

*Robert P. Parsons*

# ACTS AND RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

SIXTEENTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA,

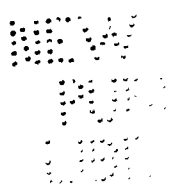
BEGUN JANUARY 10, AND ENDED MARCH 16, 1876.

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## STATE GOVERNMENT, 1876.

*List of State Officers, Judges of the Supreme, District and Circuit Courts, District Attorneys, and Members and Officers of the General Assembly, at the time of the Passage of the Laws contained in this Volume.*

## EXECUTIVE DEPARTMENT.

NAME.	POSITION.	COUNTY FROM WHICH ORIGINALLY CHOSEN.
Samuel J. Kirkwood.....	Governor.....	Johnson.....
William H. Fleming....	Private Secretary.....	Clinton .....
Joshua G. Newbold.....	Lieutenant Governor.....	Henry.....
Josiah T. Young.....	Secretary of State.....	Monroe.....
Fletcher W. Young.....	Deputy Secretary of State.....	Monroe.....
Buren R. Sherman.....	Auditor of State.....	Benton .....
John C. Parish.....	Deputy Auditor of State.....	Polk.....
William Christy.....	Treasurer of State.....	Clarke.....
John D. Ingalls.....	Deputy Treasurer of State.....	Warren.....
David Secor.....	Register of State Land-Office.....	Winnebago.....
John F. Thompson.....	Deputy Register of State Land-Office.....	Winnebago.....
Alonzo Abernethy.....	Superintendent of Public Instruction.....	Crawford.....
John A. Nash.....	Deputy Superintendent Public Inst'n.....	Polk .....
Marsena E. Cutts.....	Attorney General.....	Mahaska .....
Richard P. Clarkson.....	State Printer .....	Polk .....
Henry A. Perkins.....	State Binder.....	Woodbury.....
Nathaniel B. Baker.....	Adjutant and Inspector-General and Acting Quartermaster-General .....	Clinton.....
Mrs. Ada North.....	State Librarian.....	Polk.....

## JUDICIAL DEPARTMENT.

### SUPREME COURT.

NAME.	POSITION.	COUNTY FROM WHICH ORIGINALLY CHOSEN.	POSTOFFICE.
William H. Seevers.....	Chief Justice..	Mahaska .....	Oskaloosa .....
James G. Day.....	Judge .....	Fremont.....	Sidney .....
James H. Rothrock.....	Judge .....	Cedar.....	Tipton.....
Joseph M. Beck.....	Judge .....	Lee.....	Ft. Madison...
Austin Adams.....	Judge .....	Dubuque.....	Dubuque.....
Edward J. Holmes.....	Clerk .....	Jackson .....	Des Moines...
John S. Runnells.....	Reporter .....	Polk.....	Des Moines...

### DISTRICT COURTS.

DISTRICT.	NAME.	POSITION.	COUNTY FROM WHICH CHOSEN.	POSTOFFICE.
1	Thomas W. Newman.....	Judge .....	Des Moines....	Burlington.....
2	Joseph C. Knapp.....	Judge .....	Van Buren.....	Keosauqua.....
3	Samuel Forrey.....	Judge .....	Decatur.....	Leon.....
4	Charles H. Lewis.....	Judge .....	Cherokee.....	Cherokee.....
5	John Leonard.....	Judge .....	Madison .....	Winterset.....
6	Horace S. Winslow.....	Judge .....	Jasper .....	Newton.....
7	Walter I. Hayes.....	Judge .....	Clinton .....	Clinton.....
8	John Shane.....	Judge .....	Benton.....	Vinton.....
9	David S. Wilson.....	Judge .....	Dubuque.....	Dubuque.....
10	Reuben Noble.....	Judge .....	Clayton.....	McGregor.....
11	Isaac J. Mitchell.....	Judge .....	Boone.....	Boonsboro.....
12	George W. Ruddick.....	Judge .....	Bremer.....	Waverly.....
13	Joseph R. Reed.....	Judge .....	Pottawattamie ..	Council Bluffs..
1	Damon N. Sprague.....	Dist. Attorney	Lee .....	Keokuk.....
2	Thomas M. Fee.....	Dist. Attorney	Appanoose.....	Centerville.....
3	Smith McPherson.....	Dist. Attorney	Montgomery .....	Red Oak.....
4	George B. McCarty.....	Dist. Attorney	Palo Alto.....	Emmetsburg .....
5	Hiram Y. Smith .....	Dist. Attorney	Polk.....	Des Moines.....
6	George W. Lafferty.....	Dist. Attorney	Mahaska .....	Oskaloosa .....
7	Lyman A. Ellis.....	Dist. Attorney	Clinton .....	Lyons .....
8	Milo P. Smith.....	Dist. Attorney	Iowa.....	Marengo.....
9	Joseph B. Powers.....	Dist. Attorney	Black Hawk.....	Cedar Falls.....
10	Orlando J. Clark.....	Dist. Attorney	Winneschiek .....	Decorah.....
11	Maurice D. O'Connell.....	Dist. Attorney	Webster.....	Fort Dodge.....
12	Lindley S. Butler.....	Dist. Attorney	Worth.....	Northwood .....
13	H. K. McJunkin.....	Dist. Attorney	Mills.....	Glenwood.....

STATE GOVERNMENT.

CIRCUIT COURTS.

CIRCUIT.	NAME.	POSITION.	COUNTY FROM WHICH CHOSEN.	POSTOFFICE.
1	John B. Drayer.....	Judge.....	Henry .....	Mt. Pleasant...
2	Robert Sloan.....	Judge.....	Van Buren.....	Keosauqua .....
3	J. W. Hewitt.....	Judge.....	Montgomery.....	Red Oak.....
4	J. R. Zuver.....	Judge.....	Harrison.....	Sioux City.....
5	John Mitchell.....	Judge.....	Polk.....	Des Moines.....
6	Lucian C. Blanchard.....	Judge.....	Mahaska .....	Oskaloosa.....
7	Daniel W. Ellis.....	Judge.....	Clinton .....	Lyons.....
8	John McKean.....	Judge.....	Jones.....	Anamosa.....
9	Sylvester Bagg.....	Judge.....	Black Hawk.....	Waterloo.....
10	Charles T. Granger.....	Judge.....	Allamakee.....	Waukon .....
11	John H. Bradley .....	Judge.....	Marshall. ....	Marshalltown.
12	Robert G. Reiniger.....	Judge.....	Floyd .....	Charles City...
13	Thomas B. Stockton.....	Judge.....	Fremont.....	Council Bluffs

## SIXTEENTH GENERAL ASSEMBLY

OF THE

## STATE OF IOWA,

Which Convened at the Capitol, in Des Moines, Monday, January 10, and Adjourned March  
16, 1876.

## SENATE.

NO. DISTRICT.	COUNTIES.	SENATORS.	POSTOFFICE.
1	Lee .....	Henry W. Rothert...	Keokuk .....
2	Van Buren .....	James B. Pease.....	Big Mound....
3	Davis .....	Horatio A. Wonn....	Drakeville ....
4	Appanoose.....	Joshua Miller.....	Centerville ...
5	Monroe and Wayne.....	Henry L. Dashiell...	Albia .....
6	Clarke and Lucas.....	Samuel L. Bestow...	Chariton .....
7	Taylor, Ringgold, and Decatur .....	Fred Teale.....	Decatur City..
8	Fremont, Page, and Montgomery.....	Alfred Hebard....	Red Oak.....
9	Pottawattamie and Mills.....	George F. Wright....	Council Bluffs
10	Des Moines.....	J. Wilson Williams..	Huron .....
11	Henry.....	John S. Woolson ....	Mt. Pleasant...
12	Jefferson.....	Moses A. McCoid....	Fairfield .....
13	Wapello.....	Joseph H. Merrill...	Ottumwa .....
14	Keokuk .....	Hosea N. Newton....	Keota .....
15	Washington and Louisa.....	William Wilson.....	Washington ...
16	Madison and Dallas.....	Henry Thornburg....	Perry.....
17	Adair, Cass, Adams, and Union.....	Lafayette Young....	Atlantic.....
18	Mahaska .....	Thomas B. Gilmore...	Kirkville.....
19	Marion .....	John L. McCormack...	Knoxville.....
20	Warren.....	William Graham.....	Indianola.....
21	Muscatine.....	Gilbert H. Wood....	Muscatine.....
22	Scott.....	Jeremiah H. Murphy	Davenport .....
23	Clinton .....	N. A. Merrell.....	De Witt.....
24	Cedar .....	Henry C. Carr.....	Tipton .....
25	Johnson.....	Ezekiel Clark.....	Iowa City .....
26	Iowa.....	John N. W. Bumble..	Marengo .....
27	Jasper.....	Frank T. Campbell...	Newton.....
28	Polk .....	Thomas Mitchell....	Mitchellville..
29	Hamilton and Hardin.....	Elias Jessup.....	N. Providence
30	Jackson.....	Wm. A. Maginnis...	Bellevue.....

## SENATE—CONTINUED.

NO. DISTRICT.	CONTENTS.	SENATORS.	POSTOFFICE.
31	Jones .....	George W. Lovell.....	Monticello.....
32	Linn.....	Stephen L. Dows.....	Cedar Rapids..
33	Benton .....	John Shane .....	Vinton .....
34	Marshall and Grundy.....	Delos Arnold.....	Marshalltown.
35	Dubuque .....	Dennis N. Cooley....	Dubuque .....
36	Delaware .....	Lewis G. Hersey.....	Earlville.....
37	Buchanan.....	Merritt W. Harmon .....	Independence
38	Poweshiek and Tama.....	John Conaway.....	Brooklyn .....
39	Clayton .....	John T. Stoneman...	McGregor .....
40	Fayette.....	William Larrabee ...	Clermont. ....
41	Allamakee .....	Samuel H. Kinne....	Lansing .....
42	Winneshiek .....	George R. Willett....	Decorah .....
43	Mitchell, Floyd, and Butler.....	Arad Hitchcock.....	Ossage .....
44	Black Hawk.....	Edward G. Miller....	Waterloo.....
45	Boone and Story .....	William H. Gallup...	Nevada .....
46	Worth, Winnebago, Kossuth, Hancock, Cerro Gordo, Humboldt, Wright, and Franklin...	Lemuel Dwelle.....	Northwood....
47	Dickinson, Emmet, Clay, Palo Alto, Buena Vista, Pocahontas, Ida, Sac, Calhoun, and Webster.....	Eldin J. Hartshorn..	Emmetsburg..
48	Howard, Chickasaw, and Bremer.....	Hiram Bailey.....	Williamstown.
49	Greene, Carroll, Crawford, Shelby, Audubon, and Guthrie.....	Samuel D. Nichols...	Panora .....
50	Lyon, Osceola, O'Brien, Sioux, Plymouth, Cherokee, Woodbury, Monona, and Harrison.....	George D. Perkins...	Sioux City.....

## OFFICERS OF THE SENATE.

*President*—Joshua G. Newbold, Hillsboro, Henry County.  
*Secretary*—John A. T. Hull, Bloomfield, Davis County.  
*Assistant Secretary*—A. T. McCargar, Northwood, Worth County.  
*Second Assistant Secretary*—Robert B. Baird, Muscatine, Muscatine County.  
*Enrolling Clerk*—Marilda Hollett, Independence, Buchanan County.  
*Engrossing Clerk*—Hattie E. Raybourne, Swede Point, Dallas County.  
*Sergeant-at-Arms*—E. H. Kinyon, West Union, Fayette County.  
*Doorkeeper*—James H. Rogers, Pleasanton, Decatur County.  
*Assistant Doorkeeper*—Theo. Schreiner, Mt. Pleasant, Henry County.

## HOUSE OF REPRESENTATIVES.

NO. DISTRICT.	COUNTIES.	NAMES OF MEMBERS.	POSTOFFICE.
1	Lee.....	Wesley C. Hobbs..... John Gibbons..... John N. Irwin.....	Fort Madison... Keokuk..... Keokuk.....
2	Des Moines.....	John H. Gear..... William Lynch.....	Burlington..... Kingston.....
3	Henry.....	William Allen..... Jacob Kauffman.....	New London..... Mt. Pleasant.....
4	Jefferson.....	W. L. S. Simmons.....	Brookville.....
5	Van Buren.....	Thomas Christy.....	Bonaparte.....
6	Wapello.....	Jacob W. Dixon..... G. A. Madson.....	Ottumwa..... Ottumwa.....
7	Davis.....	L. D. Hotchkiss.....	Bloomfield.....
8	Monroe.....	A. M. Giltner.....	Albia.....
9	Appanoose.....	James B. Stuckey.....	Unionville.....
10	Lucas.....	Dan M. Baker.....	Chariton.....
11	Wayne.....	Elijah Glendenning.....	Lineville.....
12	Decatur.....	Stanfield P. McNeill.....	Garden Grove..
13	Clarke.....	Jacob Proudfoot.....	Liberty.....
14	Ringgold and Union.....	Samuel W. McElderry.....	Afton.....
15	Taylor.....	John Madden.....	Lenox.....
16	Page.....	Edwin B. Hoag.....	College Springs..
17	Fremont.....	William M. Brooks.....	Tabor.....
18	Mills.....	John Y. Stone.....	Glenwood.....
19	Pottawattamie.....	Daniel Hunt.....	Avoca.....
20	Montgomery and Adams.....	George A. Morse.....	Corning.....
21	Audubon, Shelby, Adair and Cass.....	Milton K. Campbell.....	Harlan.....
22	Madison.....	J. J. Smith.....	Van Meter.....
23	Warren.....	Samuel Irwin.....	New Virginia.....
24	Marion.....	Green T. Clark..... John B. Elliott.....	Pella..... Knoxville.....
25	Mahaska.....	W. H. Seevers..... Hardin Tice.....	Oskaloosa..... Pella.....
26	Keokuk.....	B. A. Cleveland..... Sanford Harned.....	Harper..... Sigourney.....
27	Washington.....	William Said..... G. T. Auld.....	Valley..... Crawfordsville..
28	Louisa.....	Robert E. Benton.....	Wapello.....
29	Muscatine.....	Charles C. Horton..... Frank A. J. Gray.....	Muscatine..... SweetlandCent'r
30	Scott.....	Ernst Mueller..... Eugene Birchard.....	Davenport..... Pleasant Valley..
31	Clinton.....	Joseph A. Crawford... Edward H. Thayer..... John A. Young.....	Davenport..... Clinton..... Elvira.....
32	Cedar.....	Henry Horstman..... Robert G. Scott.....	Toronto..... Pleasant Hill.....
33	Johnson.....	Alexander Moffit..... Rush Clark.....	Mechanicsville.. Iowa City.....
34	Iowa.....	Charles W. McCune.....	Solon.....
35	Poweshiek.....	John L. Williams.....	North English... Grinnell.....
36	Jasper.....	Charles F. Craver..... George M. Wilson..... Joel W. Deweese.....	Greencastle..... Greencastle..... Prairie City.....



## HOUSE OF REPRESENTATIVES—CONTINUED.

NO. DISTRICT.	COUNTIES.	NAMES OF MEMBERS.	POSTOFFICE.
37	Polk .....	William G. Madden... Josiah Given.....	Greenwood..... Des Moines.....
38	Dallas .....	T. C. Norris.....	Perry.....
39	Guthrie .....	George J. Maria.....	Guthrie Center..
40	Harrison .....	Lemuel R. Bolter.....	Woodbine .....
41	Monona, Crawford, Ida and Cherokee.....	George Rae .....	Dowville .....
42	Greene, Carroll, Calhoun and Sac.....	Orlando H. Manning	Carroll City.....
43	Webster.....	Samuel Rees.....	Ft. Dodge.....
44	Boone.....	Levi Colvin.....	Moingona .....
45	Story.....	Milton Evans.....	Ames.....
46	Hardin.....	John Hall.....	Eldora .....
47	Marshall .....	William D. Mills.....	Marshalltown...
48	Grundy .....	James Underwood....	Eldora .....
49	Tama.....	Gamaliel Jaqua .....	Traer.....
50	Black Hawk.....	H. C. Hemenway..... Harlan P. Homer.....	Cedar Falls..... Waterloo.....
51	Benton.....	E. Smyth Johnson.... John McCartney.....	Belle Plaine..... Vinton .....
52	Buchanan.....	John Calvin.....	Newtonville .....
53	Linn.....	Moses C. Jordan..... William Ure.....	Central City.... Fairfax .....
54	Jones .....	William T. Shaw..... George W. Lathrop..	Anamosa .....
55	Jackson .....	Lewis W. Stuart..... William H. Reed.....	Oxford Mills.... Monmouth .....
56	Dubuque.....	Thomas W. Johnston Theophilus Crawford Julius K. Graves.....	Dubuque..... Peosta..... Dubuque .....
57	Delaware.....	Joseph Chapman.....	Colesburg.....
58	Clayton .....	Charles Mentzel..... Thos. D. White.....	Elkader .....
59	Fayette.....	William E. Fuller.....	National.....
60	Allamakee.....	Luther Brown .....	West Union..... Postville.....
61	Winneshek.....	Warren Danforth... Martin N. Johnson....	Cresco..... Decorah.....
62	Bremer .....	Louis Case.....	Waverly .....
63	Chickasaw .....	John McHugh.....	Lawler .....
64	Howard .....	Henry T. Reed .....	Cresco.....
65	Mitchell .....	Jesse P. Brush.....	Osage.....
66	Floyd.....	Jared B. Shepardson..	Marble Rock.....
67	Butler .....	John Palmer.....	Clarksville.....
68	Franklin and Cerro Gordo.....	Lorenzo D. Lane.....	Hampton .....
69	Worth, Winnebago, Kossuth and Hancock	Henry H. Bush.....	Garner .....
70	Humboldt, Hamilton and Wright.....	John L. Morse.....	Belmond .....
71	Pocahontas, Buena Vista, Palo Alto and Emmet.....	Gifford S. Robinson..	Storm Lake.....
72	Clay, Dickinson, Osceola and O'Brien.....	John F. Glover.....	Sibley .....
73	Woodbury, Plymouth, Sioux and Lyon....	Samuel B. Gilliland..	James .....

