, sufficient to enable steam, keel, and flat boats, rafts and other water crafts to pass through said lock at all times without unnecessary delay and free of charge.

SEC. 4. **Repealing clause—court may declare void.** This act may be repealed by any subsequent general assembly, and upon petition of any person interested, [195] and upon due proof of a material non-performance of any of the requirements and provisions of this act, the same shall be declared void by the district court of Linn county.

SEC. 5. **Take effect.** This act shall take effect and be in force from and after its publication.

Approved, January 24, 1853.

CHAPTER 112.

STAY OF EXECUTION.

AN ACT allowing and regulating the stay of execution on judgments of the district and justices' court.

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

SECTION 1. **Stay—time.** That all judgments rendered by justices of the peace on any and all causes of action, except where otherwise specially provided for, on the judgment debtor entering good and sufficient security on the proper justice's docket for the amount of such judgment, interest and costs, there shall be a stay of execution, if the principal sum shall not exceed five dollars, twenty days; if over five and not exceeding fifteen dollars, thirty days; if over fifteen and not exceeding twenty-five dollars, forty days; if

over twenty-five and not exceeding forty dollars, sixty days; and on all sums over forty dollars not more than ninety days.

SEC. 2. Court—stay—appeal not allowed. On judgments upon actions originally commenced in the district court, except where otherwise expressly provided for, on the judgment debtor entering good and sufficient security on the proper court record for the amount of such judgment, interest and costs, there shall be a stay of execution on like sums as those mentioned in the preceding section, the like corresponding times as there provided; provided, that where there has been a stay of execution taken, the party taking such stay, if he have been personally served with process, shall not afterwards be allowed an appeal to the district or supreme courts upon such judgment; provided, the provisions of this law shall extend to decrees rendered upon the foreclosure of mortgages.

[196] **SEC. 3. Judgment—lien—execution—principal.** Where a stay of execution has been taken and the judgment, at the expiration of said stay, shall not be fully paid, it shall be the duty of the proper justice or clerk to render judgment against the principal and bail; provided, that such judgment shall not release any judgment lien, by virtue of the original judgment for the amount then due, and upon the order of the creditor to issue execution against the property of the bail, as also against the property of the principal debtor for the amount due, together with the interest and costs; but in all cases the property, if any, of the principal debtor shall first be taken on execution, and the officer holding the said execution shall return thereon what amount was made from the principal debtor, and how much from the surety.

SEC. 4. Bail—transcript. After judgment against the bail for the stay of execution, the original judgment shall remain in full force for the use of such bail, who may at any time after paying the amount of the judgment against him, with interest and costs, cause execution to be issued on such original judgment for his own use, which shall be so endorsed by the justice or clerk; and if the security be entered in a justice's docket, the bail shall be entitled to the transcript of an original judgment, to be filed in the proper clerk's office, and which shall have the same force and effect as transcripts in other cases.

SEC. 5. Security apprehensive—execution—new bail. Where any bail for the stay of execution shall go before the justice or clerk, by whom such stay has been taken, or the justice or clerk having control of the docket or record in which the stay is entered, and make and file an affidavit that he is apprehensive of being compelled to pay such judgment if execution shall be further stayed, such justice or clerk, on being so requested by the bail, shall forthwith issue execution against the property of the original debtor, which shall be proceeded with as in other cases but if within ten days after levying such execution, and the term of stay shall not have then expired, the principal debtor shall give other and sufficient security for the further stay of execution, and pay, or cause to be paid, or secured, the costs [197] of such execution, the same shall be recalled and stayed, and the subsequent proceedings shall be the same as if no execution had been issued, except that in issuing against the bail, the execution shall be against the property of the person last entering as bail, and no execution shall issue against the first or any intermediate security.

SEC. 6. Security—officer liable. The good and sufficient security before mentioned, is such as may be accepted by the proper justice or clerk; but in all cases where security has been taken as above provided, and shall prove insufficient, the court or officer approving the same shall be liable for

the same on his official bond, unless he has made the security justify under oath in writing, which must be signed and filed with the bond.

SEC. 7. **Limit.** No stay of execution is intended to be herein allowed on judgments against bail as above provided.

SEC. 8. **Lien.** Any judgment on which there is a stay of execution entered becomes a lien on the property of the sureties from the time of entering said stay to the same extent as though they were original defendants in said judgment.

This bill having remained with the governor three days (Sundays excepted) the general assembly being in session, has become a law this 24th day of Jan. 1853.

GEO. W. McCLEARY,
Secretary of State.



JOINT RESOLUTIONS.

✓ [199] RESOLUTION NO. 1.

MILITARY ROADS.

A JOINT RESOLUTION, instructing the secretary of state to procure from the general government, field notes and diagrams of military roads in the state of Iowa.