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**OFFICERS OF THE HOUSE OF REPRESENTATIVES.**

*Speaker*—John H. Gear, Burlington, Des Moines County.

*Chief Clerk*—James W. Logan, Waterloo, Black Hawk County.

*First Assistant Clerk*—Benj. Van Steinburg, Preston, Jackson County.

*Second Assistant Clerk*—John J. Flynn, Stuart, Adair County.

*Engrossing Clerk*—Lucy D. Evans, West Liberty, Muscatine County.

*Enrolling Clerk*—Mrs. Laura A. Berry, Nevada, Story County.

*Sergeant-at-Arms*—Sidney Burlingame, West Side, Crawford County.

*Postmasters*—

Mary H. Johnson, Decorah, Winneshiek County.

Anna P. Smith, Keosauqua, Van Buren County.

*Doorkeeper*—George D. Rose, Des Moines, Polk County.

COMMISSIONERS IN OTHER STATES.

List of Commissioners for Iowa in other States, qualified to act as such this 14th day of May, 1876, whose terms of office will not expire prior to July 4, 1876, published as required by Section 274 of the Code of 1873, showing the Name, Postoffice, and date of Commission, Qualification and Expiration of Commission.

CALIFORNIA.

NAME.	POSTOFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
F. J. Thibault.....	San Francisco.....	August 2, 1873.	August 29, 1873.	August 8, 1876
Edward Cadwalader.....	Sacramento.....	October 31, 1873.	Nov. 11, 1873.	Nov. 8, 1876
William Hoskins.....	Oakland.....	April 18, 1874.	April 27, 1874.	May 8, 1877
Edward Chattin.....	San Francisco.....	October 12, 1874.	Dec. 15, 1874.	Nov. 8, 1877
John H. B. Wilkins.....	San Francisco.....	August 21, 1875.	Sept. 1, 1875.	Sept. 8, 1878
James R. Lowe.....	San Jose.....	April 26, 1876.	May 5, 1876.	May 8, 1879

CONNECTICUT.

Edward Goodman.....	Hartford.....	August 27, 1873.	Sept. 4, 1873.	Sept. 8, 1876
David G. Gordon.....	Hartford.....	March 17, 1875.	March 31, 1875.	April 4, 1878

DISTRICT OF COLUMBIA.

John Bull.....	Washington.....	Sept. 4, 1873.	Sept. 11, 1873.	Sept. 8, 1876
Richard H. Marsh.....	Washington.....	Nov. 27, 1874.	Dec. 2, 1874.	Dec. 8, 1877

ILLINOIS.

Charles Knobelsdorff.....	Chicago.....	May 4, 1874.	May 7, 1874.	May 14, 1877
S. S. Willard.....	Chicago.....	Dec. 29, 1874.	Dec. 31, 1874.	Jan. 8, 1878
William Hempstead.....	Galena.....	March 6, 1875.	March 29, 1875.	March 14, 1878

KANSAS.

E. N. O. Clough.....	Leavenworth.....	Dec. 29, 1874.	January 1, 1875.	Jan. 8, 1878
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LOUISIANA.

Andrew Hero, Jr.....	New Orleans.....	August 27, 1873.	Sept. 2, 1873.	Sept. 8, 1876
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MAINE.

James O'Donnell.....	Portland.....	July 8, 1873.	August 26, 1873.	July 7, 1876
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MARYLAND.

Henry L. Dulany.....	Baltimore.....	July 22, 1873.	July 30, 1873.	August 8, 1876
Wm. W. Latimer.....	Baltimore.....	Sept. 2, 1873.	Sept. 5, 1873.	Sept. 8, 1876
Henry Brock.....	Baltimore.....	March 24, 1874.	March 30, 1874.	April 8, 1877
Francis White.....	Baltimore.....	April 18, 1874.	April 22, 1874.	May 8, 1877
Joseph T. Atkinson.....	Baltimore.....	March 28, 1876.	April 5, 1876.	April 8, 1879

## COMMISSIONERS IN OTHER STATES—CONTINUED.

## MASSACHUSETTS.

NAME.	POST OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
Robt. B. Caverly.....	Lowell.....	July 8, 1873.	July 12, 1873.	July 7, 1874.
Stephen P. Webb.....	Salem.....	July 22, 1873.	July 25, 1873.	August 3, 1874.
Dan'l. Sharp.....	Boston.....	Dec. 1, 1873.	Dec. 4, 1873.	Dec. 3, 1874.
Wm. R. Plunkett.....	Pittsfield.....	Feb. 20, 1874.	Feb. 25, 1874.	March 3, 1875.
John L. Coffin.....	Boston.....	Feb. 25, 1874.	March 4, 1874.	March 3, 1875.
Geo. T. Angell.....	Boston.....	March 26, 1874.	March 31, 1874.	April 3, 1875.
Augustus Russ.....	Boston.....	July 20, 1874.	August 8, 1874.	July 24, 1875.
J. Henry Hill.....	Worcester.....	August 10, 1874.	August 24, 1874.	August 14, 1875.
Edward C. Perkins.....	Boston.....	October 28, 1874.	Dec. 8, 1874.	Nov. 3, 1875.
Louis W. Kelley.....	Salem.....	Nov. 2, 1874.	Nov. 6, 1874.	Nov. 15, 1875.
B. Berkley Johnson.....	Waltham.....	Jan. 4, 1875.	Jan. 30, 1875.	Jan. 14, 1876.
Hamilton D. Clark.....	Medford.....	Feb. 18, 1875.	Feb. 26, 1875.	March 3, 1876.
Francis A. Osborn.....	Boston.....	April 20, 1875.	May 1, 1875.	May 14, 1876.
Edward T. Merrihew.....	Boston.....	May 7, 1875.	May 17, 1875.	May 14, 1876.
Geo. Shipton.....	Pittsfield.....	October 19, 1875.	October 27, 1875.	Nov. 3, 1876.
Edward J. Jones.....	Boston.....	Feb. 5, 1876.	Feb. 8, 1876.	Feb. 17, 1877.

## MISSISSIPPI.

Geo. A. Smythe.....	Jackson.....	June 25, 1874.	July 4, 1874.	July 18, 1874.
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## MISSOURI.

C. D. Greene, Jr.....	St. Louis.....	July 22, 1873.	Sept. 11, 1873.	July 24, 1874.
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## NEBRASKA.

August Weiss.....	Omaha.....	May 21, 1875.	May 24, 1875.	June 3, 1876.
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## NEW HAMPSHIRE.

William H. Hackett.....	Portsmouth.....	Sept. 2, 1873.	Sept. 6, 1873.	Sept. 3, 1876.
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## NEW JERSEY.

Isaac M. Andruss.....	Newark.....	August 20, 1874.	Sept. 28, 1874.	Sept. 3, 1877.
George P. Kingsley.....	Orange.....	May 9, 1876.	June 4, 1876.	June 3, 1879.

## NEW YORK.

John Blissell.....	New York.....	July 12, 1873.	July 16, 1873.	July 11, 1876.
Edwin F. Corey, Jr.....	New York.....	July 22, 1873.	August 19, 1873.	July 7, 1876.
Charles Nettleton.....	New York.....	July 22, 1873.	Sept. 10, 1873.	July 7, 1876.
Edward Wade.....	Albany.....	July 22, 1873.	July 26, 1873.	Aug. 3, 1876.
William Savage.....	Brooklyn.....	August 2, 1873.	August 19, 1873.	Aug. 3, 1876.
David McAdam.....	New York.....	August 14, 1873.	August 19, 1873.	Aug. 14, 1876.
Armour C. Anderson.....	New York.....	October 31, 1873.	Nov. 5, 1873.	Nov. 3, 1876.
Joseph Hillman.....	Troy.....	Dec. 15, 1873.	Dec. 8, 1873.	Dec. 21, 1876.
Harold A. Bagley.....	New York.....	Dec. 8, 1873.	Dec. 3, 1873.	Dec. 14, 1876.
William F. Lett.....	New York.....	Jan. 16, 1874.	Jan. 30, 1874.	Feb. 8, 1877.
William E. Osburn.....	Brooklyn.....	Feb. 3, 1874.	March 17, 1874.	Feb. 3, 1877.
James Taylor.....	New York.....	Feb. 21, 1874.	Feb. 25, 1874.	March 1, 1877.
George W. Colles.....	New York.....	March 3, 1874.	March 11, 1874.	March 3, 1877.
Edward H. Perkins.....	New York.....	March 24, 1874.	June 4, 1874.	April 3, 1877.
Charles W. Anderson.....	New York.....	April 30, 1874.	May 4, 1874.	May 3, 1877.
W. H. Melick.....	New York.....	May 2, 1874.	May 16, 1874.	May 3, 1877.
Charles T. Duncklee.....	New York.....	May 2, 1874.	May 14, 1874.	May 3, 1877.
I. Spencer Smith.....	New York.....	May 12, 1874.	May 24, 1874.	May 31, 1877.
Thomas B. Clifford.....	New York.....	May 16, 1874.	May 20, 1874.	June 3, 1877.
Alex. Ostrander.....	New York.....	June 18, 1874.	June 22, 1874.	July 3, 1877.
Spencer C. Doty.....	New York.....	June 18, 1874.	August 1, 1874.	July 3, 1877.
Jacob Du Bois.....	New York.....	June 25, 1874.	June 30, 1874.	July 3, 1877.
S. B. Goodale.....	New York.....	June 28, 1874.	July 15, 1874.	July 3, 1877.
Frederick W. Dunton.....	New York.....	October 6, 1874.	October 9, 1874.	Oct. 8, 1877.
Rufus K. McHarg.....	New York.....	October 28, 1874.	October 20, 1874.	Oct. 25, 1877.
Wm. H. Clarkson.....	New York.....	Janu'ry 21, 1875.	Feb. 24, 1875.	Feb. 3, 1878.

## COMMISSIONERS IN OTHER STATES—CONTINUED.

## NEW YORK—CONTINUED.

NAME.	POST-OFFICE.	DATE OF COMMISSION.	DATE AFTER WHICH QUALIFIED TO ACT.	DATE OF EXPIRATION.
Geo. R. Jaques.....	New York.....	Janu'y 19, 1875.	Janu'y 23, 1875.	Jan. 22, 1878
Sylvester Lay.....	New York.....	Feb. 22, 1875.	March 10, 1875.	March 3, 1878
Thomas Kilvert.....	New York.....	March 2, 1875.	March 8, 1875.	March 3, 1878
Wm. S. Burns.....	Bath.....	March 24, 1875.	March 29, 1875.	April 15, 1878
Stephen Ward.....	Rome.....	March 25, 1875.	April 1, 1875.	April 4, 1878
Edward H. Litchfield.....	Brooklyn.....	May 8, 1875.	May 15, 1875.	May 14, 1878
Horace Andrews.....	New York.....	June 5, 1875.	June 10, 1875.	June 9, 1878
Lyman P. Perkins.....	Buffalo.....	July 24, 1875.	July 28, 1875.	August 3, 1878
Eleazer Jackson.....	New York.....	Nov. 16, 1875.	Nov. 30, 1875.	Dec. 3, 1878
Francis P. Burke.....	New York.....	Janu'y 24, 1876.	Janu'y 19, 1876.	Jan. 18, 1879
John A. Hillery.....	New York.....	Feb. 2, 1876.	Janu'y 29, 1876.	Feb. 14, 1879
Richard M. Bruno.....	New York.....	Feb. 29, 1876.	March 31, 1876.	Feb. 29, 1879
George W. Browne.....	New York.....	Feb. 22, 1876.	March 11, 1876.	March 10, 1879
John B. Dumont.....	New York.....	April 18, 1876.	May 4, 1876.	May 3, 1879

## OHIO.

Samuel S. Carpenter.....	Cincinnati.....	July 8, 1878.	July 12, 1878.	July 7, 1879
James Wade, Jr.....	Cleveland.....	July 22, 1878.	July 26, 1878.	August 3, 1879
Howard Douglass.....	Cincinnati.....	Sept. 2, 1878.	Sept. 5, 1878.	Sept. 3, 1879

## OREGON.

George H. Jones.....	Salem.....	April 10, 1875.	June 1, 1875.	May 8, 1878.
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## PENNSYLVANIA.

Samuel L. Taylor.....	Philadelphia.....	July 8, 1873.	July 12, 1873.	July 7, 1876.
John Howell Wheeler.....	Philadelphia.....	July 8, 1873.	July 12, 1873.	July 7, 1876.
Theo. D. Rand.....	Philadelphia.....	August 2, 1873.	August 6, 1873.	Aug. 3, 1876.
Joshua Spering.....	Philadelphia.....	August 27, 1873.	Sept. 1, 1873.	Sept. 3, 1876.
Samuel B. Huey.....	Philadelphia.....	Sept. 23, 1873.	Sept. 27, 1873.	Oct. 3, 1876.
John Sparhawk.....	Philadelphia.....	Oct. 31, 1873.	Nov. 4, 1873.	Nov. 3, 1876.
Edward D. Ledyard.....	Philadelphia.....	Dec. 1, 1873.	Dec. 9, 1873.	Dec. 3, 1876.
Joseph S. Perot.....	Philadelphia.....	March 17, 1874.	April 10, 1874.	April 3, 1877.
J. Paul Diver.....	Philadelphia.....	March 17, 1874.	March 23, 1874.	Mar. 15, 1877.
Edward S. Sayres, Jr.....	Philadelphia.....	April 30, 1874.	May 5, 1874.	May 3, 1877.
Alex. H. Morgan.....	Philadelphia.....	May 22, 1874.	May 25, 1874.	June 3, 1877.
Alex. Ramsey.....	Philadelphia.....	Dec. 10, 1874.	Dec. 16, 1874.	Dec. 14, 1877.
Albert L. Wilson.....	Philadelphia.....	March 6, 1875.	March 19, 1875.	Mar. 14, 1878.
H. E. Hindmarsh.....	Philadelphia.....	March 6, 1875.	March 10, 1875.	April 4, 1878.
Benj. F. Moore.....	Philadelphia.....	April 9, 1875.	April 29, 1875.	May 3, 1878.
John M. Mitchell.....	Pittsburg.....	August 13, 1875.	Aug. 19, 1875.	Sept. 3, 1878
Henry T. Morris.....	Pittsburg.....	August 21, 1875.	Sept. 3, 1875.	Sept. 3, 1878.
Charles Chauncey.....	Philadelphia.....	Dec. 9, 1875.	Dec. 13, 1875.	Dec. 14, 1878.
Henry Phillips, Jr.....	Philadelphia.....	Nov. 15, 1875.	Nov. 19, 1875.	Nov. 28, 1878.
William B. Wiley.....	Lancaster.....	March 11, 1876.	April 4, 1876.	April 3, 1879.

## RHODE ISLAND.

Charles Seldon.....	Providence.....	March 3, 1874.	March 10, 1874.	March 15, 1877
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## VERMONT.

Geo. R. Botterm.....	Rutland.....	Dec. 27, 1875.	Jan. 3, 1876.	Jan. 3, 1879
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## VIRGINIA.

Geo. C. Holt.....	Halifax, C. H.....	Dec. 1, 1873.	Dec. 6, 1873	Dec. 3, 1876
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## WISCONSIN.

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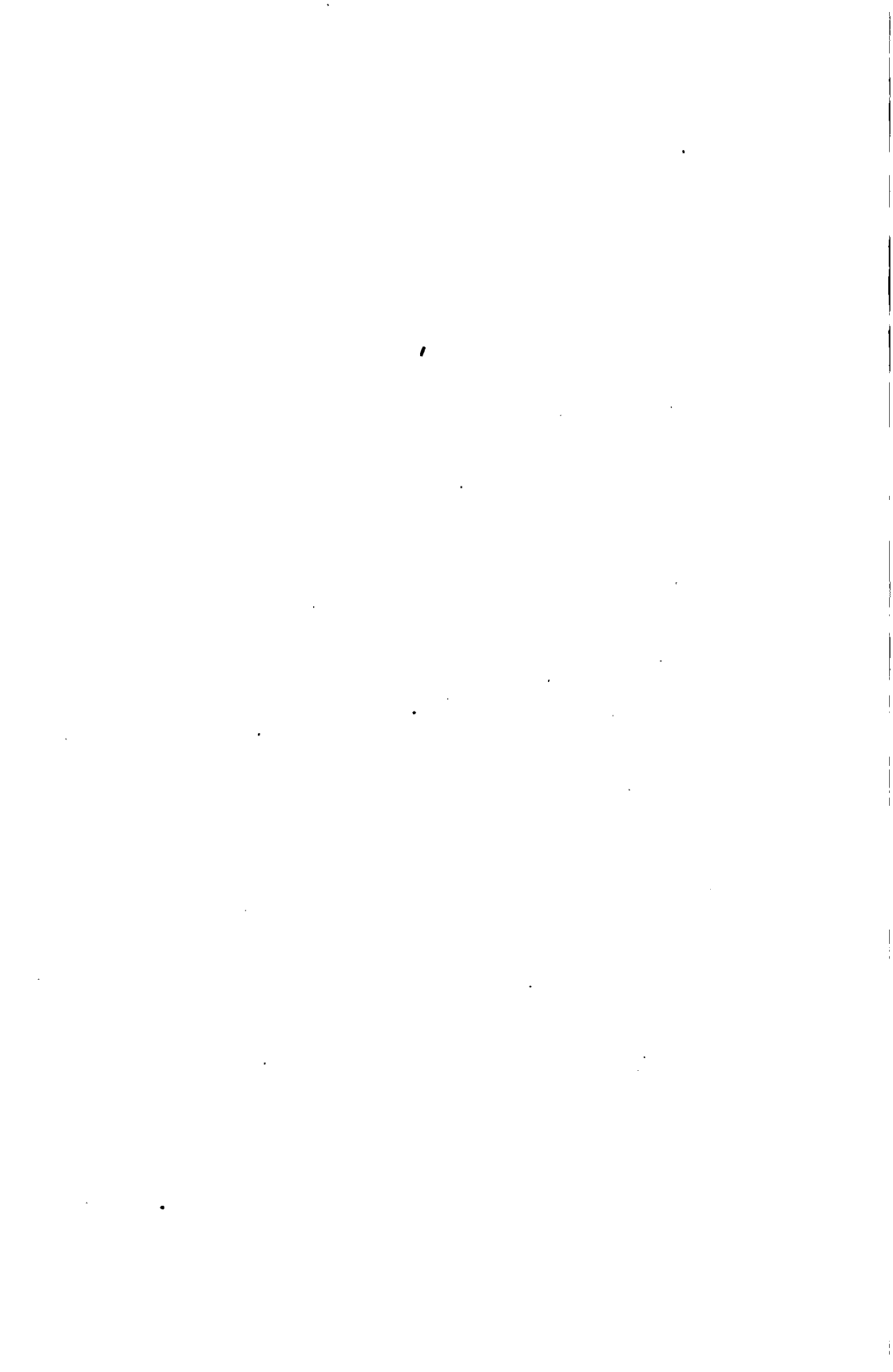
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# LAWS

OF THE

## SIXTEENTH GENERAL ASSEMBLY

OF THE

### STATE OF IOWA.

PASSED AT THE REGULAR SESSION THEREOF, AT DES MOINES,  
THE CAPITAL OF THE STATE, BEGUN ON THE TENTH DAY  
OF JANUARY, AND ENDED ON THE SIXTEENTH DAY  
OF MARCH, A. D. MDCCCLXXVI., IN THE THIR-  
TIETH YEAR OF THE STATE.

#### CHAPTER 1.

##### INCORPORATION OF CLERMONT PRINTING COMPANY LEGALIZED.

AN ACT to Legalize the Incorporation of the Clermont Printing Com- s. F. 16.  
pany.

WHEREAS, The Clermont Printing Company, of Clermont, Preamble.  
Fayette county, did not file its articles of incorporation in the  
office of the secretary of state within the time required by law.

SECTION 1. *Be it enacted by the General Assembly of the*  
*State of Iowa,* That the incorporation of the Clermont Printing  
Company of Fayette county, is hereby legalized, and all acts of Incorpora-  
said Company are as valid as though said articles had been filed tion and acts  
as required by law. legalized.

SEC. 2. This act being deemed of immediate importance shall Publication.  
take effect from and after its publication in the People's Paper,  
and the Iowa State Register, without expense to the state.

Approved, January 27, 1876.

I hereby certify that the foregoing act was published in the *Iowa State*  
*Register*, January 29, 1876, and in the *People's Paper*, February 10, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 2.

## ACTS OF CITY COUNCIL OF MOUNT PLEASANT LEGALIZED.

S. F. 52. AN ACT to Legalize the acts of the Council of the City of Mount Pleasant, in relation to the Levy of Taxes.

Levy for 1875 legalized. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the levy of taxes, by the city council of the city of Mount Pleasant, made for the year 1875, be and the same is hereby legalized and made valid, in every respect and for all purposes.

Publication. SEC. 2. This act, being deemed by the general assembly of the state of immediate importance, shall take effect, and be in force, from and after its publication in the State Register, a newspaper published at Des Moines, and the Mt. Pleasant Journal, a newspaper published in Mt Pleasant, provided such publication be without expense to the state.

Approved, January 27, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, January 29, 1876, and in the *Mount Pleasant Journal*, February 3, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 3.

## LEVY OF BRIDGE TAXES IN HOWARD COUNTY LEGALIZED.

H. F. 114. AN ACT to Legalize the Levy of certain Bridge Taxes in the County of Howard, Iowa.

Preamble. WHEREAS, The board of supervisors of Howard county, Iowa, levied a tax of three and one-half ( $3\frac{1}{2}$ ) mills upon the taxable property of said county, for the year A. D. 1872, for the purpose of building and repairing bridges in said county, which said tax was known and called a "bridge tax" or fund, and

WHEREAS, Doubts exist as to the legality and validity of such tax, therefore,

Bridge Tax for 1872 legalized. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa* : That said bridge tax of three and one-half ( $3\frac{1}{2}$ ) mills levied by the board of supervisors of said Howard county, for the year 1872, upon the taxable property of said county be, and the same is hereby declared to be legal and valid in all respects the same as though said board of supervisors had been authorized to levy said tax of three and one-half ( $3\frac{1}{2}$ ) mills, and had levied the same in the manner required or authorized by law.

SEC. 2. This act being deemed of immediate importance shall be in force and effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa, without expense to the State.

Approved January 31, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 28, 1876, and in the *Iowa State Register*, March 1, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 4.

### RELATING TO DEPUTIES.

AN ACT to amend Section 767 of the Code of 1873, concerning H. F. 98, Deputies, [Title V., Chapter 8: "Of Deputies.]"

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 767 of the Code of Iowa of 1873, be, and the same is hereby amended by adding thereto the following, to-wit: Code, 767 amended.

*Provided*, That in counties having two county seats, the deputy may hereafter perform any and all acts of the principal. Powers of deputy.

SEC. 2. This act shall take effect and be in force from and after its publication in the Iowa State Register, and State Leader, newspapers published at Des Moines. Publication.

Approved February 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 14, 1876, and in the *Iowa State Register*, February 17, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 5.

### THE FIRST UNIVERSALIST PARISH OF IOWA CITY.

AN ACT to Enable the "First Universalist Parish of Iowa City" to B. F. 157. Transfer a Portion of its Property.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the "First Universalist Parish of Iowa City," a corporation of the State of Iowa for church purposes, be, and it is hereby authorized and empowered by and through the proper officers of said corporation, to sell and convey by proper

Authorized to sell lots 3, and 4, block 68, in Iowa City.

Proceeds to be applied how.

Publication.

conveyance, at public or private sale as may best subserve the interests of said corporation, lots three (3) and four (4) in block sixty-six (66) in Iowa City, according to the recorded plat of said city, or any part of said property, now owned by said corporation for the use and benefit of the Universalist Church of Iowa City under a grant thereof from the territory of Iowa, of January 8th, 1844; such sale and conveyance to be in trust for said incorporation, the proceeds of such sale to be applied only and solely for the use and benefit of the said First Universalist Parish of Iowa City in the purchase of and payment for a site and building for church purposes, elsewhere in said city, for the use and trust aforesaid.

SEC. 2. This act being deemed of immediate importance shall be in force from and after its publication in the Daily Press, published at Iowa City, and in the State Leader, published at Des Moines, such publication to be without expense to the State.

Approved February 4, 1876.

I hereby certify that the foregoing act was published in the *Daily State Press*, February 7, 1876, and in the *Iowa State Leader*, February 7, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 6.

### ELECTION OF ASSESSORS.

H. F. 7.

AN ACT to repeal Section 390 of Chapter 9, Title IV, of the Code relating to Township Officers and enacting a substitute in lieu thereof.

Code, §390.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 390 of chapter 9, title 4, of the Code be, and the same is hereby repealed and the following enacted in lieu thereof:

When township contains a city or town.

SEC. 390. In any township a part of which is included within the incorporated limits of any incorporated city or town, the qualified voters of such township residing without the corporate limits of such city or town, shall at the general election in each year elect an assessor in the same manner as provided by law for the election of township assessors, and the qualified voters of each incorporated city and town, whether such city or town embraces one or more townships or parts of townships, shall, at the municipal election in such city or town, elect one assessor for such city or town, and such assessor[s] shall be limited in the discharge of their official duties to the limits in which they are elected, and such city and town assessors shall hold their office for one year from the first of January next ensuing.

When city or town contains one or more townships.

SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register, and State Leader, newspapers published in Des Moines, Iowa. Publication.

Approved February 10, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 14, 1876, and in the *Iowa State Register*, February 17, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 7.

### TO INCREASE THE NUMBER OF JUDGES OF THE SUPREME COURT.

AN ACT to Increase the Number of Judges of the Supreme Court. S. F. 17. & 18.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That hereafter the supreme court shall consist of five judges, three of whom shall constitute a quorum to hold court. Additional Judge.

SEC. 2. The regular term of the additional judge of the supreme court, provided for by this act, shall commence on the first Monday of January, 1879, and he shall be chosen at the general election in the year 1878, and every six years thereafter. When term begins.

SEC. 3. The vacancy in the office of the judge of the supreme court created by this act shall be filled by appointment by the governor; the person so appointed shall hold his office until the general election in the year 1876, and until his successor is elected and qualified, and at said general election there shall be chosen a judge of said court to fill the unexpired portion of the vacancy hereby created. Governor to fill vacancy by appointment.

SEC. 4. This act being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register, and Daily State Leader, newspapers printed and published in Des Moines, Iowa. Publication.

Approved February 11, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 11, 1876, and in the *Iowa State Register*, February 12, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 8.

## RELATING TO POWERS OF BOARDS OF SUPERVISORS.

H F. 181. AN ACT to amend Section 303, Chapter 2. of Title IV, of the Code in relation to the Powers of the Boards of Supervisors, and to Enlarge such Powers.

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

Code, §303. SECTION 1. Section three hundred and three (303) of the Code is hereby amended by adding to subdivision No. 24 at the end thereof the following:

In counties with population of twenty thousand. *Provided further,* That the board of supervisors of any county having a population of more than twenty thousand, may in case of the destruction of any county building by fire or otherwise, rebuild the same or purchase such other grounds and buildings, or grounds upon which to erect such buildings, as may in their judgment be advisable for the purpose intended, and may pay for such grounds and buildings in full payment therefor, not exceeding twenty thousand dollars, including any and all money received for and on account of insurance on the property destroyed.

This act to apply when. *Provided,* That the provisions of this act shall not apply to any county where the loss shall have occurred after the first day of February, 1876, nor shall this act apply to the building of court houses or jails.

Publication. SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Daily Register, and Daily State Leader, newspapers published at Des Moines, Iowa, as provided by law.

Approved February 12, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 16, 1876, and in the *Iowa State Register*, February 17, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 9.

## INCORPORATION OF FAYETTE LEGALIZED.

S. F. 83. AN ACT To Legalize the Incorporation of the Town of Fayette.

Preamble. WHEREAS, Certain of the qualified electors of the town of Fayette, in the county of Fayette, and State of Iowa, did, on or about the 16th day of February, 1874, apply by petition to the circuit

court of said county for the appointment of commissioners to submit to the legal voters of said town the question of incorporating the same; and

WHEREAS, Said court did appoint five commissioners, who afterwards did call an election as required by law, and submitted said question to the legal voters thereof, at which election a large majority of the votes polled were in favor of incorporating said town; and

WHEREAS, In the affidavit of publication of the notice of election to submit to the electors the question of incorporation of said town, an error was made, and such affidavit was filed in the office of the clerk of said county, and copies thereof in the office of the recorder of said county, and of the secretary of state; and ordinances had been adopted, and other official acts been done by the officers of said town before such error was discovered; and

WHEREAS, In the publication of the notice of such election a slight error was made in the description of the boundaries of said town; and

WHEREAS, The said commissioners did afterwards call an election for the election of officers, at which election there were elected a mayor, a recorder, and five trustees, to constitute a council; to transact the business of said incorporated town, which council did appoint a treasurer, an assessor, and other officers; passed ordinances, adopted by-laws, and perform[ed] other duties as such council; and

WHEREAS, In March, 1875, the annual election of officers was held (notice of the same having been given as required by law) at which election a mayor, a recorder, an assessor, and five trustees were elected, which council and other officers of said town have performed the duties devolving upon them since they were elected and qualified, including the levy of taxes as authorized by law; and

WHEREAS, Doubts have arisen as to the legality of the said incorporation and of the legality of the ordinances enacted and the levy of taxes made by the officers of said town; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all acts done and proceedings had to enable the territory described in such petition to become incorporated under chapter ten of the Code of 1873, be, and the same are hereby declared to be valid and binding in all respects; and all such acts and proceedings are hereby legalized as fully as if the same had been in strict compliance with the provisions of the law relating to the incorporation of towns and cities. Acts of Incorporation legalized.

SEC. 2. That all elections, and all the acts of any and all the officers of such incorporation are hereby declared valid and binding in all respects. Elections.

SEC. 3. That all the ordinances enacted by the Fayette council, or board of trustees, and all levies of taxes, and all orders or warrants made or issued, and all other official acts of said council or board of trustees are hereby legalized and made binding in all respects. Ordinances.

SEC. 4. This act being deemed of immediate importance, shall take effect from and after its publication in the State Register, Publication

and also in the Fayette News, a newspaper published in said town of Fayette, without expense to the State.

Approved February 16, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 17, 1876, and in the *Fayette News*, February 23, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 10.

### UNITED STATES AND STATE PATENTS.

S. F. 427½. AN ACT relating to the Recording of United States and State Patents for Lands.

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

When deemed to be matters of record.

Certified copies to be received as evidence.

No acknowledgments necessary.

[SECTION 1.] That United States and state patents for lands in this state, that have been or hereafter may be recorded in the recorder's office of the county in which the lands are situated, shall be deemed matters of record, and certified copies thereof, under the hand of the recorder, may be received and read in evidence in all the courts in this state, with like effect as other certified copies of original papers recorded in his office.

In order to entitle said patents to be recorded, no acknowledgment, as required by chapter six of the Code shall be necessary.

Approved February 16, 1876.

## CHAPTER 11.

### PROBATE OF WILLS.

S. F. 86. AN ACT to Amend Chapter 2, of Title 16, of the Code, Relating to Probate of Wills.

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

Code, 2340 amended.

Either party entitled to a jury.

SECTION 1. Section 2340, of chapter 2, of title 16, of the Code, is hereby amended by adding thereto the following, viz: Whenever the proving of a will is contested, either party shall be entitled to demand a jury and to the verdict of a jury on the issues involved.



SEC. 2. This act being deemed to be of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa, and this act shall take effect from the date of the last publication aforesaid notwithstanding section 33 of the Code. Publication.

Approved February 23, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 23, 1876, and in the *Iowa State Register*, February 24, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

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## CHAPTER 12.

### LEGALIZING NOTARIAL ACTS OF GEORGE B. WILSON.

AN ACT to Legalize the Official Acts of George B. Wilson, a Notary H. F. 317.  
Public in and for Adair County.

WHEREAS, The commission of George B. Wilson, a notary public in and for Adair County, expired on the 16th day of September, 1875, and the renewal of said commission is dated October 3rd, 1875, therefore, Preamble.

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

SEC. 1. That all of the official acts of said George B. Wilson by him performed as a notary public after the expiration of his commission and the renewal of the same as aforesaid, are hereby legalized. Acts legal-  
ised

Approved February 23d, 1876.

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## CHAPTER 13.

### APPROPRIATING MONEY TO PAY INAUGURATION EXPENSES.

AN ACT making Appropriation to pay the Expenses incurred by the Ceremonies of Inauguration. H. F. 320.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of one hundred and seventy-eight dollars and fifty cents, to pay the expenses incurred by the inauguration ceremonies, and that an order therefor be drawn in favor of Senator W. H. Gallup, chairman of the joint committee on inauguration ceremonies. \$178.50 appro-  
priated.

Publication. SEC. 2. This act being deemed of immediate importance, shall take effect and be in force immediately after its publication in the Iowa State Register, and State Leader, papers published at Des Moines, Iowa, anything in the statutes to the contrary notwithstanding.

Approved February 24, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 24, 1876, and in the *Iowa State Register*, February 25, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 14.

### ASSIGNMENTS FOR BENEFIT OF CREDITORS.

S. F. 55. AN ACT to amend Chapter 7, of Title 14, of the Code in relation to Assignments for the Benefit of Creditors.

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

Taxes entitled to priority. SECTION 1. That hereafter in all assignments of property for the benefit of creditors, whether under chapter 7, of title 14, of the Code, or at common law, assessments or taxes levied under the laws of the State, including municipal corporations, shall be entitled to priority or preference and be first paid in full.

Publication. SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines State Leader and Des Moines State Register, newspapers published in Des Moines.

Approved February 24, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 25, 1876, and in the *Iowa State Register*, February 26, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 15.

## APPROPRIATION TO PAY VISITING COMMITTEES.

**AN ACT** To provide for the Payment of the Expenses of the Committees appointed to visit the various State Institutions, and for other purposes. H. F. 374.

*Be it enacted by the General Assembly of the State of Iowa.*

**SECTION 1.** That there is hereby appropriated from the state treasury the following sums of money to the persons and for the purposes herein named. Expenses of committees to:

**SEC. 2.** To Geo. D. Perkins, Wm. M. Brooks, and Edward H. Thayer, for expenses incurred as a legislative committee to visit and report upon the condition of the Iowa state university, thirteen dollars and seventy-five cents (\$13.75) each, forty-one dollars and twenty-five cents (\$41.25). State University.

**SEC. 3.** To Alfred Hebard, Wm. D. Mills, and Lorenzo D. Lane, eight dollars (\$8) each, for expenses incurred as a legislative committee to visit and report upon the condition of the agricultural college, twenty-four dollars (\$24). Agricultural college.

**SEC. 4.** To Horatio A. Wonn, Gifford S. Robinson, and Ernest [Ernst] Mueller, for expenses incurred as a legislative committee to visit and report upon the condition of the college for the blind at Vinton, eighteen dollars (\$18.00) each, fifty-four dollars (\$54.00). College for the blind.

**SEC. 5.** To Elias Jessup, twelve dollars and ninety cents (\$12.90), Geo. M. Wilson, fourteen dollars and ninety-five cents (\$14.95), and Gamaliel Jaqua, twelve dollars and ninety-five cents, (\$12.95) for expenses incurred as a legislative committee to visit and report upon the condition of the penitentiary at Fort Madison, forty dollars and eighty cents (\$40.80). Penitentiary.

**SEC. 6.** To M. A. McCoid, Wm. G. Madden, and Stanfield P. McNeill, twenty dollars (\$20.00) each, for expenses incurred as a legislative committee to visit and report upon the condition of the additional penitentiary at Anamosa, sixty dollars (\$60.00). Additional Penitentiary.

**SEC. 7.** To J. H. Merrill and Luther Brown, twenty-six dollars and twenty-five cents (\$26.25) each, and A. M. Giltner, nineteen dollars (\$19.00), for expenses incurred as a legislative committee to visit and report upon the condition of the hospital for the insane at Independence, seventy-one dollars and fifty cents (\$71.50). Hospital for the insane at Independence.