Resolved by the General Assembly of the State of Iowa:

Field notes. That the secretary of state be, and he is hereby instructed, to procure from the War department of the United States, (or such other department as may have the custody of the same,) a copy of the field notes and diagrams of all the military roads, established by Congress, in the territory now embraced within the limits of the State of Iowa, and that he file the same in his office, subject to the examination of those who may be interested in said road.

Approved, December 30, 1852.

✓ RESOLUTION NO. 2.

RAIL ROAD GRANT.

JOINT RESOLUTION, asking a grant of land to aid in the construction of a rail road from Burlington and Keokuk, to the Missouri river.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:—

**Interest of the state by—railroad, Burlington and Keokuk junction—
terminals—adaption—Burlington—connection.** Your memorialists, the General Assembly of the State of Iowa, respectfully represent, that the great interests of the State of Iowa, and of the nation at large, will be greatly advanced by the [200] construction of a railroad from the city of Burlington, and the city of Keokuk, to some convenient point of junction northeast of the Des Moines river; thence on the most feasible route to a point in the Missouri river, at or near the mouth of Platte river. The proposed road will, for some distance, pass through the most populous portion of the state, and over a route eminently adapted to the advantageous construction of a work of the character. Burlington is unsurpassed by enterprise and population by any town in the state, and is moreover on one of the great natural lines of railroad communication between the east and west. At that city it would connect with a road now in process of construction, and which will be completed in the ensuing year,

forming a continuous and unbroken line of railroad to Chicago, Boston, New York, and other eastern cities: by the way of Burlington and Peoria, will be afforded much the shortest, cheapest, and most expeditious route from the Missouri river to Philadelphia, Baltimore, Cincinnati, and all the middle and southern Atlantic States, of any road now constructed or projected.

National. Your memorialists regard this projected road as eminently national in its character, and calculated to unite the interests, and advance the prosperity of every part of the state, and secure by the shortest and most economical route, safe and uninterrupted communication between the distant borders of our state, and of the Union.

Justice—sale of reserved sections—benefit to U. S. treasury—grants to our neighbors. They believe that upon principles of national justice the people of this state are entitled to a favorable response to the prayer of this petition. The sale of the reserve sections along the line of the Illinois Central Railroad must satisfy the most incredulous, that the treasury of the general government is benefitted rather than injured, by grants for railroad purposes. To the neighboring states of Illinois and Missouri, large grants have been made, and public improvements are in process of construction, which will be monuments of the munificence and wisdom of congress. It cannot be, that an invidious distinction is to be observed between sister states of the west.

Ask for a grant. Your memorialists, therefore, in consideration of the national benefits, as well as the more local, to be derived from [201] the construction of this great work, and the large amount of public lands remaining unsold in the state, through which it is proposed to be located, and which will be rendered valuable, and saleable, by the construction thereof, ask that a grant of alternate sections may be made to the state for the purpose contemplated, sufficient to secure its completion at an early day from river to river.

Resolved,

Instruction—request. That the senators in congress from the state of Iowa be instructed, and the representatives requested to use their utmost exertions to secure a prompt and favorable consideration of the prayer of this memorial.

Resolved,

Secretary to forward. That the secretary of state be directed to forward a copy of this memorial to each of the representatives and senators in congress from the state of Iowa.

Approved, January 5, 1853.

RESOLUTION NO. 3.

RAIL ROADS.

JOINT RESOLUTION on the subject of a grant of land to aid in the construction of a rail road from McGregor's Landing, in the county of Clayton, to a point on the Missouri river, at or near the mouth of the Big Sioux river.

Resolved by the General Assembly of the State of Iowa:

Instruction—request—grant of lands—McGregor's to Big Sioux. That our senators in congress be instructed, and our representatives requested, to use their best exertions to procure a grant of land from the general government to aid in the construction of a railroad from McGregor's Landing, in Clayton county, on the Mississippi river, to the Missouri river, at or near the mouth of the Big Sioux river in this state.

Resolved further,

Secretary to forward. That the secretary of state of this state be, and he is hereby directed to forward a copy of this resolution to each of our senators and representatives in the congress of the United States.

Approved, January 5th, 1853.

[202] RESOLUTION NO. 4.

FORT ATKINSON.

JOINT RESOLUTION, to procure for the state of Iowa a donation of Fort Atkinson, and the lands attached thereto.

Resolved by the General Assembly of the State of Iowa:

Senators and representatives requested—donation of Ft. Atkinson—Normal labor and military institute. That our senators and representatives in Congress, be requested to continue to use their influence to procure for the State of Iowa, a donation of Fort Atkinson, in the county of Winneshiek, together with the lands reserved for the use of said fort, to be appropriated to the occupancy and use of a normal manual labor and military institute, under the direction and control of the general assembly of Iowa.