**SEC. 8.** To John Conway [Conaway] Henry T. Reed, and G. T. Auld, for expenses incurred as a legislative committee to visit and report upon the condition of the hospital for the insane at Mt. Pleasant, eleven dollars and eighty cents (\$11.80) each, thirty-five dollars and forty cents (\$35.40). Hospital for Insane at Mt. Pleasant.

**SEC. 9.** To Henry W. Rothert, S. B. Gilliland and Samuel Rees, twenty-one dollars (\$21.00) each, for expenses incurred as a legislative committee to visit and report upon the condition of the institution for the education of the deaf and dumb at Council Bluffs, (\$63.00.) Deaf and Dumb.

- Reform Schools. SEC. 10. To E. G. Miller for expenses incurred as a legislative committee to visit and report upon the condition of the Iowa reform schools at Salem and Eldora, fifteen dollars and sixty-one cents, (\$15.61), and to John McCartney, thirteen dollars and fifty cents, (\$13.50), and Wm. H. Reed, nine dollars and fifty cents, (\$9.50) as such committee to visit Eldora, thirty-eight dollars and sixty-one cents, (\$38.61).
- Orphans' Home at Glenwood. SEC. 11. To Fred Teale and Joel W. Deweese, nineteen dollars and forty-five cents, (\$19.45), each, and G. A. Madson, twenty-five dollars and eighty cents, (\$25.80), for expenses incurred as a legislative committee to visit and report upon the condition of the soldier's orphan's home at Glenwood, sixty-four dollars and seventy cents, (\$64.70).
- Orphans' Home at Cedar Falls and Davenport. SEC. 12. To J. N. W. Rumble, Chas. C. Horton, and Jas. Underwood, twenty-four dollars, (\$24.00) each, for expenses incurred as a legislative committee to visit and report upon the condition of the soldier's orphan's homes at Cedar Falls and Davenport, seventy-two dollars, (\$72.00).
- State Fish Hatchery. SEC. 13. To J. H. Murphy, L. R. Bolter, and Louis Case, for expenses incurred as a legislative committee to visit and report upon the condition of the state fish hatchery at Anamosa, twenty-five dollars, (\$25.00) each, seventy-five dollars, (75.00).
- Survey of Watson coal mines. SEC. 14. To Frank Pelton for making survey of the Watson coal mines, under direction of special committee of the house to inquire into the encroachments of coal mines on the property of the state, (\$20.00)
- Publication. SEC. 15. This act being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register, State Leader, and Staats Anzeiger, newspapers published at Des Moines.

Approved February 25, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 29, 1876, and in the *State Leader*, February 26, 1876, and in the *Staats Anzeiger*, March 2, 1876.

## CHATER 16.

### RELIEF OF MOLINDA BALDWIN.

H. F. 285. AN ACT for the relief of Mrs. Molinda Baldwin, of Polk County, State of Iowa,

Preamble. WHEREAS, The State of Iowa, by the attorney-general, sold lot 4, in block 27, of Campbell's and McMullen's addition to the city of Des Moines, Polk County, Iowa, and agreed to warrant the title thereto, and

WHEREAS, Mrs. Molinda Baldwin became the purchaser of said property through the parties to whom the State sold the property, and

WHEREAS, By decree of the circuit court of Polk county a prior lien and incumbrance existed against said lot which the said Mrs. Molinda Baldwin has been compelled to pay in order to protect her said title,

Now, therefore, to the end that she be fully reimbursed her loss and damages, and the faith of the State be maintained,

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

SECTION 1. That there be, and is hereby appropriated out of any money in the treasury not otherwise appropriated, the sum of five hundred and seventy-nine dollars, to be paid to Mrs. Molinda Baldwin, upon the warrant of the auditor of state issued in pursuance of this appropriation. <sup>\$579 appropriated.</sup>

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Register, and State Leader, newspapers published at Des Moines, Iowa. <sup>Publication.</sup>

Approved February 26, 1876.

I hereby certify that the foregoing act was published in the Iowa State Leader, February 26, 1876, and in the Iowa State Register, February 27, 1876.

JOSIAH T. YOUNG, Secretary of State.

CHAPTER 17.

CENTENNIAL EXPOSITION.

AN ACT to Appropriate Money to aid in Exhibiting the Resources and Products of the State of Iowa at the Centennial Exposition. <sup>H. F. 264.</sup>

SECTION 1. Be it enacted by the General Assembly of the State of Iowa, That the sum of (\$20,000), twenty thousand dollars, or so much thereof as may be necessary, be and is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of aiding in exhibiting the resources, industries, and products of the State of Iowa at the Centennial Exposition at Philadelphia in the year A. D. 1876. <sup>\$20,000 appropriated.</sup>

SEC. 2. The money hereby appropriated, or so much thereof as may be found necessary, shall be expended for said purpose by the executive council in such manner as they may direct, and all claims payable out of this appropriation shall be audited and allowed by the executive council before payment, and upon the audit and allowance of such claim or claims, the auditor shall issue his warrant therefor. <sup>to be controlled by executive council.</sup>

SEC. 3. All articles for exhibition procured by the executive council at the expense of the state, or that shall be donated to

All articles procured or donated to remain property of state. the state, shall remain the property of the state, subject to the control of the executive council, and at the close of said exposition said articles or those for which they may be exchanged by the executive council, shall be returned to the capitol of the state to be disposed of as the general assembly shall by law direct, and the executive council are hereby authorized to exchange any of the articles on exhibition for other articles exhibited at said exposition as in their discretion they may deem advisable for the interest of the state.

May be exchanged.

Ex. council may contract with individuals. In all cases where money is expended under this act by the executive council in aiding any individual or individuals in preparing or transporting articles for exhibition, they are hereby authorized to make such contracts with such individuals in regard to the ownership or disposition of the articles so prepared, transported, or exhibited, as the executive council shall deem best for the interest of the state, but no such contract shall in any manner bind the state for the payment of any money beyond the sum hereby appropriated, nor shall the state be or become liable to any person or persons for the loss, destruction, injury, or keeping of any articles or property entrusted to said executive council, to the state, or its agents, for the purpose of keeping, preparing, transporting, or exhibiting, or for any other purpose under the provisions of this act.

State not to be bound.

Exposition manager and assistants. SEC. 4. For the purpose of carrying this act into effect the governor is hereby authorized to appoint an exposition manager and such assistants as he deems necessary, who shall give such bonds for the faithful performance of their duties, and who shall perform such duties, make such report, and receive such compensation out of this appropriation as the executive council may prescribe, but said managers and assistants shall in no event demand or receive or become entitled to any compensation from the state, other than that derived or paid out of the money appropriated by this act.

Report by Ex. council. SEC. 5. The executive council shall at the close of said exposition, make a full report of the money expended and of all their proceedings, and of all the property to which the state becomes entitled to under the provisions of this act and file the same in the office of the secretary of state, who shall lay the same before the general assembly at its next session.

Gifts. SEC. 6. The executive council are hereby authorized and empowered to receive all such donations and gifts of articles for exhibition, or moneys as may be offered by any person or persons, and to disburse and account for the same as herein provided.

Publication. SEC. 7. This act being deemed of immediate importance, it shall take effect and be in force from and after its publication in the State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved February 26, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 29, 1876, and in the *Iowa State Register*, March 1, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 18.

INCORPORATION OF MARYSVILLE LEGALIZED.

AN ACT to Legalize the Incorporation of the Town of Marysville, Marion county, Iowa, and the Acts of the Officers acting thereunder. S. F. 10.

WHEREAS, The town of Marysville, Marion county, Iowa, was on the 31st day of July, 1875, incorporated under the general incorporation law of the State of Iowa; and Preamble.

WHEREAS, Said town of Marysville held its first election as a corporation on the 30th day of August, 1875, at which election proper officers were elected, who afterwards were duly qualified, and who since their qualification have performed the duties of their respective offices; and

WHEREAS, The council of said town of Marysville has enacted ordinances, and performed divers acts and duties as a council, pertaining to the government of said town; and

WHEREAS, Doubts exist as to the regularity of the proceedings in incorporating said town of Marysville, Marion county, Iowa, and by reason thereof as to the legality of the acts of the council of said town: therefore,

SECTION. 1. *Be it enacted by the General Assembly of the State of Iowa,* That the incorporation of the town of Marysville, Marion County, Iowa, be and the same is hereby legalized, and that all the official acts of the town council of the said town of Marysville, done and performed from and after the qualification of said town council be, and the same are hereby declared legal. Incorporation legalized; Likewise acts of town council.

SEC. 2. That this act being of immediate importance shall take effect and be in force from and after its publication in the Daily State Register, and Marysville Miner, as provided by law, without expense to the State. Publication.

Approved February 26, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 31, and in the *Marysville Miner*, March 2, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 19.

LEGALIZING THE LEVY OF TAXES FOR THE INSANE.

AN ACT to Legalize the Levy of certain Taxes for the Insane, and to Provide for the Collection thereof. H. F. 32.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That wherever any of the boards of supervisors in any of the counties of this state have heretofore levied a tax Levy made valid.

known or called "Insane Tax," or "Insane Fund," upon the taxable property of such counties, that the said levy and said tax be, and are hereby declared to be legal and valid in all respects, the same as though the said boards of supervisors of said counties had been authorized by law to levy the same, and had levied such taxes in the manner required or authorized by law.

Collection. SEC. 2. That wherever any of said taxes now remain uncollected, the treasurers of said counties are hereby authorized to collect the same as other taxes are collected.

Publication. SEC. 3. This act being deemed of immediate importance, shall be in force and effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved, February 26, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, February 29, 1876, and in the *Iowa State Leader*, February 29, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 20.

### POWERS OF COMMISSIONERS.

H. F. 172. AN ACT to amend Section 765 [Chapter 7, Title V.], of the Code in relation to the Power of Commissioners appointed by the Governor.

Code, § 765 amended. [SECTION 1.] *Be it enacted by the General Assembly of the State of Iowa*, That section 765, of the Code, be amended so as to read as follows :

Powers enumerated. SECTION 765. Said commissioners shall have power, when in session to administer oaths, to issue subpoenas, to call any person before them to testify in reference to any fact connected with their investigation; also to require such person to produce any papers or books which the district court might require to be produced.

Approved February 26, 1876.

## CHAPTER 21.

### ROAD SUPERVISORS.

H. F. 145. AN ACT to repeal the following Sections of the Code, and enact substitutes, therefor, viz: Section 985, Title 7, Chapter 2, in relation to Powers and Duties of Road Supervisors.

Code § 985. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section nine hundred and eighty-five,



(985) of the Code, title seven (7), chapter two (2), be, and the same is hereby repealed, and in lieu thereof the following enacted as a substitute.

SEC. 985. Each person liable to perform labor on the highway as poll tax, who shall fail or neglect to attend, either in person or by satisfactory substitute, at the time and place appointed, with the designated tool, implement or team, having had three days' notice thereof, or having attended shall spend his time in idleness, or disobey the supervisor, or fail to furnish said supervisor, within five days thereafter, some satisfactory excuse for not attending, shall forfeit and pay to said supervisor the sum of three dollars for each day's delinquency, and in case of failure to pay such forfeit within ten days, the supervisor shall recover the same by action in the name of the supervisor, and no property or wages belonging to said person shall be exempt to the defendant on execution.

Persons failing to work highway.

shall forfeit to supervisor.

Action for recovery to be brought.

Said judgment to be obtained before any justice of the peace in the proper township, which money, when collected, shall be expended on the public highway.

Where.

Approved February 26, 1876.

CHAPTER 22.

SPECIAL APPROPRIATION.

AN ACT Appropriating money to pay the Expenses of Conducting the Sub. H. F. 154. Reform School Investigation.

WHEREAS, C. C. Carpenter, as governor of Iowa, appointed a committee consisting of Wm. Leas, of Des Moines; A. C. Dodge, of Burlington; and Mrs. Deborah Cattell, of Des Moines, to investigate the management of the reform school, then under the superintendency of Joseph McCarty; and

Preamble.

WHEREAS, Said committee, in conjunction with the trustees of the reform school, in pursuance of the order of the executive, met at Eldora, in Hardin county, Iowa, for the purpose of investigating the management of said school; and

WHEREAS, Certain expenses were incurred in conducting said investigation which have not been paid; therefore,

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

SECTION 1. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum set opposite the following names, respectively:

\$565.40 appropriated.

D. Ellsworth & Bro., for stationery.....	\$ 36.00
M. E. Wood, for stationery.....	7.50
E. Parker, for services as justice of peace.....	54.00
M. Sargent, for services as bailiff.....	139 00
D. T. Gibson, for services as notary.....	4.00
Tim O'Brien, witness fee.....	1.35

C. W. Mills, as notary.....	\$ 5.15
S. K. Tracy, as notary.....	3.00
F. E. Simmons, witness fee.....	1.00
Porter & Moir, for having deposition taken.....	3.00
Porter & Moir, for deposition of J. Munden.....	2.00
Porter & Moir, for deposition of H. J. Parker.....	2.00
C. J. Bowley, notary fee.....	1.50
Arther [Arthur] Ham, witness fee.....	1.00
J. D. Newcomer, notary fee.....	2.50
J. B. Strohl, witness fee.....	1.35
Huff & Reed, for deposition of W. T. Crippen.....	1.60
Porter & Moir, for deposition of Jas. Leech.....	2.10
C. Alberty, constable fees.....	50.20
C. Alberty, extra time.....	15.00
Myron Underwood, witness fee.....	1.35
John Dinnel, witness fee.....	1.35
N. W. Taylor, witness fee.....	1.35
Walter Allison, witness fee.....	1.35
J. W. Heartwell, witness fee.....	1.35
J. W. Zeiger, witness fee.....	1.35
M. W. Coffin, witness fee.....	2.05
J. E. Reiter, witness fee.....	1.35
Eunice C. Tower, witness fee.....	1.55
Wm. McAnaby, witness fee.....	2.60
James McBride, witness fee.....	1.85
John J. Royce, witness fee.....	6.25
Luther Devendorf, witness fee.....	1.45
Z. Gilman, witness fee.....	1.35
Thomas Spence, witness fee.....	1.35
August Urion, witness fee.....	1.85
C. E. Cummings, witness fee.....	1.95
O. D. Wood, witness fee.....	2.25
Wm. W. Moore, witness fee.....	1.35
James McConnell, witness fee.....	1.35
W. Cooley, witness fee.....	1.35
William Martin, witness fee.....	3.50
Frederick Garrison, witness fee.....	1.75
William Sawyer, witness fee.....	1.65
Frederick Ikerman, witness fee.....	1.35
Frederick Spain, witness fee.....	1.65
James Harrington, witness fee.....	1.35
John T. Ellsworth, witness fee.....	2.60
John Ritesman, witness fee.....	2.25
C. E. Smith, witness fee.....	1.95
D. E. Williams, witness fee.....	5.40
J. H. Steel, witness fee.....	1.35
G. H. Stout, witness fee.....	4.05
A. J. Felt, witness fee.....	8.00
Mrs. Nettie Sanford, witness fee.....	5.50
Alfred St. John, witness fee.....	1.35
Levi Harris, witness fee.....	2.25
Augustus Mittner, witness fee.....	1.95
Daniel Terrill, witness fee.....	2.25
Walter Trueblood, witness fee.....	2.25
F. A. Buse, witness fee.....	1.35
J. E. King, witness fee.....	1.35
W. H. Crissey, witness fee.....	1.35
L. D. Thomas, witness fee.....	1.35
Matt Phelps, witness fee.....	6.75
James Harrington, witness fee.....	1.45
Elwood Lancaster, witness fee.....	8.00
A. W. McDonald, witness fee.....	2.70
T. L. Ford, witness fee.....	2.60

C. N. Lee, witness fee.....	\$ 2.60
James McClroy, witness fees.....	1.35
Julius Utter, witness fees.....	4.30
M. E. Wood, witness fees.....	1.35
S. S. Mulford, witness fees.....	2.25
G. W. Moore, witness fees.....	2.25
Elias Jessup, witness fees.....	2.25
J. H. Smith, witness fees.....	1.35
E. S. Foster, witness fees.....	1.35
J. C. Moorman, witness fees.....	1.35
R. H. McBride, witness fees.....	1.35
Albert Osmon, witness fees.....	12.00
T. H. Metcalf, witness fees.....	1.35
A. B. Harris, witness fees.....	1.35
R. Billings, witness fees.....	2.95
J. Q. Patterson, witness fees.....	1.35
John Way, witness fees.....	1.35
L. F. Wisner, witness fees.....	2.85
A. C. Webster, witness fees.....	1.35
S. G. Winchester, witness fees.....	1.35
J. L. Horner, witness fees.....	1.65
W. F. Andrews, witness fees.....	2.25
Rev. G. S. Goudy, witness fees.....	1.35
Rev. A. A. Baker, witness fees.....	1.35
Rev. E. W. Jeffries, witness fees.....	1.35
Robert Smith, witness fees.....	1.35
A. E. Webb, witness fees.....	1.35
B. E. Dodson, M. D., witness fees.....	1.35
Mrs. Olive J. Moir, witness fees.....	1.35
James Eakins, witness fees.....	13.25
E. W. Eastman.....	1.35
J. W. Gilman.....	1.35
H. L. Huff.....	1.35
C. J. Harmon.....	15.75
J. H. Cusack.....	1.35
Myron Underwood.....	1.35
W. M. Bickley.....	2.80
John Weldon, Jr.,.....	15.50
Making in all the sum of five hundred and sixty-five dollars and forty cents--\$565.40.	

SEC. 2. This act being deemed of immediate importance, shall ~~take effect.~~ <sup>take effect.</sup> take effect from and after its publication in the Iowa State Register, and Eldora Herald.

Approved February 28, 1876.

I hereby certify that the foregoing act was published in *The Iowa State Register*, March 1, 1876, and in the *Eldora Herald*, March 1, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 23.

## PRESIDENTIAL ELECTORS.

H. F. 14. AN ACT to amend Section 660 [Chapter 4, Title V.] of the Code, in relation to the Election of Electors of President and Vice President.