And be it further resolved,

Secretary to forward. That the secretary of state be required to forward a copy of these resolutions to our senators and representatives in congress.

Approved, January 7th, 1853.

✓ RESOLUTION NO. 5.

LAND OFFICE.

JOINT RESOLUTION for establishing an additional land office in the northern part of Iowa.

Resolved by the General Assembly of the State of Iowa:

Land office. That our senators and representatives in congress, be requested to use their influence for the passage of a law establishing an additional land office in the northern part of Iowa.

Resolved,

Secretary to forward. That the secretary of state be requested to forward a copy of the foregoing resolution to each of our senators and representatives in congress.

Approved, January 14th, 1853.

✓ [203] RESOLUTION NO. 6.

FAIRFIELD UNIVERSITY.

JOINT RESOLUTION appointing trustees for the branch of the state university of the state of Iowa, at Fairfield.

Resolved by the General Assembly of the State of Iowa:

Trustees. That Charles Negus and Daniel Mendinghall, of Jefferson county, be and they are hereby appointed trustees to fill the vacancies which have occurred in the board of trustees of the branch of the state university of Iowa, at Fairfield, in Jefferson county, by the expiration of the terms of certain members thereof.

Approved, January 19, 1853.

✓ RESOLUTION NO. 7.

STATE LIBRARY.

JOINT RESOLUTION appropriating money to extend the state library.

Resolved by the General Assembly of the State of Iowa:

\$500 appropriated—librarian to expend. That the sum of five hundred dollars, be and the same is hereby appropriated for the purpose of increasing the state library. Such sum shall be expended by the librarian in procuring a complete set of the supreme and circuit court reports of the United States.

Approved, January 21, 1853.

✓ [204] RESOLUTION NO. 8.

DESMOINES RIVER.

PREAMBLE AND JOINT RESOLUTION, asking congress to remove certain restrictions in the act granting lands to aid in the improvement of the Des Moines river.

Restrictions. Whereas, the improvement of the navigation of the Des Moines river is of immense importance to the growth and prosperity of the state of Iowa; and whereas, the law of congress making a grant of land to aid the state in improving the navigation of said river, restricts the state from selling said lands in larger quantities than will amount to thirty thousand dollars at one and the same time, thereby greatly retarding the state in the efforts made to raise the means to secure the hasty completion of said improvement; therefore,

Resolved by the General Assembly of the State of Iowa:

Removal. That our senators in congress be instructed, and our representatives be requested, to use their best exertions to secure the passage of a law removing said restrictions, and placing said lands exclusively under the control of the state.

Resolved,

Secretary to forward. That the secretary of state be requested to forward a copy of this preamble and resolution to each of our senators and representatives in Congress.

Approved, January 24, 1853.

✓ RESOLUTION NO. 9.

DES MOINES RIVER IMPROVEMENT.

JOINT RESOLUTION appointing a committee of investigation of the affairs of the Des Moines river improvement.

Resolved by the General Assembly of the State of Iowa:

Committee—examine—send for persons, etc., oaths, etc.—report to governor—P. Brattain—also. That Joseph C. Knapp, of Van Buren county, Wareham G. Clark, [205] of the county of Monroe, and Alfred Hebard, of the county of Des Moines, are hereby appointed a committee to examine the books, papers, and accounts pertaining to, and belonging to the offices of commissioner and register of the Des Moines river improvement, up to the time when such examination and investigation shall be made, and said committee shall be authorized to send for persons and papers, and to administer oaths, and procure testimony to be taken, where the same may be necessary; and it shall be their duty to report to the Governor the number of acres granted for said improvement as shown by the books pertaining to said offices; the number of acres sold, the amount per acre; the whole amount received, and by whom the same has been paid, to whom paid, and for what services paid; and it shall be their duty to ascertain the amount due the

state, from Paul Brattain, former treasurer of the "board of public works," and certify the same to the register, who is authorized, on the payment of the amount so ascertained, without interest, by said Brattain, or securities, to give to the person or persons paying the same, a certificate of final settlement of the accounts of said Brattain; they shall also ascertain and report the amount and present value of any lands formerly belonging to said grant, which are now owned by any of the present or past officers of said Desmoines river improvement.

Meet. Said committee are directed to meet on the first Monday of April, 1853, at Ottumwa, in Wapello county, or at any time by them agreed upon before the first day of October, 1853.

Compensation. Said committee shall be paid three dollars per day while so engaged, out of the funds belonging to the improvement.

Take effect. This act to be in force from and after its publication in the "Ottumwa Courier," and the "Desmoines Valley Whig."

Approved, January 22d, 1853.

Published in the "Ottumwa Courier," Feb. 3, and "Desmoines Valley Whig," Feb. —, 1853.

GEO. W. McCLEARY,
Secretary of State.

✓ [206] RESOLUTION NO. 10.

HALF BREED TRACT.

PREAMBLE AND JOINT RESOLUTION memorializing congress to cause the line of the half-breed tract, in Lee county, to be surveyed and established.

Treaty—half breed tract. Whereas, On or about the 4th day of August, A. D. 1824, the Sac and Fox tribe or nation of Indians, did conclude between themselves and the United States, a certain treaty, by which they not only conveyed certain lands to the United States, but also reserved the tract of land which lies between the Des Moines and Mississippi rivers, for the use of the half breeds of said tribe or nation, and .

Terms. Whereas, said treaty, so far as the question at issue is concerned, is in these words, to wit: commencing in the Missouri river, at a point opposite the middle of the mouth of the Kansas river, thence north one hundred miles, thence east to the Mississippi river; and

Line unsurveyed. Whereas, it is represented to this General Assembly, by a large and respectable body of the citizens of the state, that no survey of said line, in accordance with the terms of said treaty, has ever been made, to the manifest injury of a large number of the citizens of said state; therefore,

Resolved by the General Assembly of the State of Iowa:

Memorial for a survey of line—appropriation. That the congress of the United States be, and the same are hereby memorialized, to pass an act providing for the appointment of a commission to survey said line in accordance with the terms of said treaty; and also to make an appropriation therefor.

Resolved,

Copy to be forwarded. That a copy of this memorial and joint resolution be forwarded by the secretary of state, immediately, to each of our senators and representatives in Congress.

Approved, January 22, 1853.

[207] RESOLUTION NO. 11.

PUBLIC LIBRARIES.

JOINT RESOLUTION, authorizing the secretary of state to forward the code of Iowa to the public libraries in the city of Washington.

Resolved by the General Assembly of the State of Iowa:

Libraries. That the secretary be, and he is hereby authorized and instructed, to forward one copy of the code of Iowa to each of the public libraries in the city of Washington, at the expense of this state.

Approved, January 24, 1853.

RESOLUTION NO. 12.

HOMESTEAD.

PREAMBLE AND JOINT RESOLUTION of instruction upon the homestead bill.

Preamble. Whereas, the preservation of the public liberty and the perpetuity of our free happy form of government are dependent upon the virtue and intelligence of the masses of freeholders of the country; and,

Whereas, a great number of the able bodied inhabitants of the United States are destitute of a permanent home, and of sufficient ready means to procure a sufficiency of land upon which to obtain a certain livelihood for themselves and families; and,

Whereas, the best policy of the National Government is to afford every suitable encouragement for the early settlement and cultivation of her extensive domain, thereby to encourage the industry and promote the comfort of the landless within her borders, bettering the condition of her citizens and improvements of the country; therefore,

Resolved by the House, the Senate concurring therein,

Homestead. That [208] our senators in Congress be instructed, and our representatives be requested, to use their best efforts to procure the passage of some bill, the object of which will be to secure to the honest industry of our country a permanent home, and all the attributes of freedom.

Resolved,

Forward. That the secretary of state be requested to forward a copy of the foregoing to our senators and representatives in Congress.

Approved, January 22, 1853.

RESOLUTION NO 13.

MAIL FACILITIES.

Resolved by the General Assembly of the State of Iowa:

Instruction. That our senators be instructed, and our representatives in Congress be requested to use their influence to procure additional mail facilities in the State of Iowa, as follows:

1st. **Oskaloosa to Kaneshville—coaches.** From Oskaloosa, in Mahaska county, via Knoxville and Pleasantville, in Marion county, to Indianola, in Warren county, to Winterset, in Madison county, to Kaneshville, in Pottawattamie county, in post coaches three times a week.

2d. **Newton to Corydon and Princeton, Mo.** From Newton, in Jasper county, via Pella, Amsterdam, Knoxville, in Marion county, via Chariton, in Lucas county, to Corydon, in Wayne county, thence to Princeton, in Missouri, via Grand river post office, once a week.

3d. **Ottumwa to Chariton.** From Ottumwa to Chariton, in Lucas county, via Albia, tri-weekly in two-horse coaches.

4th. **Pella to Indianola.** From Pella, in Marion county, to Indianola, in Warren county, via Red Rock, weekly.

5th. **Ft. Des Moines to Chariton.** From Fort Des Moines, in Polk county, to Chariton, in Lucas county, via Indianola in Warren county.

6th. **Mt. Pleasant to Oskaloosa.** From Mount Pleasant, in Henry county, via Trenton in said county, Deedsville, in Jefferson county, Brighton, in Washington county, to Oskaloosa, in Mahaska county, twice a week in two-horse coaches.