[SECTION. 1.] *Be it enacted by the General Assembly of the State of Iowa,* That sec. No. 660 of the Code be, and the same is hereby amended by inserting after the word "written," in the second line of said sec[tion], the words "or printed," so that the sec[tion] shall read as follows:

SEC. 660. The names of all the electors to be chosen shall be written or printed on each ballot, and each ballot shall contain the name of at least one inhabitant of each congressional district into which the state may be divided, and against the name of each person shall be designated the number of the congressional district to which he belongs.

Approved March 3, 1876.

## CHAPTER 24.

## CITIES AND TOWNS.

H. F. 60. AN ACT to Amend Section 463 of the Code, Title 4, Chapter 10, "of Cities and Incorporated Towns."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That section 463 of the Code is hereby repealed, and there is enacted in lieu thereof, the following words, viz:

"Section 463. They shall have power to regulate, license or prohibit the sale of horses or other domestic animals at auction in the streets, alleys or public places; to regulate, license and tax all carts, wagons, drays, coaches, hacks, omnibuses, and every description of conveyance kept for hire; to regulate, license and tax taverns, restaurants, eating houses; to regulate, license and tax or prohibit beer and wine saloons; to regulate, license and tax or prohibit billiard saloons, pool tables, and all other tables kept for hire, ten-pin or other ball alleys, shooting galleries or places; to regulate and license pawn-brokers and peddlers; to regulate, license or prohibit circuses, menageries, theatres, shows and exhibitions of all kinds, except such as may be exempted by the general laws of the state; and to regulate or prohibit the sale of intoxicating liquors not prohibited by the laws of the state.

Approved March 3, 1876.

## CHAPTER 25.

## COUNTY SURVEYORS.

AN ACT to repeal Section 3800, Chapt[er] 2, Title 23, of the Code, and Code, §3800 to enact a Substitute therefor.

[SECTION 1.] *Be it enacted by the General Assembly of the State of Iowa*, That section 3800 of the Code is hereby repealed, Fees. and there is enacted in lieu thereof the following:

Section 3800. The county surveyor is entitled to charge and receive the following fees:

For each day's service actually performed in traveling to and from the place where any survey is to be made, and for making the same and return thereof, four dollars.

For certified copy of the plat or field-notes, fifty cents.

Approved March 3d, 1876.

## CHAPTER 26.

## IN RELATION TO SUPPORT OF THE POOR.

AN ACT to Amend Section 1362, Chapter 1, Title XI. of the Code, ["of H. F. 97. the Settlement and Support of the Poor."]

[SECTION 1.] *Be it enacted by the General Assembly of the State of Iowa*, That the words "and other persons" in the second Code, §1362. line of section 1362, chap. 1, title XI. of the Code be stricken out, and the section be amended, so as to read as follows :

"In no case shall the widows or families of soldiers requiring public relief be sent to the county poor house, when they can Families soldiers. and prefer to be relieved out of the poor house.

All other persons in families requiring such aid, may at the discretion of the board of supervisors or the overseer of the poor, under the supervision of the board of supervisors of such county, be sent to the county poor house, or receive such aid out of poor house to the extent as above provided."

Approved March 3d, 1876.

## CHAPTER 27.

## OF THE SETTLEMENT OF CERTAIN ACCOUNTS BY THE AUDITOR OF STATE.

H. F. 113. AN ACT Authorizing the Auditor of State to settle and adjust Revenue, Insane, Law and other accounts with the several County Officers, and providing means to pay the expenses thereof.

Duty of auditor. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the auditor of state, or his deputy, be authorized and empowered to visit the several counties of the state whose revenue, insane, law or other accounts are unadjusted or in an unsatisfactory condition, and ascertain the true amount due the state. Two settlement sheets shall be made and approved by the county auditor and the auditor of state and one of said settlement sheets shall be filed in each of said auditor's offices.

Settlement sheets.

To pay expenses of making.

SEC. 2. The person making such settlements shall be entitled to have and receive his necessary expenses only; and before the same can be paid a particular account of such expenses shall be made out and approved by the executive council.

Appropriation for same.

SEC. 3. For the payment of said expenses, there is hereby appropriated any sum now remaining unexpended or appropriated under and by virtue of section 2, of chapter 30, of the acts of the fourteenth general assembly.

Approved March 3d, 1876.

## CHAPTER 28.

## IN RELATION TO LEVY OF "INSANE TAX."

H. F. 38. AN ACT to Amend Section 1428, [Chapter 2, Title IX: "Of the Care of The Insane"] of the Code.

Code, §1428. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section fourteen hundred and twenty-eight of the code be amended by adding thereto the following, that is to say:

Failure to levy.

And should any county, within one year from the taking effect of this act, fail to levy such tax sufficient to pay the amount then due the state, and shall fail, at the time of levying other county taxes thereafter to levy the tax aforesaid to an amount sufficient to pay the indebtedness subsequently incurred, it shall be the duty of the attorney general, upon request of the executive council, to bring, in the name of the state, an action against any county so failing as aforesaid, to enforce the levying of said tax.

Action shall be brought by attorney general.

The auditor of state shall notify the several county auditors of the provisions of this act.

Approved March 3, 1876.

## CHAPTER 29.

## ROAD SUPERVISORS.

AN ACT to Amend Section 989, of Chapter 2, of Title 7, of the Code, H. F. 58.  
in Relation to the Powers and Duties of Road Supervisors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa:*

That section 989 of the code be and the same is hereby repealed, and the following enacted in lieu thereof. Code, 2089.

SECTION 989. The supervisor is not permitted to cut down or injure any tree growing by the wayside which does not obstruct the highway, and which stands in front of any town lot, enclosure, or cultivated field, or any ground reserved for any public use, where such tree is intended to be preserved for shade or ornament, by the proprietor of the land, on or adjacent to which the tree is standing; and it shall not be lawful for the supervisor to enter upon any enclosed or unenclosed lands for the purpose of taking timber therefrom without first receiving permission from the owner or owners of said lands. May not cut shade trees.  
Or take timber without consent of owner.

SEC. 2. All acts and parts of acts inconsistent with the above are hereby repealed.

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa. To take effect

Approved March 3, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 6, and in the *Iowa State Register*, March 9, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 30.

## TO DEFINE AND PUNISH THE CRIME OF SWINDLING.

AN ACT to Define the crime of Swindling, and to punish the same: S. F. 2, 4, and 15.  
[additional to Title XXIV of the Code.]

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That whoever by the means of three-card monte, so called, or any other form or device, sleight of hand or other means whatever, by use of cards or instruments of like character, obtains from another person any money or other property of any description, shall be deemed guilty of the crime of swindling, and shall, on conviction thereof, be punished by fine not less than two hundred dollars nor more than two thousand dollars, or by imprisonment in the penitentiary not less than two years nor Swindling by three-card monte.

more than five years, or by both such fine and imprisonment in the discretion of the court. All persons, aiding, encouraging, advising or confederating with, or knowingly harboring or concealing, any such person or persons, or in any manner being accessory to the commission of the above described offense, or confederating together for the purpose of playing such games, shall be deemed principals therein, and punished accordingly.

Accessories.

Jurisdiction in any county passed through.

SEC. 2. The jurisdiction of all the offenses described in section one (1) of this act which shall be committed on any railroad, car, coach, train, boat or other public conveyance, or in or at any railroad station or depot shall be in any county through which said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate, and in all other cases the jurisdiction shall be in the county in which the offense is committed.

Who may make arrest.

SEC. 3. Every person shall possess the power and authority, and it shall be the duty of every conductor, or other employe on any railroad, car, or train, and of every captain, clerk, or other employe or [on] any boat, or station agent at any railway depot, or the officers of any fairs or fair grounds, or the proprietors of any place of public resort, and *other* [their] employes, with or without warrant to arrest any person or persons whom they or either of them shall find in the act of committing any of the offenses mentioned in the first section of this act, or any person or persons whom he or they may have good reason to believe to have been guilty of the commission of the said offenses, and to take such person or persons before a magistrate in any county where jurisdiction to try said offenses exists by virtue of this act, and deliver such person or persons so arrested to the magistrate, and make written complaint under oath of the facts. And for executing the powers conferred by this section the person making the arrest shall possess the same powers in all respects as are exercised by officers with warrants, including the power to summon assistance; and it shall be the duty of the person making such arrest to also arrest the person injured or defrauded by reason of the commission of any of the offenses mentioned in section one (1) of this act, and take such person before the examining magistrate, who shall require such person to give security to appear and testify on the trial of the cause, and such person or persons shall not be deemed to be guilty of the offense mentioned in section one (1) of this act, nor of the offense of gambling unless such person or persons shall have failed to appear and give evidence on the trial.

With what powers.

Person defrauded to be arrested.

Compensation.

And the persons performing the services required by this act shall receive the same compensation as sheriffs receive for like services.

Duty of conductor, captain, &c.

SEC. 4. It shall be the duty of any conductor, captain, hotel or saloon keeper, proprietor or manager of any public conveyance or place of public resort, and the officers of any fair or fair grounds, to eject from his car, train, boat, hotel, saloon, public conveyance, fair grounds, or place of public resort, any person



known to him or whom he has good reason to believe to be a three-card-monte-man, or who offers to wager or bet money or other valuable thing upon what is commonly known as three-card-monte, or bet on any trick, or game with cards or other gaming device, and for such ejection no action for damages shall be maintained. And any parties operating any public conveyance by which passengers are carried, shall keep posted up a copy of this law in such conveyance.

SEC. 5. Any conductor of a railroad train, captain of any steamboat, proprietor or manager of any public conveyance, officer of any fair or fair grounds, or place of public resort, any hotel or saloon keeper, or their agents or employes, who shall fail, neglect, or refuse to perform the duties herein mentioned, or who shall knowingly suffer or permit a violation of this act, shall be deemed guilty of a misdemeanor, and the jurisdiction of such offense shall be the same as that provided in section two of this act.

SEC. 6. Any person may be convicted for violation of section number one (1) of this act, on his own confession out of court, or upon the testimony of an accomplice.

SEC. 7. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register at Des Moines, and the Council Bluffs Daily *Nonpariel* [*Nonpareil*], newspapers published in the state of Iowa, the provisions of section thirty-three of the Code to the contrary notwithstanding.

Approved March 3, 1876.

I hereby certify that the foregoing act was published in the *Council Bluffs Daily Nonpareil*, March 7, and in the *Iowa State Register*, March 10, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 31.

### TO CONFIRM TITLE IN GEORGE CAMPBELL.

AN ACT to quiet and Confirm the Title in certain Lands in Appanoose County, Iowa, in George Campbell. H. F. 63.

WHEREAS, George Campbell, of Appanoose county, State of Iowa, did, on the 30th day of August, A. D. 1853, purchase of Daniel P. Sparks, saline fund commissioner in and for said Appanoose county and state aforesaid, the following real estate, to-wit:

The southwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of section No. 29, and the south half  $\frac{1}{4}$  of the southeast  $\frac{1}{4}$  of section No. 20, township No. 70 north, range No. 16 west, in said Appanoose county, Iowa, as is evidenced by the original contract herewith appended; and

WHEREAS, The said George Campbell did, on the 26th day of

June, A. D. 1855, fully pay for said land as per contract, and take a receipt for the purchase money so paid, as appears by reference to the original receipt hereto attached; and

WHEREAS, The said Campbell has never received a deed from the aforesaid saline fund commissioner or his successors in office to the said land,

Register land office to issue patent. SECTION 1. *Therefore, be it enacted by the General Assembly of the State of Iowa:* That the register of the state land office of said state of Iowa, be, and he is hereby authorized to issue to said George Campbell, his heirs and assigns a patent deed for the said southwest  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of section No. 29, and the south  $\frac{1}{2}$  of the southeast  $\frac{1}{4}$  of section No. 20, in township No. 70, north, range No. 16, west, Appanoose county, Iowa, as aforesaid, conveying all the right, title and interest of said state of Iowa, in and to said land to the said George Campbell, his heirs and assigns.

To take effect. SEC. 2. This act being deemed of immediate importance shall take effect from and after its publication in the State Register, published at Des Moines, Iowa, and the People's Journal, published in Centerville, Iowa.

*Provided,* That such publication shall be without expense to the state.

Approved March 3, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 9, and in the *People's Journal*, published at Centerville, March 10, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 32.

### CORPORATIONS FOR PECUNIARY PROFIT LEGALIZED.

S. F. 228.

AN ACT to Legalize Corporations for Pecuniary Profit, Organized under the Provisions of Chapter Fifty-two of the Revision of 1860 as Amended by Chapter 172, of the Acts of the Thirteenth General Assembly.

Falling to have articles filed in time prescribed by law.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the acts, proceedings, doings and contracts of all incorporations for pecuniary profit, organized under the provisions of chapter fifty-two of the Revision as amended by chapter one hundred and seventy-two of the acts of the thirteenth general assembly, which have organized since the taking effect of said chapter one hundred and seventy-two, which have failed to have their articles of incorporation filed in the office of the secretary of state within three months from the time such articles were filed in the office of the recorder of deeds, are hereby legalized and made valid in all respects the same as if such articles had been filed as provided in said chapter 172, *provided,* such articles shall have been filed in the office of the secretary of state, prior to the passage of this act.

SEC. 2. That nothing in this act shall be construed so as to relieve such corporation[s] from the fulfillment of all contracts made prior to the taking effect of this act, or to relieve individual members thereof, from liability to the amount of unpaid installments on stock owned by them, or transferred by them for the purpose of defrauding creditors.

Not to relieve against prior contracts.

SEC. 3. This act being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa, without expense to the state.

To take effect.

Approved March 3, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 6, and in the *Iowa State Register*, March 9, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

### CHAPTER 33.

#### ELECTION OF CERTAIN OFFICERS IN CITIES OF THE FIRST CLASS.

AN ACT to provide for the Election of certain Officers in certain Cities of the First Class. [Additional to Code, Chapter 10, Title IV: "Of Cities and Incorporated Towns."]

H. F. 27.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in all cities of the first-class incorporated under the general incorporation laws of this state, whose population according to the census of 1875 was not less than nineteen thousand, the city council at the first regular meeting in April in each and every year thereafter shall elect one city civil engineer, one superintendent of city markets, one street commissioner, and when deemed necessary by the council, one wharfmaster, who shall hold their respective offices for the term of one year and until their successors are elected and qualified, they shall be responsible to the city council for the true and faithful performance of the duties of their respective offices and shall receive for their services such compensation as the city council shall by ordinance from time to time provide, and for the election of the officers provided for in this section it shall require an affirmative vote of a majority of all the members elected to the city council.

What cities.

City council may elect certain officers.

SEC. 2. The qualified electors of each city shall elect a city marshal, who shall be *ex-officio* chief of police, who shall hold his office for the term of one year; one treasurer, one auditor, and one police judge, who shall hold their respective offices for the term of two years and until their successors are elected and qualified.

Election of certain other officers.

Each of said officers shall have such powers and perform such duties as are prescribed by chapter 10, title IV, of the Code, and in any ordinance of the city not inconsistent with the Code.

The officers provided for in this and the preceding section shall each be required to give bonds with two sureties each in such sum for the faithful performance of their respective duties as the city council shall from time to time prescribe by ordinance, and the officers provided for in this act may be removed from their respective offices as is provided by section five hundred and thirty (530) of the Code; *provided*, that the provision[s] of this act shall not apply to cities organized under special charter.

This act not to apply to cities under special charters.

SEC. 3. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and Iowa Daily State Leader, newspapers published in the city of Des Moines, Iowa, the provision of section thirty-three (33) of the Code to the contrary notwithstanding.

To take effect.

Approved March 4, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 4, and in the *Iowa State Register* March 5, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 34.

### IN RELATION TO PURCHASE BY UNITED STATES OF CERTAIN REAL ESTATE IN KEOKUK.

S. F. 229. AN ACT giving the consent of the General Assembly of the State of Iowa, to the purchase by the United States of certain Real Estate, situated in the City of Keokuk, Lee County, Iowa, and ceding Jurisdiction thereover.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the consent of this general assembly, be and the same is hereby given to the purchase by the United States of America of certain parcels of land situate in Lee county, known and described as so much of Keokuk avenue as lies north of block one hundred and eight ( 108 ), Mason's lower addition to the city of Keokuk, and so much of G. street as lies between blocks one hundred and seven (107) and one hundred and eight (108), in said addition, and the small triangular piece of land formed by the northerly and southerly sides of said block one hundred and seven ( 107 ) continued until said lines meet ; also to a certain parcel of land known and described as the "soldiers' burial ground," lying within Oakland cemetery, together with a strip of land twenty (20) feet wide extending the entire length of the said "soldiers' burial ground," all situate within the city of Keokuk, Iowa.

Consent of general assembly to purchase.

Description.

Jurisdiction.

SECTION 2. The jurisdiction of the state of Iowa in and over the lands mentioned in the preceding section and in an act entitled "an act giving the consent of the legislature of the state of

[Iowa, to the purchase by the United States of certain real estate," approved March 11, 1872, shall be and the same is hereby ceded to the United States; *provided*, that the jurisdiction hereby ceded shall continue no longer than the United States shall own or occupy said lands.

Approved March 4, 1876.

## CHAPTER 35.

### TOWNSHIP TRUSTEES.

AN ACT to Amend Section 3808 [Chapter 2, Title XXIII: "Of County H. F. 188. and Township Officers"] of the Code, relating to the Fees of Township Trustees.

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

SECTION 1. That section 3808 of the Code be amended by adding thereto the following clause, viz: Code, §3808.

When acting as fence viewers or in locating any ditch or drain, or in any other case where provision is not made for their payment out of the county treasury their fees shall be 2 [two] dollars per day each, and in the first instance be paid by the party requiring their services, and they shall append to the report of their proceedings a statement thereof and therein shall direct who shall pay said fees and in what sums respectively, and the party having so advanced any such fees may have his action therefor against the party so awarded to pay the same, unless, within ten days after demand by the party entitled, the same shall be reimbursed to him.

Acting as fence viewers, etc.

By whom fees shall be paid.

Approved, March 4, 1876.