7th. **Dubuque to West Union.** From Dubuque to West Union, New Wine, via Coles- [209] burgh, Elkport, and Elkador, in two-horse coaches, twice a week.

8th. **Colesburgh to West Union.** From Colesburgh to West Union, via Yankee settlement, Strawberry Point, and Westfield.

9th. **Alexandria to Ft. Des Moines.** From Alexandria, in Missouri, via Bloomfield and Drakesville, in Davis county, Albia in Monroe county, and Knoxville, in Marion county, to Fort Des Moines, in Polk county, twice a week in two-horse coaches.

10th. **Ft. Madison to Rising Sun.** From Fort Madison, in Lee county, via Denmark, in said county, Parish, Danville, through the centre of Pleasant Grove township, in Des Moines county, to Rising Sun, in Louisa county.

11th. **Marietta to Hardin.** From Marietta, in Marshall county, to the county seat of Hardin county, weekly.

12th. **Ft. Des Moines to Bellepoint—Boonsboro to Dacotah.** From Fort Des Moines via Laytonville, Polk City, Hopkins' Grove Rapids, and Belle Point, tri-weekly; also, from Boonsborough to Dacotah, once a week.

13th. **Drakesville to Kaneshville.** From Drakesville, in Davis county, via Unionville, Chariton, Douglass, and Lewis, to Kaneshville, in Pottawattamie county, twice a week.

14th. **Keokuk to Ft. Des Moines.** From Keokuk, in Lee county, to Fort Des Moines, in Polk county, via Charleston, Primrose, Birmingham, Agency City, Dahlonga, Oskaloosa, Pella, and Monroe, daily in four-horse coaches.

15th. **Sabula to Anamosa.** From Sabula, in Jackson county, by way of Maquoketa, in said county, and Thomas Green's, in Jones county, to Anamosa, the county seat of Jones county.

16th. **Iowa City to Montezuma.** From Iowa City to Montezuma, in Poweshiek county, via Old Man's Creek, and Millersburg.

17th. **Farmington to Centreville.** From Farmington, Van Buren county, via Bloomfield, in Davis county, to Centreville, in Appanoose county, tri-weekly.

18th. **Supply.** For supplying the post-office at Pleasant Grove, Des Moines county, with a regular weekly mail from Dodgeville, or Danville post-office, in said county.

19th. **Change.** For a change of post-route No. 4667, so that the same may be carried by way of Richmond, Washington county.

20th. **Change.** For a change in the post route now running from [210] Wapello, in Louisa county, to Washington, in Washington county, via Hope farm, so that the same may run from Wapello to Washington, by way of Columbus City.

21st. **Tri-weekly.** For tri-weekly service on mail route No. —, from Savannah, in Missouri, to Kanessville, Iowa.

22d. **Monona to Lansing.** From Monona, in Clayton county, to Lansing, in Alamakee county, by way of Hardin and Makee.

23d. **Delhi to Garnavillo, also to Cedar Rapids—Independence to Bradford—Cedar Falls to Fort Dodge—Delhi to West Union—extraordinary service.** From Delhi, in Clayton county, by Colesburg, to Garnavillo, in Clayton county. From Delhi, in Delaware county, to Cedar Rapids, in Linn county. From Independence, in Buchanan county, to the county seat of Chickasaw county. From the county seat of Black Hawk to Fort Dodge. From Delhi, in Delaware county, to West Union, in Fayette county. For extra service from Dubuque to Cedar Falls, in Black Hawk county, by a four horse coach, three times a week. From Delhi to Fort Desmoines, by Quasqueton, three times a week.

24th. **Burlington to Muscatine.** From Burlington, via Hawkeye and Black Hawk, to Muscatine, three times a week.

25th. **Muscatine to Knoxville.** From Muscatine, via Columbus City, Washington, Sigourney and Oskaloosa, to Knoxville, in Marion county, in two horse coaches, three times a week.

26th. **Ft. Madison to Farmington.** From Ft. Madison, via West Point, Dover, Primrose, to Farmington, in two-horse coaches, three times a week.

27th. **Ft. Desmoines to Council Bluffs City.** From Fort Desmoines, via Lewis, to Council Bluffs, tri-weekly, in four horse coaches.

Resolved,

28th. **Request to forward.** That the secretary of state be requested to forward a copy of the foregoing resolutions to each of our senators and representatives in Congress.

Approved, January 22, 1853.

✓ [211] RESOLUTION NO. 14.

CONGRESSIONAL LIBRARY.

JOINT RESOLUTION, for supplying the congressional library with the code of Iowa.