## CHAPTER 36.

### EVIDENCE IN ACTIONS ON ACCOUNT.

AN ACT in relation to Evidence in Actions upon Accounts. [Addi- Sub H. F. 61. tional to Code, Chapter 1, Title XXII: "Of Evidence."]

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

[SECTION 1.] That in all actions for money due upon an open account when the defendant has been personally served with the original notice therein and the petition is duly verified, and where a bill of particulars of said account is incorporated into or attached to the petition, if the defendant makes default or fails to

In action on open account.

If defendant makes default or fails to deny.

Account to be taken as true. controvert or deny the same or any of the items thereof, by pleading duly verified, the account or so much thereof as is not so controverted or denied, shall be taken as true and admitted.  
Approved, March 4, 1876.

## CHAPTER 37.

### INSURANCE COMPANIES.

H. F. 135. AN ACT to Repeal Section No. 1156, Title 9, Chapter 4, in relation to Insurance Companies, and to enact a substitute therefor.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section 1156, chapter (4) four, title 9, of the Code of 1873, be, and the same is hereby repealed, and that the following be enacted in lieu thereof:

Section 1156. The necessary expenditure of any examination made or ordered to be made by the auditor of state, under this chapter, shall be certified to by him, and paid on his requisition by the company which is the subject of such examination.

In case of the refusal by any company to pay the requisition of the auditor of state the necessary expenses, it shall be the duty of the auditor to suspend such company from doing business in this State until said expenses are paid; if not so paid, the same may be audited and allowed by the executive council and paid out of any money in the treasury not otherwise appropriated.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force on and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved March 4, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 9, and in the *Iowa State Register*, March 10, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 38.

### STATE REFORM SCHOOL.

S. F. 63. AN ACT to Amend Chapter 5, Title 12, of the Code of 1873, and add thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*: That section 1643 of the Code, be and the

same is hereby amended by striking out the word "eighteen" in the third line, and inserting in lieu thereof, the word "sixteen."

SEC. 2. That section 1653, be amended by striking out the word "eighteen" in the first line, and inserting in lieu thereof, the word "sixteen."

Relating to age of persons sent to reform school. §1653 same.

SEC. 3. That section 1654 be amended by striking out the word "eighteen" in the first line, and inserting in lieu thereof, the word "sixteen."

§1654 same.

SEC. 4. No boy or girl shall ever be committed to the Iowa reform school in any case, who is under the age of seven years, or who is not of sound mind.

Not to be committed.

SEC. 5. This act being deemed of immediate importance, shall take effect on and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

To take effect.

Approved March 4, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 9, and in the *Iowa State Register*, March 10, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 39.

### IN RELATION TO JURORS FEES.

AN ACT to Repeal Chapter Thirty-two (32) of the Public Acts of the Fifteenth General Assembly, and Re-enact Section 3812 of the Code.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa:*

That chapter thirty-two of the public acts of the Fifteenth General Assembly, entitled, "an act to amend section 3812, chapter 3, title XXIII of the Code in relation to jury fees," be, and the same is hereby repealed.

Code, §3812 re-enacted.

SEC. 2. In lieu of said chapter repealed by the foregoing section, said section 3812 of the Code is re-enacted and restored as the same appears in the said Code as follows:

Section 3812. For every case tried in a court of record by jury, there shall be taxed as a part of the costs, as a jury fee, the sum of six dollars, which shall be collected as other costs and paid into the county treasury by the clerk, who shall report the same to the board of supervisors, at each regular session thereof, who shall cause the same to be charged to the treasurer.

\$6.00 to be taxed as jury fee.

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, and the Daily State Leader.

To take effect

Approved March 4, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 9, and in the *Iowa State Register*, March 14, 1876.

JOSIAH T. YOUNG, *Secretary of State*

## CHAPTER 40.

## ADDITIONAL PENITENTIARY.

- . F. 6. AN ACT to Amend Chapter 43 of the Acts of the Fourteenth General Assembly, and for Other Purposes.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa:*

Expiration of present term of officers. That the present term of office of the commissioners and warden of the additional penitentiary at Anamosa, shall terminate on the first day of April, next.

Warden shall be elected. SEC. 2. The warden of said penitentiary shall be elected by the general assembly, and shall hold his office for two years from the first day of April, 1876, and until his successor is duly elected and qualified.

Salaries of officers. SEC. 3. The provisions of the statute relative to the appointment and salary of clerk, physician, and hospital steward, for the Fort Madison penitentiary, shall also apply to the additional penitentiary at Anamosa; *provided*, that until the number of prisoners shall reach two hundred the salary of the physician shall not exceed thirty dollars per month, and the warden shall employ some suitable person who shall act as religious adviser and teacher, at a salary not to exceed forty dollars per month.

Warden, his powers and duties. SEC. 4. The warden, under the direction of the executive council, shall have charge of the erection of the walls, and buildings of said penitentiary, according to the plans and specifications already adopted.

He may, with consent of the executive council, employ and discharge a superintendent, whose duty it shall be to superintend the work on the walls and buildings.

He may, with the approval of the executive council, also employ, or authorize the superintendent to employ such foreman or assistants as he may deem necessary on the buildings and at the quarries.

He may call on the architect, whenever they may deem it necessary, to visit the premises and give such instructions as may be proper.

He shall, with the approval of the executive council, purchase or cause to be purchased, all material necessary to carry out the provisions of this act; *provided*, that all stone used in the construction of said walls and buildings shall be taken from the state quarries whenever it can be done without loss to the state.

Same. SEC. 5. The provisions of the statute in regard to the warden of the penitentiary at Fort Madison shall apply to the warden of the additional penitentiary so far as they do not conflict with the provisions of this act; and he shall safely guard and cause the prisoners to perform labor, and work in the preparation of material for and in the erection of said work as directed by the executive council, as to the mode and manner of work; *provided*, that he shall not appoint a deputy warden.



SEC. 6. The clerk of the penitentiary shall keep all accounts of expenditures and disbursements on account of said work, for which he may be paid such additional salary as the executive council may direct; *provided*, that his whole salary shall not exceed one thousand dollars per annum. Clerk—duties—salary.

SEC. 7. The warden shall keep an accurate account with each convict, showing [the number of days' labor performed by each, and the value thereof in cash, not exceeding two dollars per day for each day of ten hours; and for each and every one hundred dollars of labor, in excess of three hundred dollars, performed in any one year, by any convict not sentenced for life, there shall be commutation of sentence of such convict, upon the recommendation of the warden, of fifty days time; and the third part of such excess shall be paid him, out of the state treasury, upon his discharge, upon the certificate of the amount due, by the warden. Warden to keep account of convict labor.

SEC. 8. The additional penitentiary at Anamosa, Jones county, shall be maintained as a penitentiary of the state of Iowa, in which such convicts sentenced for life, or any period of time, as the executive council may designate, shall be confined, employed and governed according to the provisions of law relating to the government and discipline of the penitentiary at Fort Madison, county of Lee, so far as the same do not come in conflict with the provisions of this act; *providing*, that nothing in this act shall be so construed as to authorize the leasing of the convict labor. Grade of prisoners to be kept.

SEC. 9. All resolutions, acts, and parts of acts, inconsistent with the provisions of this act, are hereby repealed. Repealing clause.

SEC. 10. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, Iowa State Leader, and Staats Anzeiger, newspapers published in Des Moines, Iowa, and shall take effect from date of last publication, notwithstanding section 33 of the Code to the contrary. Publication.

Approved March 4, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 10, *Iowa State Register*, March 11, and in the *Staats Anzeiger*, March 16, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 41.

### FOR THE RELIEF OF HARRISON COUNTY.

AN ACT for the Relief of Harrison county.

H. F. 427.

WHEREAS, The safe of Harrison county, state of Iowa, was on the night of the 17th day of February, 1868, broken open by

Preamble.

burglars and robbed of the sum of two thousand eight hundred sixty-two and 86-100 dollars, and

WHEREAS, No part of said amount has ever been recovered, and

WHEREAS, The fourteenth general assembly passed a joint resolution authorizing the auditor of state to credit said county with said amount whenever said county should furnish satisfactory proof that the same was stolen, and

WHEREAS, Said proof has been furnished, now therefore,

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

Auditor to credit county with \$2,962.00.

SECTION 1. That the auditor of state be, and is hereby authorized and required to credit said Harrison county with said sum of two thousand eight hundred sixty-two and 86-100 dollars, and that said county be, and is hereby released from further liability to the state of Iowa for said sum or any part thereof unless the same shall hereafter be recovered by said county, in which case the sum recovered shall be paid into the state treasury.

To take effect.

SEC. 2. This act shall take effect and be in force on and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved March 4, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 9, and in the *Iowa State Leader*, March 9, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 42.

### LEGALIZING INCORPORATION OF LAWLER.

H. F. 437.

AN ACT to Legalize the Incorporation of the Town of Lawler, in Chickasaw county, Iowa, and certain Proceedings had under said Incorporation.

Preamble.

WHEREAS, The town of Lawler, in Chickasaw county, Iowa, was incorporated under the general laws of this state for the incorporation of cities and towns; and

WHEREAS, Under such laws an election for the purpose of determining whether the said town should be incorporated, was holden on the 28th day of April, A. D. 1873, at which election it was determined that said town should be incorporated; and that on the 26th day of May, A. D. 1873, an election was holden for the election of the officers provided for by law, at which the necessary and proper officers were elected; and

WHEREAS, Doubts have arisen as to the validity and legality of the said acts of incorporation, and of the subsequent acts of the officers of said town, by reason of the failure to keep a registered list of voters at the aforesaid election; and, further,

WHEREAS, All the requirements of law applicable in the case

of the incorporation of said town have been substantially complied with; therefore,

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

SECTION 1. That all proceedings had in the incorporation of the said town of Lawler be, and the same are hereby legalized, and the said town of Lawler is hereby declared to be a valid existing municipal incorporation under the laws of this state; and that the subsequent acts of the officers of said town of Lawler are hereby declared to be as legal and binding as though no such defects in the acts of incorporation of said town had existed. Incorporation and official acts thereunder legalized.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Chickasaw County Times, a newspaper published at Lawler, Iowa, without expense to the state. To take effect.

Approved March 4, 1876.

I hereby certify that the foregoing act was published in the *Chickasaw County Times*, March 15, and in the *Iowa State Register*, April 5, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 43.

### LEGALIZING OFFICIAL ACTS AND ORDINANCES OF TOWN COUNCIL OF CRESTON.

AN ACT to Legalize the Official Acts and Ordinances of the Town Council of the Town of Creston, Union county, Iowa. H. F. 259.

WHEREAS, The town council of the town of Creston, Union county, Iowa, have exceeded their authority in the passage of certain ordinances, and in the purchase of fire apparatus, and in the erection of a building for the storage of the same, and in the appointment of police; therefore, Preamble.

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

SECTION 1. That the official acts and ordinances of the town council of the town of Creston, Union county, Iowa, between the first day of July, A. D., 1871, and the first day of January, A. D., 1876, and the proceedings in the annexation of Swigart's first and second addition thereto, be and the same are hereby legalized. Legalizing clause.

SEC. 2. This act shall take effect and be in force from and after its publication in the Iowa State Register, and Creston Gazette, without expense to the state. To take effect.

Approved March 4, 1876.

I hereby certify that the foregoing act was published in the *Creston Gazette*, March 8, and in the *Iowa State Register*, April 5, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 44.

## STATE AGRICULTURAL SOCIETY.

S. F. 104. AN ACT for the Support of the Iowa State Agricultural Society.

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

SECTION 1. That the sum of two thousand dollars be appropriated annually for the years 1876 and 1877, for the benefit of the Iowa state agricultural society. Said sum to be paid by the auditor of state upon the order of the president of said society, in such sums and at such times as may be for the best interest of said society.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved March 4, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 9, and in the *Iowa State Leader*, March 9, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 45.

## LEGALIZING INCORPORATION OF CENTERVILLE AND ACTS OF OFFICERS THEREUNDER.

S. F. 82. AN ACT to Legalize the Incorporation of the Town of Centerville and its Ordinances, and the Acts of its Officers thereunder.

Preamble. WHEREAS, The town of Centerville, in the county of Appanoose, state of Iowa, a corporation existing under a special charter granted to it by the general assembly of the state of Iowa, did on the 22nd day of February, A. D. 1870, commence to take legal steps to abandon their said special charter and to organize their said incorporation under chapter fifty-one of the Revision of 1860, and the laws amendatory thereto; and

WHEREAS, Pursuant to the steps so taken, the said incorporation did in the month of March A. D. 1870, complete all the legal steps necessary to such abandonment and reorganization, and did incorporate the certain territory in their petition for such new organization mentioned under said chapter fifty-one of the Revision of 1860, and the laws amendatory thereto, under the corporate name of the town of Centerville; and

WHEREAS, Pursuant to such abandonment and reorganization, said incorporation has been passing ordinances, and doing all

other lawful and necessary things which by law such incorporation might lawfully do from such date of reorganization to the present time; and

WHEREAS, Doubts have arisen as to the strict legality of said abandonment and reorganization, therefore,

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

[SECTION 1.] That the abandonment of the special charter of said corporation and its reorganization and incorporation under section fifty-one of the revision of 1860, and the laws amendatory thereto, completed in the month of March, A. D. 1870, be and the same is hereby declared lawful and binding to all intents and purposes, as fully as if every requirement of the laws of the state of Iowa had been strictly complied with. And all the ordinances, acts, rules or regulations otherwise lawful[ly] ordained, enacted or ruled by said incorporation as well as all of the acts otherwise lawfully done by any of its officers, agents or employes, since said abandonment and reorganization, are hereby declared lawful and binding as if said abandonment and reorganization had been in strict compliance with law. Legalizing clause.

SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa Daily State Register, and the Centerville Citizen, without expense to the state. To take effect.

Approved March 4, 1876.

I hereby certify that the foregoing act was published in the *Centerville Citizen*, March 10, and in the *Iowa State Register*, March 25, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 46.

### IN RELATION TO NEW INDEXES FOR RECORDS OF WOODBURY COUNTY.

AN ACT Authorizing Woodbury county, Iowa, to have made New and s. F. 244. Corrected Indexes to its Records.

WHEREAS, The condition of the indexes to the records of Woodbury county, Iowa, are in such a torn and dilapidated condition on account of the inferior binding and constant handling that they are unfitted for use; and

WHEREAS, The said indexes are imperfect, abounding with many errors; and

WHEREAS, The board of supervisors at its last session passed the following resolution, viz: *Resolved*, By the board of supervisors of Woodbury county, Iowa, that Hon. Geo. D. Perkins be and is hereby requested to use his best efforts to secure the passage of an act authorizing Woodbury county to have made new and corrected indexes of its records, to have, after the same are

made and certified, the same force and effect as original indexes; now therefore,

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

SECTION 1. That the board of supervisors of Woodbury county, Iowa, may have new, corrected and complete indexes of any or all of the deed, mortgage or other records in the office of the recorder of deeds of said county, made from the original records in his office as contemplated by section nineteen hundred and forty-three, of chapter six, of title thirteen of the Code of Iowa: and may have such indexes compared with the original records and certified by the county auditor and attested by the seal of the county, and may employ any suitable and competent person to make from the original records the new indexes herein contemplated. The amount of compensation therefor to be previously fixed by them not exceeding twelve and one half cents for each one hundred words of such indexes and to be audited and paid out of the county *treasure* [treasury] as other claims.

SEC. 2. That such new indexes so made and certified, shall from and after the certification thereof have the same force and effect in all respects as original indexes and be admissible in evidence as original indexes in all cases arising after the certification thereof.

SEC. 3. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, published in Des Moines, Iowa, and the Sioux City Journal, a newspaper published in Sioux City, Iowa, without expense to the state.

Approved March 7, 1876.

I hereby certify that the foregoing act was published in the *Sioux City Daily Journal*, March 10, and in the *Iowa State Register*, March 14, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 47.

### RELATING TO EXTENSION OF CITY LIMITS.

H. F. 355. AN ACT Empowering Cities to Extend their Corporate Limits. [Additional to Code, Chapter 10, Title IV: "Of Cities and Incorporated Towns.]"

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

SECTION 1. That in addition to the methods now provided by law, any city in this state may have its limits enlarged in the manner herein prescribed.

SEC. 2. The city council may fix the boundaries of the city as enlarged to the proposed extent, which boundaries shall, as far as practicable, be terminated by straight lines drawn parallel respectively to the corresponding lines of the government survey. Council may fix limits.

SEC. 3. The question of making such extension must then be submitted to the vote of all the qualified electors inhabiting the whole city as thus proposed to be enlarged. Extension to be submitted to vote.

A day must be fixed for such election by resolution of the council of the city whose limits are proposed to be enlarged, and notice thereof must be given by proclamation of the mayor of said city of the time of holding such election, and setting forth the exact question to be presented to the electors for determination; which proclamation shall be published for four weeks consecutively prior to said election in some newspaper published in said city, which notice shall be deemed sufficient notice of said election and its purposes to all the inhabitants of the city as proposed to be enlarged; and if at such election the number of legal votes cast for such extension shall exceed those cast against it, the mayor shall issue his proclamation announcing that fact, and from thenceforth the limits of said city shall be enlarged as proposed. After proclamation: to be published.

SEC. 4. No lands included within said extended limits which shall not have been laid off into lots of twenty acres or less, or which shall not subsequently be divided into parcels of twenty acres or less, by the extension of streets or alleys, and which shall also in good faith be occupied and used for agricultural or horticultural purposes, shall be taxable for any city purpose except that they may be subjected to a road tax to the same extent as though they were outside of the city limits, which said tax shall be paid into the city treasury; *provided*, that the provisions of this act shall not apply to cities organized under special charter. Certain lands within such limits not to be taxable except for road tax.

SEC. 5. This act being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in the city of Des Moines, the provisions of section thirty-three of the Code to the contrary notwithstanding. To take effect.

This bill having remained with the governor three days (Sunday excepted,) the general assembly being in session, has become a law this 8th day of March, A. D., 1876.

JOSIAH T. YOUNG, *Secretary of State.*

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 9, and in the *Iowa State Leader*, March 10, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 48.

## RELATING TO CLAIM OF E. BLAKESLEE.

H. F. 121. AN ACT appropriating \$550.50-100 in Payment of Claim of E. Blakeslee.

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

SECTION 1. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of five hundred and fifty dollars and fifty cents in payment of the claim of E. Blakeslee for medical services at the additional penitentiary from Nov. 1st, 1874 to Oct. 31st, 1875, and that the auditor be and is hereby authorized to draw his warrant for the same.

SEC. 2. This act being deemed of immediate importance, shall be in force after its publication in the Iowa State Register, and Iowa State Leader.

Approved March 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 11, and in the *Iowa State Register*, March 14, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER. 49.

## CLAIM OF JAMES HARVEY.

H. F. 416. AN ACT for the Payment of the Claim of James Harvey.

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

SECTION 1. That there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of twenty-five dollars in payment of the claim of James Harvey, for services rendered, as an expert in determining the sanity of an inmate of the Iowa hospital for the insane at Mt. Pleasant.

SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication.

Approved, March 8th, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 11, and in the *Iowa State Register*, March 15, 1876.

JOSIAH T. YOUNG, *Secretary of State.*



## CHAPTER 50.

## RELATING TO DUTIES OF TOWNSHIP CLERKS.

AN ACT to compel Township Clerks to Post up Statements of Receipts and Disbursements at each General Election [ Additional to Code, Chapter 9, Title IV. "Of Townships and Township Officers." ] H. F. 229.

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

[SECTION 1.] That hereafter it shall be the duty of township clerks in each county in the state, on the morning of the day of each general election, and before the hour for opening the polls, to post up at the place where such general election is to be held in his township, a statement, in writing, showing all receipts of money and disbursements in his office, for the preceding year, such statement to be certified by the trustees of the said township.

Township Clerk: to post statement of receipts and disbursements: at place of holding general election.

Approved March 8, 1876.

## CHAPTER 51.

## LEGALIZING ORDINANCES OF CITY COUNCIL OF CEDAR RAPIDS.

AN ACT to Legalize Ordinances No. 142 and No. 147, Passed by the City Council of the City of Cedar Rapids, in Relation to the Establishment of Water Works in said City and the Conveyance of Land on which to erect the same. S. F. 216.

WHEREAS, The city council of the city of Cedar Rapids in this state on the 19th day of February, A. D. 1875, passed an ordinance numbered 142 and entitled " An ordinance to provide for a supply of water for the inhabitants of Cedar Rapids, Iowa, for domestic use and fire protection," which ordinance was published in the Cedar Rapids Daily Republican, a newspaper published in said city in its issue of the 22d day of February, A. D., 1875, and

Preamble.

WHEREAS, On the eighteenth day of June, A. D., 1875, the same city council passed an ordinance numbered 147 and entitled " An ordinance vacating and deeding to the Cedar Rapids Water Company a piece or parcel of land lying north-westerly of the northwest boundary of Ely street and extending from fractional block No. 1, to the Cedar River," which last mentioned ordinance was published on the 24th day of June, A. D., 1875, in the Cedar Rapids Times, a newspaper published in said city. Now, lest at any time doubt should arise as to the binding force of the said

ordinances or either of them or of the power of the said city council to pass the same or either of them; therefore,

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

Legalizing  
clause.

SECTION 1. That the ordinances above mentioned, and each of them is hereby declared legal, valid and binding for all purposes expressed or intended thereby from and after the time it was passed and published as above recited.

To take effect.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication, without expense to the state, in the Daily State Register, published in Des Moines, Iowa, and Cedar Rapids Daily Republican, a newspaper published in the said city of Cedar Rapids.

Approved March 8, 1876.

I hereby certify that the foregoing act was published in the *Cedar Rapids Daily Republican*, March 13, and in the *Iowa State Register*, April 5, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 52.

### ESTABLISHING WEIGHT OF BUSHEL OF COKE.

S. F. 268.

AN ACT to Amend Section 2049 [Chapter 1, Title XIV: "Of Weights Measures, and Inspection,"] of the Code of 1873.

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

Code, § 2049.  
Bushel of  
coke.

SECTION 1. That section 2049, chapter 1, title 14, of the Code of 1873, be amended by adding thereto the words: "of coke thirty-eight (38) pounds.

To take effect.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, and Daily State Leader, newspapers published in Des Moines, Iowa.

Approved March 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 11, and in the *Iowa State Register*, March 15, 1876,

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 53.

## LEGALIZING SALE OF SCHOOL LANDS IN ALLAMAKEE COUNTY.

AN ACT to Legalize the Sale of certain School Lands in Allamakee S. F. 128. county.

WHEREAS, The board of supervisors of Allamakee county Preamble. made sale, by contract, of certain school lands in said county to different parties, which land is described as follows, to wit: The e½ ne of section 27, and the ne sw of section 22, 96, 5; the se nw of section 7, 96, 3; the e½ nw of section 9, 96, 6, west of the fifth p. m., the appraisalment of which fails to appear of record; and,

WHEREAS, The said board made sale of a certain other parcel of school land, by contract, to-wit: The sw se of section 16, 99, 6, west of the fifth p. m., the same having been sold for a sum less than the appraised value; therefore,

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

[Section 1.] That the sales of said land are hereby legalized Sales legal-  
ized. and made valid to the same extent as if the said appraisalment appeared of record; and that the sale of the said sw of se of section 16, 99, 6, be also legalized and made valid to the same extent as if it had been sold for a sum equal to or above its appraised value; and that upon the transmission of a certificate to the state land office, by the county auditor of said county, certifying that the several purchases[rs] of said parcels of land have When pur-  
chasers shall  
be entitled to  
patent. paid the contract price for the same, the said parties thus purchasing shall each be entitled to a patent for said land.

Approved March 8, 1876.

## CHAPTER 54.

## RELATING TO THE CONSTRUCTION OF SEWERS.

AN ACT to Authorize Cities Organized under Special Charters to provide for the Construction of Sewers. S. F. 30. [Additional to Code, Chapter 10, Title IV: "Of Cities and Incorporated Towns."]

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

SECTION 1. That all cities in this state organized and existing under special charters, having a population of not less than ten thousand as shown by the last preceding state census, may provide by ordinance for the construction of sewers, or may divide the city into sewerage districts in such manner as the council What cities  
may.

may determine, and pay the cost of constructing same out of the general revenue of the city, or assess the cost upon the adjacent property, or may levy a certain sewerage tax within the sewerage district, out of which to pay for the construction of the same, which sewerage tax shall not exceed in any one year, two mills on the dollar of the assessed value of the property within such district. Or may pay a part of the cost of such construction out of the general revenue, a part by the assessment of adjacent property, and a part by levying a tax upon all the property within the sewerage district, or may pay for the same by pursuing any two of the methods herein named.

How cost of construction shall be paid.

SEC. 2. It shall be the duty of such city council to require the work of constructing such sewers to be done under contract therefor to be entered into with the lowest responsible bidder, and bonds with surety for the faithful performance of such work shall be required to be given by the contractors.

To be done under contract.

*Provided*, That all bids for such work may be rejected by such council, if by them thought to be exorbitant and new bids ordered.

Provisions respecting special tax: lien upon property, which may be sold as for ordinary taxes;

SEC. 3. All special tax levied for the construction of sewers under this act shall be payable by the owners, personally at the time of such assessment, and shall also be a lien upon the lots and lands so assessed and shall bear such rate of interest, and the said property assessed may be sold for the payment thereof in the same manner at any regular or adjourned sale or special sale called therefor, with the same forfeitures, penalties and right of redemption and certificates, and deeds on such sales shall be made in the same manner and with like effect as in case of sales for non-payment of the ordinary annual taxes of such cities respectively as now or hereafter provided by law in respect thereto, or the city council may provide by ordinance for the sale of such assessed property at a special tax sale to be called therefor, after giving notice therefor three consecutive weeks in one of the newspapers published in said city; the last of which publications shall be at least ten days before the day of sale.

By publishing notice.

City council to provide mode of assessment.

SEC. 4. Such city council may provide by ordinance for the particular mode of making and returning the assessments hereinbefore authorized, and payment of such assessments may, if so directed by said council, be enforced by suit in court, in the manner and by the proceedings provided for by sections 478, 479, and 481 of the Code.

Code, §465, not to be impaired.

SEC. 5. Nothing in this act contained shall take away, impair, or interfere with the powers conferred by section 465 of the Code for the construction of sewers, and payment therefor in whole as therein provided.

Cross sewers.

SEC. 6. The city council shall have power to provide, by ordinance, terms and conditions on which cross sewers may be attached to or connected with main sewers; and in cases where sewers have been constructed in whole or in part by special assessment, may pay unto the parties who have been so assessed, the money, or a part thereof charged and collected for the privilege of attaching such cross sewers.

SEC. 7. *Provided*, That any such city which has heretofore

adopted a system of sewerage by which the cost of construction has been paid out of the general revenue, shall not be permitted to abandon such system, anything in this law to the contrary notwithstanding. Proviso.

SEC. 8. This act being deemed of immediate importance, it shall take effect from and after its publication in the Des Moines State Register, and the Des Moines State Leader, without expense to the state. To take effect.

Approved, March 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 14, and in the *Iowa State Leader*, March 14, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 55.

### RELATING TO LIFE INSURANCE.

AN ACT relating to Life Insurance and to prevent injustice to the assured. [Additional to the Code, Chapter 5, Title IX: Of Life Insurance Companies.] H. F. 196.

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

SECTION 1. In all suits now or hereafter pending in any court of this state on policies of life insurance, wherein the defendant seeks to avoid liability upon the alleged ground of the intemperate habits or habitual intoxication of the assured, it shall be a sufficient reply for the plaintiff to show that such habits or habitual intoxication of the assured was generally known in the community or neighborhood where the agent of the defendant resided or did business, if thereafter the company continued to receive the premiums falling due on such policy. In suits where defendant pleads habitual intoxication of assured. Sufficient reply.

SEC. 2. In any case where the medical examiner, or physician acting as such, of any life insurance company doing business in this state, shall issue a certificate of health or declare the applicant a fit subject for insurance under the rules and regulations of such company, the company shall be thereby estopped from setting up in defense of suit on such policy, that the assured was not in the condition of health required by the policy, at the time of the issuing of such policy, except where the same is procured by or through the fraud or deceit of the assured. Company estopped by examining physician's certificate; Unless there is fraud on part of assured.

SEC. 3. That in all cases where it shall appear that the age of the person insured has been misstated in the proposal, declaration or other instrument upon which any policy of life insurance has been founded or issued, then and in such case, the person or company issuing such policy, shall upon the discovery of such misstatement be permitted to demand and collect the difference of premium, if any, which would be due and payable on account of the true age of the assured, from year to year, according to the If age of assured has been misstated; Company may collect the difference of premium;

Or, may deduct after death of assured.

But no other deduction to be made unless fraud shown.

To take effect,

rates of premium of such person or company, upon which such policy was issued; or such person or company so issuing the policy may after the decease of the assured deduct from the amount payable by such policy, the difference of premium, if any, which would so have been payable from year to year, by reason of any difference of age at time of issuance of such policy; and no other defense or deduction by such person or company issuing such policy, shall be permitted after the death of the person assured, on account of such misstatement of age of [the] assured, notwithstanding any warranty of such statement of age by terms of policy or otherwise, except when it be shown by the person or company insuring, that the policy was procured by fraud in fact.

SEC. 4. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and the Iowa State Leader, newspapers published at Des Moines.

Approved March 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 11, and in the *Iowa State Register*, March 15, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 56.

### CREATING THE FOURTEENTH JUDICIAL DISTRICT.

H. F. 156.

AN ACT Creating the Fourteenth Judicial District, and providing for the Election of District and Circuit Judges and a District Attorney therein, and Changing the Boundaries of the Fourth Judicial District.

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

Shall constitute the 14th judicial district.

4th judicial district.

Electors of 14th judicial district shall elect, etc.

Jurisdiction.

SECTION 1. That the counties of Calhoun, Sac, Ida, Buena Vista, Pocahontas, Humboldt, Kossuth, Palo Alto, Clay, Dickinson, and Emmet shall constitute the fourteenth judicial district.

SEC. 2. That the counties of Harrison, Monona, Woodbury, Plymouth, Cherokee, O'Brien, Sioux, Lyon and Osceola shall constitute the fourth judicial district.

SEC. 3. There shall be elected by the qualified electors of the fourteenth judicial district, at the general election in 1876 and every four years thereafter, a district judge and district attorney, and a circuit judge, who shall receive the same compensation as other district and circuit judges and district attorneys; and the said judges and district attorney shall enter upon the discharge of their duties on the first day of January, A. D. 1877, and shall hold their offices for four years and until their successors are elected and qualified.

SEC. 4. The district and circuit courts shall be held in the several counties of the fourth judicial district as heretofore pro-

vided by law, and shall have full jurisdiction in all counties comprising said district and circuit prior to the passage of this act until the first day of January, A. D. 1877, after which time the jurisdiction of the judges of said fourth and fourteenth judicial districts and circuits shall extend to said districts and circuits as herein provided.

SEC. 5. On or before the first day of December, A. D. 1876, the judges of the fourth judicial district may, if they deem it necessary, make an order assigning terms of courts in said district for the year A. D. 1877, and in the fourteenth judicial district, terms of courts in the several counties shall remain as heretofore fixed until altered by the judges of said fourteenth district; and said judges shall, on or before the 15th day of January, A. D. 1877, fix terms of courts for the year 1877, to take effect at such date as they may order.

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

Approved March 8, 1876.

## CHAPTER 57.

### INDEBTEDNESS OF CITIES AND TOWNS.

AN ACT To authorize Cities and Towns to Settle and Adjust certain Indebtedness, and to provide for payment of the same. [Additional to Code, Chapter 10, Title IV. "Of Cities and Incorporated Towns."] H. F. 136.

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

SECTION 1. That cities and towns are hereby authorized, upon such terms as they may deem just and for their best interest, to settle, adjust, renew or extend such indebtedness as may be owing by or claimed against them and evidenced by the bonds or other negotiable promissory instruments of such municipal corporation, and to issue new securities for such indebtedness, except as hereinafter mentioned.

SEC. 2 Said several corporations are hereby authorized, whenever any extension or renewal of such indebtedness is made, to provide for the payment of the interest and principal of such extended or renewed indebtedness, by the levy and collection of the necessary taxes, at the same time and in the same manner as other taxes; and the levy, collection and payment of such taxes may be enforced by proper legal process, when necessary, in addition to the ordinary means provided by law for the levy and collection of taxes.

SEC. 3. This act is intended to and shall apply only to the settlement, adjustment and extension or renewal of bonds and

Times of holding court in 4th district.

In 14th dist.

Repealing clause.

May settle and adjust indebtedness.

And issue new securities.

May levy special tax to pay principal and interest.

Not to apply to current expenses.

securities heretofore issued and outstanding at the time of this act, and not including warrants or other evidences of indebtedness issued or incurred for current expenses of such corporations.

**New securities.** SEC. 4. New bonds or securities issued by virtue hereof, shall in no case be for a greater sum than the principal and accrued interest unpaid on the bond or security for which such new bond or security may be given.

**To take effect.** SEC. 5. This act shall take effect and be in force from and after its publication in the *Des Moines Daily Register*, *Daily Leader*, and *Staats Anzeiger*, newspapers published at Des Moines, Iowa.

Approved March 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 11, *Iowa State Register*, March 14, and in the *Staats Anzeiger* March 16, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 58.

### IN RELATION TO MAYORS.

H. F. 81. AN ACT to Amend Section 518 of the Code of 1873, Title IV, Chapter X, "of Cities and Incorporated Towns."

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

**Code, § 518 repealed.** SECTION 1. That section 518 of the Code of 1873, be and the same is hereby repealed, and there is enacted in lieu thereof the following, viz:

**Election of mayor.** Section 518. The mayor shall be elected biennially in cities of the first class, and annually in cities of the second class, by the qualified voters of the city.

**Qualifications.** He shall be a qualified elector and reside within the limits of the city, and shall hold his office for the term for which he shall have been elected and qualified.

**Duties.** He shall keep an office at some convenient place in the city, to be provided by the council, and shall keep the corporate seal of the city in his charge.

**Same.** He shall act as president of the city council, shall sign all commissions, licenses, and permits granted by the authority of the city council, and such other acts as by law or ordinance may require his certificate.

Approved March 8, 1876.



## CHAPTER 59.\*

## TAXATION IN SECOND CLASS CITIES.

AN ACT to Increase the Limit of Taxation in Cities of the Second Class. S. F. 187.

SECTION 1. The city council of any city of the second class organized under the existing, or any prior general incorporation law of the state, which has heretofore contracted a bonded indebtedness reaching the limit then prescribed by law for loans, and in which the amount of the taxable property as shown by the assessment for the year 1875, is less than it was for the year 1867, are hereby authorized and empowered to levy in addition to the taxes now authorized by law and at the same time a tax for the year 1876 of ten mills, for the year 1877 of five mills, for the year 1878 of two and a half mills, and for the year 1879 of one mill on the dollar of taxable property within said city during said years. Certain cities may make additional levy to meet indebtedness.

SEC. 2. All monies [moneys] raised by virtue of this act, shall constitute a special fund and shall be applied to the payment of the principal or interest or both of the indebtedness mentioned in the first section of this act, and to no other purpose. Special fund.

[SEC. 3.] This act shall be in force from and after its publication in the Daily State Register, and Daily State Leader, newspapers published at Des Moines, Iowa. To take effect.

Approved March 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 13, and in the *Iowa State Register*, March 14, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 60.

## MUTUAL FIRE INSURANCE COMPANIES.

AN ACT to Amend Section 1144, in Chapter 4, of Title 9, of the Code, S. F. 236. Relating to Fire Insurance Companies.

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

SECTION 1. That section eleven hundred and forty-four, in chapter four, of title nine of the Code be and is hereby amended by adding to said section at the end thereof, the following: "Any mutual fire insurance company possessed of cash assets [assets] safely invested, amounting to at least two hundred thousand dollars over and above all its liabilities, including the reserve for reinsurance required by the laws of this state, shall be deemed to be possessed of two hundred thousand dollars of actual paid up Code, §1144. Cash assets: paid up capital.