Resolved by the General Assembly of the State of Iowa:

Congressional library. That the secretary of state be directed to forward two copies of the code of Iowa to the librarian of the Congressional library, for the use of said library and two for the use of the Supreme Court.

Approved, January 24, 1853.

✓ RESOLUTION NO. 15.

MAIL FACILITIES.

Resolved,

Instruction. That our senators be instructed, and our representatives be requested, to use their influence to procure the following additional mail facilities:

SECTION 1. Enforce contract. To have the contract on the mail route from Keokuk to Fairfield so carried out and enforced as that the contractor shall be required to run by the way of Keosauqua, in Van Buren county.

SEC. 2. Daily To procure daily service by two or four horse coaches on the route from Keosauqua to Bloomfield.

SEC. 3. Semi-weekly. To procure semi or tri-weekly service on the route from Burlington to Keosauqua, by two horse coaches.

SEC. 4. New route. That a mail route be established from New London, in Henry county, via Pleasant Grove, Dodgeville, Yellow Springs Kossuth, to Hickory Point, in Des Moines county; and to procure semi-weekly service on said route.

Forward. That the secretary of state forward a copy of the foregoing resolution to each of our senators and representatives in Congress.

Approved, January 24th, 1853.

✓ [212] RESOLUTION NO. 16.

CLERK OF THE SUPREME COURT.

A JOINT RESOLUTION authorizing the clerk of the supreme court to use a certain room in the state house, for the purpose of a clerk's office.

Resolved by the General Assembly of the State of Iowa:

Room—clerk's office. That the clerk of the supreme court of this state, be and he is hereby authorized to use the southeast corner room in the basement of the state house, in Iowa City, for all the purposes of a clerk's office of said court.

Approved, January 24th, 1853.

✓ RESOLUTION NO. 17.

LAWS.

JOINT RESOLUTION, relative to the distribution of the laws.

Resolved by the General Assembly of the State of Iowa:

Laws. That each member of the general assembly receive one copy of the laws, passed at the present session.

Approved, January 24, 1853.

✓ RESOLUTION NO. 18.

STATE UNIVERSITY.

JOINT RESOLUTION, appointing trustees for the state university of Iowa.

Resolved by the General Assembly of the State of Iowa:

Trustees. That Edward Connelly, H. W. Lathrop, M. J. Morsman, G. D. Crosthwait, and Jas. P. Carleton, be, and they are hereby appointed, trustees to fill the vacancies which have occurred [213] in the board of trustees of the State University of Iowa, by the expiration of the terms of certain members thereof, and T. B. Cumming to fill the unexpired term of A. H. Palmer, resigned.

Approved, January 24, 1853.

RESOLUTION NO. 19.

✓ GREENE'S REPORTS.

JOINT RESOLUTION in relation to Greene's reports.

Resolved by the General Assembly of the State of Iowa:

Librarian—2d volume—secretary of state—clerk—1 copy. That the state librarian be and he is hereby authorized to deposit with the secretary of state one copy of the second volume of Greene's reports for each organized county in the state, and that the secretary of state is hereby required to deliver to the clerk of the district court of each organized county in this state, one copy of said reports, to be kept by said clerks for the use of the district courts.

Resolved further,

Librarian—1st volume. That the state librarian be authorized to deposit with the secretary of state one copy of the first volume of Greene's reports, and distribute the same with the second volume to any county now organized or being organized, which has not already had the first volume; provided, nothing herein contained be so constructed as to authorize the purchase of additional copies.

Approved, January 24, 1853.

✓
[214] MEMORIAL NO. 1.

RAIL ROAD.

MEMORIAL AND JOINT RESOLUTION to congress, for a grant of land for a rail road from Davenport, via Muscatine, to Council Bluffs.

Memorial. The memorial of the General Assembly of the State of Iowa respectfully shows to the Senate and House of Representatives of the United States, that for several years the people of this state have petitioned your honorable body for a grant of land, to aid in the construction of a railroad from Davenport, in Scott county, by way of Muscatine, in Muscatine county, to some point at or near Council Bluffs on the Missouri river.

Reasons—connection—Davenport via Muscatine to Council Bluffs. Your memorialists beg leave now to renew their petition, and to point out some of the reasons which induce them to believe that this project may be deemed worthy of the consideration of Congress. There is now in progress, and nearly completed, a continuous line of railway from Boston by Albany and Buffalo, from Philadelphia and Baltimore, by Pittsburg and Cleveland, and from New York, by way of Dunkirk, to the southern bend of Lake Erie; these lines are continued from Cleveland to Toledo; from Toledo to the southern bend of Lake Michigan, at Chicago; and from thence by the Chicago and Rock Island railroad, to the city of Rock Island; opposite to Davenport, in this state.—These lines of railroad are all continuous, connected, and completed, except about eighty miles of the Rock Island and Chicago railroad, which has progressed with a rapidity unknown in railroad construction on this continent, and will be completed in about twelve months; thus making one continuous line of railway from all the great eastern cities to Lake Erie, Lake Michigan, the head of navigation on the Illinois, and the foot of the upper rapids, on the Mississippi. A line of railway from Philadelphia and New York, by way of Pittsburg and Christline to Fort Wayne, in Indiana, is nearly completed to the latter place, and is about to be exten- [215] ded to Chicago, on Lake Michigan, where it will intersect the Chicago and Rock Island railroad. Your memorialists believe that the extension of these great lines, all uniting at Rock Island from Davenport, by way of Muscatine, to Council Bluffs, is a national work; that it is the most direct line, on the best ground, and the shortest distance from the great cities and lakes of this continent, through the heart of Iowa, to the great crossing places of the Mississippi and Missouri rivers, and thence to Oregon and California.

Advantages. Your memorialists believe, that in addition to this line of railway being the most direct from the commercial centre of the Union, westward, the advantages of crossing the Mississippi and Missouri rivers, where they can be cheaply and safely bridged, without offering any material obstruction to the navigation, gives it advantages over any other known, or projected on this continent.

Accomplish. Your memorialists have every reason to believe, that with the aid of a grant of land similiar to what has been given to their neighbors in Illinois and Missouri, they could build a continuous railroad through the centre of the state, from the Mississippi to the Missouri river, in a very short period of time.

Increase the value—Expedite the sale of public lands. Your memorialists beg leave to inform your honorable body, that the grant of land proposed would materially advance the value, and expedite the sale of the balance of the public lands in this state; and they respectfully declare that they have

not been less patriotic than their neighbors, nor less deserving of that consideration which the Government, as a great land-holder in the west, ought to extend to all states where the public lands lie.

Lands exempt from tax. Your memorialists further represent, that when the state of Iowa was admitted into the federal Union, a contract was entered into between the state and general government, whereby all the public lands in this state remain free from taxation until they are sold to individuals, and this exemption from taxation is a greater consideration to the federal government than the value of all the lands which are included in this memorial; and your memorialists believe that liberal grants of lands are not only due to the land states, but greatly beneficial, directly and indirectly, to the federal government as a large landed proprietor in these states.

Resolved by the General Assembly of the State of Iowa:

Instruction. That our senators in congress be instructed, and our representatives requested to use their best exertions to procure a grant of land from the General Government to aid in the construction of a railroad from the city of Davenport, in Scott county, by way of the city of Muscatine, in Muscatine county, to Council Bluffs, on the Missouri, in this state: provided, that said road go by the way of Kanesville.

Resolved, further,

Secretary to forward. That the secretary of state of this state be, and he is hereby directed, to forward a copy of this resolution to each of our senators and representatives in the Congress of the United States.

Approved, December 30th, 1852.

✓
MEMORIAL NO. 2.

CHANGE OF SERVICE.

MEMORIAL AND JOINT RESOLUTION for a change of service on post route No. —, from Davenport to Muscatine.

Change of service. Your memorialists, the general assembly of the state of Iowa, would represent to the Honorable the Postmaster General of the United States, that, in the change of the mail route No. —, running from Muscatine, in Muscatine county, to Davenport, in Scott county, Iowa, from what is commonly known as the river route, to a route north, known as the prairie route, great injustice has been done to the inhabitants living upon the river route, leaving them without a through mail, either eastern or western.

Reasons. On this route two important offices are situated, one at Fairport, eight miles east of Muscatine, which is temporarily supplied with a mail from Muscatine once a week, by special arrangement of your department: one at Buffalo, in Scott county, midway between Davenport and Fairfield, [Fairport] being ten miles from either place. Buffalo is situated at a point on the Mississippi river of commanding importance, and is backed by, and in the vicinity of, as fertile and productive portion of country as may be found in the west; the extent of country which would be supplied with the mail matter at this office, extends up and down the river in a densely settled

neighborhood a distance of ten miles, and back into the interior from three to four miles, which, if not supplied at this office, must travel from five to fifteen miles to Davenport, being the most accessible office to this neighborhood. The distance on the river route from Muscatine to Davenport, is shorter (being only twenty-eight miles) than the prairie route, the latter being over thirty miles. The road upon the river route is better at all seasons of the year (save in excessive high water in the spring) the prairie route, and upon the river route there is a manifest disposition upon the part of the inhabitants to keep the roads in good repair.

The two routes are from four to eight miles distant from each other; upon the prairie route there have been established a post office at Melpine, in Muscatine county; one at Blue Grass, in Scott county, and perhaps one other, which offices, from the peculiar position of the country, never can accommodate that portion of the country lying upon the river, Muscatine and Davenport being far more accessible than any of the offices established upon the prairie route.

Change proposed. Your memorialists, the general assembly, would therefore pray your honor, the postmaster general of the United States, to so change the service upon the aforementioned mail route as to compel the mail stage to run alternate trips on the river route, which would supply amply both routes, and work no injury to either, giving both routes three mails per week each way.

Resolved,

Request. That our senators and representatives in congress, be requested to present a copy of this memorial to the postmaster general of the United States, and urge upon his consideration the justice and propriety of granting the prayer of your memorialists.

Resolved,

Secretary to forward. That the secretary of state be instructed to forward a copy of the foregoing memorial and resolution to [218] each of our senators and representatives in congress, at as early a day as practicable.

Approved, January 5, 1853.

✓
MEMORIAL NO. 3.

RAILROAD.

MEMORIAL AND JOINT RESOLUTION for a grant of land to aid in constructing a railroad from Dubuque to the Missouri river.

To the Senate and House of Representatives of the United States in Congress assembled:

Memorial. Your memorialists, the general assembly of the state of Iowa, would respectfully represent, that justice to the interest and enterprise of the increasing population of this state, demands a liberal and fostering policy in the exercise of the proprietary rights of the general government within its borders; that the same reasons which have induced such policy within the adjoining states of Illinois and Missouri, and which is there producing the happiest results, apply with equal force to the state of Iowa; that the Illinois

Central Railroad, now rapidly completing to its terminus, on the Mississippi opposite the city of Dubuque, and other projected railroads from the great chain of lakes on the north to the same terminus, will establish at this point a direct and constant connection with the markets of the east and south; that Dubuque is situated in the centre of the rich mineral region of this state, in a position most favorable to command the commerce and trade of the upper Mississippi, and is already a large and flourishing city in its commerce, population and wealth; that a direct communication between this point and the valley of the Missouri, through the coal fields on the Desmoines, is most important for mutual exchange, and the development and permanent establishment of the resources and commercial interests of the state, and which connection, from its termini and position, appears favorable to form a link in the great chain of railroads, destined sooner or later to connect the Atlantic seaboard with the Pacific coast.

Grant asked—railroad, Dubuque to Council Bluffs. Your memorialists would, therefore, respectfully ask of your honorable body an appropriation of land in alternate sections, equal to six sections per mile, to aid in the construction of a railroad from Dubuque, on the Mississippi river, to a point on the Missouri river, at or near Kaneshville, in the county of Pottawattamie, by the way of Fort Desmoines.

Resolved,

Instructions—transmit. That the senators from this state be instructed, and the representatives be requested, to use their best exertions to procure a grant of land as asked for in the foregoing memorial: and that the secretary of state forward a copy thereof to each.

Approved, January 5, 1853.

SECRETARY'S OFFICE, IOWA, }
Iowa City, April 1, 1853. }

I certify that the acts, resolutions, and memorials, contained in this volume, are truly copied from the original rolls on file in my office.

GEO. W. McCLEARY,
Secretary of State.

RECEIPTS AND EXPENDITURES

The total receipts into the state treasury during the fiscal years 1851 and 1852, ending Oct. 31st, 1852, for taxes, peddler's licenses, and all other services were, - - - - - \$139,683.08

The expenditure during the same time, were as follows:

State officer's contingent fund,	2,300.00
Blind account,	1,350.00
Library contingent fund,	55.95
Deaf and dumb,	1,950.00
General contingent fund,	1,404.60
Interest account	15,278.56
Monroe city account	236.88
Committee of revision	3,000.00
" " " contingent fund,	87.15
District judge's salary account,	10,582.97
Penitentiary as provided for by chap. 87, laws of 1851	10,000.00
Joint resolution, No. 20,	1,139.43
Chapter 91, section 7, clause 9,	892.37
Chapter 70, section 11, laws of 1849,	286.57
Public printing,	18,405.07
Public building (S. H.),	2,500.00
Supreme court expenses,	1,984.00
Governor's salary,	2,000.00
Secretary's	1,000.00
Auditor's	1,200.00
Treasurer's	800.00
Superintendent of public instruction,	2,200.00
Supreme judges,	6,000.00
Librarian salary account,	262.50
Contingent expenses of supreme court,	1,000.00
Agricultural societies,	200.00
Miscellaneous disbursements,	5,581.10
[222] General appropriation.	26,995.66
Redemption of warrants previously issued,	12,939.03
 Total,	 \$131,631.79
Leaving balance in the treasury Nov. 1st, 1852, of	8,051.29
 Total amount,	 \$139,683.08

WILLIAM PATTEE,
Auditor of State.

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