\*This bill does not have the constitutional requirement of an enacting clause.—[SECRETARY OF STATE.

capital," within the meaning of this section, and may be authorized to take risks and transact the business of insurance in this state, on complying with the requisitions of said chapter four, relating to insurance companies incorporated by or under the laws of other states; subject however, to all the provisions of said chapter, applicable to such insurance companies and all other acts and laws relating to insurance so far as applicable.

**SEC. 2.** This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa Daily State Register, and the Iowa Daily State Leader.

Approved March 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 13, and in the *Iowa State Register*, March 14, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 61.

### TOWNSHIP CLERKS.

S. F. 44. AN ACT to Amend Sec. 3809 [Chapter 2, Title XXIII: "Of County and Township Officers"] of the Code.

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

Code, §3809  
amended.

Fees.

**SECTION 1.** That that paragraph of sec. 3809 of the Code of 1873, reading "For all money coming into his hands by virtue of his office, five per cent." be amended to read as follows, to-wit: "For all money coming into his hands by virtue of his office, aside from money received from his predecessor in office, five per cent."

Approved March 8, 1876.

## CHAPTER 62.

### RELATING TO WITNESS FEES.

H. F. 13. AN ACT to Amend Section 3814 of Chapter 3, Title XXIII, of the Code, Relating to the Fees of Witnesses.

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

Code, §3814.

**SECTION 1.** That the first paragraph of section 3814, chapter 3, title 23, of the Code, be and the same is hereby repealed, and the following enacted in lieu thereof.

**SECTION 3814.** Witnesses in any court of record, except in the police courts, shall receive for each day's attendance, one dollar

and twenty five cents; in the police courts, witnesses shall receive for each day's attendance, the same fees and mileage as are allowed before justices of the peace. Per diem \$1.25 except in police court.

And that the fifth paragraph of said section 3814, relating to experts, be amended by adding thereto the following: Experts.

*Provided*, That such additional compensation so fixed shall not exceed four dollars per day while so employed.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in full force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa. To take effect.

Approved March 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 11, and in the *Iowa State Register*, March 15, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 63.

### CITY AND TOWN LOTS.

AN ACT to amend Chapter 25, Laws of the Fifteenth General Assembly in Relation to City and Town Lots, and in Relation to the Annexation of Contiguous Territory to Cities and Towns. S. F. 185.

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

SECTION 1. That chapter 25 of the general laws of the fifteenth general assembly be amended by adding to the first section thereof the words: *Provided*, that the provisions of this act shall not affect the filing and recording of plats where the original parcel of land shall have heretofore been sub-divided and sold or incumbered with a view to platting the same prior to the passage of this act; and, *provided also*, that the provisions of this act shall not prevent the annexation of contiguous territory to cities and towns under sections 426, 427, 428, and 429, of chapter 10, title IV of the Code. Chapter 25, acts 15th G. A. amended. Proviso: not to affect filing of plats of lands heretofore sub-divided &c, nor to prevent annexation of contiguous territory.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily Iowa State Register, and the Fairfield Ledger, newspapers of general circulation in this state. To take effect.

Approved March 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 15, and in the *Fairfield Ledger*, March 16, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 64.

## IN RELATION TO SCHOOLS.

H. F. 105. AN ACT to Repeal Section 1793, Chapter 9, Title XII, of the Code, in relation to Children attending Schools in adjoining Districts, and enacting a Substitute therefor.

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

[SECTION. 1.] That section 1793 of the Code, is hereby repealed, and the following enacted in lieu thereof, to-wit:

Attending  
school in ad-  
joining dis-  
trict.

SECTION 1793. Children residing in one district may attend school in another, in the same or adjoining county or township, on such terms as may be agreed upon by the respective boards of directors; but in case no such agreement is made, they may attend school in any such adjoining district, with the consent of the board of directors thereof, when they reside nearer the school in said district, and one and a half miles or more, by the nearest traveled highway, from any school in their own.

Tuition.

The board of directors of the township, in which such children reside, shall be notified in writing, and the district in which they reside shall pay to the district in which they attend school, the average tuition of said children per week, and an average proportion of the contingent expenses of said district where they attend school; and in case of refusal so to do, the secretary shall file the account for said tuition and contingent expenses, certified to by the president of his board, with the county auditor of the county, in which said children reside, and the said county auditor shall at the time of making the next semi-annual apportionment thereafter, deduct the amount so certified, from the sum apportioned to the district in which said children reside, and cause it to be paid over to the district in which they have attended school.

To take effect.

[Sec. 2.] This act being deemed of immediate importance, shall take effect and be in force from and after its passage and publication in the Daily Iowa State Register, and the Daily Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved March 9, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 13, and in the *Iowa State Register*, March 14, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 65.

## LEGALIZING LEVY OF ROAD TAX IN HOWARD COUNTY.

AN ACT to Legalize the Levy of Certain Road Taxes in the County of Howard and the Extending of the Same upon the Tax Books of said County. H. F. 364.

WHEREAS, The Milwaukee and St. Paul Railroad Company in the year 1872 and prior thereto, owned and were operating a line of railway in Howard county Iowa, and running through the townships of Vernon Springs, Forest City, Chester, Oakdale and Howard Center, in said county; and

WHEREAS, The assessed valuation of the property of said railroad company in said county for the year A. D. 1872 was not placed upon the assessors' book of said townships for said year; and

WHEREAS, The road tax of five mills on the dollar levied by the township trustees of said several townships for the year 1872 are [is] not extended or carried out upon the assessors' books of any of said townships for said year against any of the property or assessed valuation of said railroad company; and

WHEREAS, The said railroad company paid no road tax in any of the said townships for the said year 1872, to any of the road supervisors or township officers thereof; and

WHEREAS, The county auditor of said county levied and extended upon the tax books of said county for the year 1872 the said road tax of five mills on the dollar against the property or assessed valuation of said railroad company, and directed the treasurer of said county to collect the same, as other taxes are collected; and

WHEREAS, Doubts exist as to the validity of such tax and the technical regularity of the levy thereof by the said county auditor; therefore,

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

SECTION 1. That the levy of said road tax of five mills on the dollar upon the assessed valuation of said railroad company in said county of Howard, for the year 1872, and the extending of the same upon the tax books of said county for said year by the said county auditor as aforesaid, be and the same are hereby declared to be legal and valid in all respects, the same as though said auditor had been authorized to levy such tax and extend the same upon said tax books, and had done the same in the manner required or authorized by law. Legalizing clause.

SEC. 2. This act being deemed of immediate importance, shall be in force and effect from and after the date of its last publication in the Iowa Daily State Register, and State Leader, newspapers published at Des Moines, Iowa, without expense to the To take effect.

state, the provisions of section thirty-three of the Code to the contrary notwithstanding.

Approved March 9, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 13, and in the *Iowa State Register*, March 15, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 66.

### AIDS-DE-CAMP.

S. F. 40. AN ACT, authorizing the Governor to appoint Aids-de-Camp, Additional to Section 1054, Chapter 1, Title VIII, of the Code.

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

Governor may appoint. SECTION 1. That the governor is hereby authorized to appoint four aids-de-camp with the rank of lieutenant colonel of cavalry.

To take effect. SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication in the *Daily State Register*, and *Iowa State Leader*, newspapers published in the city of Des Moines.

Approved March 9, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 13, and in the *Iowa State Register*, March 15, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 67.

### RELIEF OF MATILDA CARTER.

H. F. 284. AN ACT to Perfect Title in certain Lands to Matilda Carter.

Preamble. WHEREAS, By an act of the 14th general assembly of the state of Iowa, the governor of said state was authorized to issue a patent to Matilda Carter, of Lucas county, Iowa, to certain lands lying in said county, described by mistake in said act as follows, to-wit:

The north half of the northeast quarter of section thirty, and the northeast quarter of section twenty-nine, all in township No. seventy-one, north, range twenty-nine, west, and

WHEREAS, Said range was intended for and should be range No. twenty-one west, therefore,

*Be it enacted by the General Assembly of the State of Iowa:*  
[SECTION 1.] That for the purpose of correcting said mistake and to invest the title in the proper lands in the person entitled to

the same, the governor of said state is hereby authorized to issue a patent, conveying to said Matilda Carter, of Lucas county, Iowa, the following described real estate situated in said county, to-wit:

To receive patent.

The north half of the northeast quarter of section thirty, and the northeast quarter of the southeast quarter, section twenty-nine all in township No. seventy-one, north, range No. twenty-one west.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Register, and State Leader, newspapers published in Des Moines, Iowa.

To take effect

Approved March, 9, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 13, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 68.

### RAILROADS, EXPRESS AND TELEGRAPH COMPANIES.

AN ACT to Facilitate Business with Railroads, Express and Telegraph Companies. [Additional to Code, Chapter 5, Title X: "Of Railways." S. F. 254.]

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

SECTION 1. That all railroads terminating in Iowa, shall establish and maintain at such terminus, general freight and passenger offices, (and express and telegraph offices, when operating an independent express or telegraph company,) at localities accessible and convenient to the public, and there keep for sale tickets over their respective roads, and in advertising, correctly set forth their true connections, starting or terminal points, time tables and freight tariffs, affording correct information to the business and traveling public.

Shall keep office at convenient point.

SEC. 2. If any officer, agent, employe or lessee engaged in operating any railroad, express company or telegraph line, terminating in or operated within the state of Iowa, shall refuse or neglect to comply with any of the provisions or requirements of section one (1) of this act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding five hundred dollars, and may be imprisoned not more than six months.

Not complying with sec. 1, to be punished.

SEC. 3. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register and Council Bluffs Nonpareil.

To take effect.

Approved March 9, 1876.

I hereby certify that the foregoing act was published in the *Council Bluffs Daily Nonpareil*, March 10, and in the *Iowa State Register*, March 14, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 69.

## VAGRANTS.

S. F. 32. AN ACT to Restrain Vagrancy and Common Beggary.

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

Male va-  
grants to be  
kept at hard  
labor.

SECTION 1. That if any male person, physically able to perform manual labor, shall be found in a state of vagrancy, or practicing common begging, he shall, on conviction thereof, be fined in any sum not exceeding fifty dollars, and sentenced to hard labor in the jail of the county, for which labor *they* [he] shall receive a credit at the rate of seventy-five cents per day until said fine and cost of prosecution, and accruing costs, shall be paid.

Duty of  
boards of su-  
pervisors.

SEC. 2. The board of supervisors of the several counties are hereby authorized to provide for carrying the provisions of the foregoing section into effect, for which purpose they may, by order entered upon their journals, declare that the jail shall extend to and include the lands of the proper county, and every form and kind of labor commonly performed therein by male persons.

To take effect.

SEC. 3. This act being deemed of immediate importance, shall be in force and effect from and after its publication in the Daily State Register, and Daily State Leader, newspapers published at Des Moines, Iowa.

Approved March 10, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 13, and in the *Iowa State Register*, March 15, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 70.

## RELATING TO THE PROPAGATION OF FISH.

H. F. 101. AN ACT to Promote Fish Culture in the State of Iowa, and amend Chapter Fifty, of the Laws of the Fifteenth General Assembly, Enlarge and Define the Duties of Fish Commissioner, and Appropriate money to carry out the Provisions of this act.

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

Duty of com-  
missioner.

SECTION 1. That it is hereby made the duty of the fish commissioner to proceed without unnecessary delay to distribute among the several counties in the state, fairly and as equally as in the judgment of the commissioner may be to the best interest of the state, all the fish now on hand at the state hatching house



at Anamosa, that are now ready and fit for distribution; *provided*, always, that counties that have heretofore been partially supplied shall receive less, in proportion to the numbers they have heretofore received.

SEC. 2. That said commissioner is hereby further authorized and empowered to procure and distribute among the several counties of the state during the year 1876, 500,000 live eels, in such lakes, ponds or water courses, throughout said counties, as in the judgment of the fish commissioner are best adapted to the increase and support of the same; said eels to be procured of the United States fish commission, or from such other source or sources as are most expedient and of the least expense to the state; and that all fish that may be hereafter bred or hatched at the state hatching house at Anamosa, shall, as soon as the same are ready and fit for distribution, be distributed among the several counties, and at such seasons as the fish commissioner shall deem best adapted to the preservation and increase of the same; *provided*, that not more than one thousand dollars shall be used for this purpose.

500,000 eels to be distributed at discretion of commissioner.

Distribution of fish.

SEC. 3. That during the years 1876 and 1877, the fish commissioner shall have the power to expend one thousand dollars of the money hereinafter appropriated, in facilitating the increase of the number of fish that are natives of the waters of this state, and in such ways and manner as in the judgment of said commissioner shall be most conducive to that end.

May expend for increase of native fish.

*And be it further enacted*, That sections 6 and 7, of chapter 50 of the laws of the fifteenth general assembly be amended to read as follows:

§ 6 and 7, chapter 50, 15th G. A. amended.

SEC. 6. No person shall place, erect, or cause to be placed or erected, across any of the rivers, creeks, ponds or lakes of this state, any dam, seine, weir fish dam or other obstruction, in such manner as to prevent the free passage of fish up or down through such water courses, unless otherwise ordered by the commissioner; and from and after the passage of this act, it shall be unlawful for any person to use any seine or net for the purpose of catching fish, except minnows that are natives of the waters of the state; *provided*, always, that it shall be lawful for the fish commissioner to take fish in any of the public waters at any time, and by any method, for the purpose of propagation, or for the purpose of exchanging with fish commissioners of other states or of the United States. Nothing in this section shall be so construed as to prohibit the erection of dams for manufacturing purposes, as now provided by law.

Obstructions to free passage of fish prohibited.

Seine or net prohibited.

Proviso.

SEC. 7. Any person found guilty of a violation of the provisions of section six of this act, shall upon conviction before a justice of the peace, be fined not less than five nor more than fifty dollars for the first offense, and for the second, or any subsequent offense, not less than twenty dollars, and shall stand committed until such fine be paid.

Fine for violation of section 6.

SEC. 4. Persons raising or propagating fish on their own premises, or owning premises on which there are waters having no natural outlet, supplied with fish, shall absolutely own said fish, and any person taking fish therefrom, or attempting to take fish

Fish in waters on property belonging to private parties.

therefrom, without the consent of the owner, or his agent, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than twenty-five dollars, nor less than five dollars, or imprisoned in the county jail not more than thirty days, and shall be liable to the owners of the fish in damages in double the amount of damages sustained, the same to be recovered in a civil action before any court having jurisdiction over the same.

**SEC. 5.** That for the purposes of carrying out the provisions of this act, there is hereby appropriated out of any money belonging to the state, and not otherwise appropriated, the sum of eight thousand seven hundred and fifty dollars, (\$8,750) or so much thereof as may be necessary to carry out the provisions of this act, and chapter fifty of the laws of the fifteenth general assembly on the same subject; *provided*, that the said eight thousand seven hundred and fifty dollars (\$8,750) shall be under the control of the executive council, as provided in section one, of chapter seventy-four, of the private, local, and temporary laws of the fifteenth general assembly.

*And provided further*, That the fish commissioner make a detailed, itemized, and sworn statement to said executive council on or before the 15th day of November, 1876, and annually thereafter, showing the amount of money expended, for what purpose or purposes expended; the number and kind of fish distributed, and when and where distributed, together with such general information on the subject of fish culture as said commissioner may think proper; and upon the submission of such report, and each subsequent report, the executive council shall cause to be printed 2,000 copies thereof; and when so printed shall transmit by mail not less than fifteen of said reports to the auditor of each county in this state for general distribution.

**SEC. 6.** It shall be unlawful to catch and kill any bass or wall-eyed pike between the first day of April and the first day of June, or any salmon or trout between the first day of November and the first day of February, of any year, in any manner whatever.

**SEC. 7.** Any person found guilty of a violation of section 6 of this act, shall, on conviction before a justice of the peace, be fined not less than five dollars nor more than twenty-five dollars for each offense, and shall stand committed until such fine be paid.

**SEC. 8.** The commissioner is further authorized to purchase on behalf of the state a certain piece of land situated in Jones county, said to contain twenty acres, upon which the state fish hatching house is located, and pay therefor the sum of three hundred and sixty dollars, and take a deed of said land in the name of the state of Iowa, and have the same recorded in the proper office for the record of such deed.

**SEC. 9.** The commissioner may, with the consent of the executive council employ a person as superintendent and secretary who may be one of the said commissioner[s], whose duties shall be to attend to the correspondence and accounts of the commission, supervise the obtaining of ova, the hatching and distribution of

\$8,750 appropriated to carry out provisions of this act.

To be under control of executive council.

To whom the commissioner shall make sworn statement.

2000 copies of which are to be printed.

When it shall be unlawful to kill certain fish.

Fine for violation of section 6.

Commissioner to purchase certain land.

Superintendent.

fish, and such other duties as the commissioner may from time to time prescribe.

SEC. 10. *Provided*, that nothing herein contained shall be held to apply to fishing in the Mississippi and Missouri rivers. Proviso.

SEC. 11. All acts or parts of acts inconsistent with this act are hereby repealed. Repealing clause.

SEC. 12. That section 1, of chapter 50, of the laws of the 15th general assembly be amended by striking out of the second and third lines thereof, the words "three competent persons who shall be known as fish commissioners," and inserting in lieu thereof the words "one competent person who shall be known as fish commissioner," and that said act be so amended as to read and apply to one commissioner, instead of commissioners. Sec. 1, chap. 50, 15th general assembly amended. But one commissioner.

SEC. 13. That section 3, of chapter 50, of the laws of the 15th general assembly, be, and the same is hereby repealed, and that there be enacted in lieu thereof the following: Sec. 3, chap. 50, 15th general assembly repealed.

[SEC. 3.] The fish commissioner shall receive in full compensation for his services, twelve hundred dollars per year, to be paid out of the appropriation as herein made, and he shall, by virtue of his office act as superintendent and secretary. Compensation of commissioner.

SEC. 14. This act being deemed of immediate importance, shall be in force and take effect from and after its publication in the Iowa State Leader, and the Iowa State Register, newspapers published in Des Moines, Iowa. To take effect.

Approved March 10, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 16, and in the *Iowa State Leader*, March 17, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 71.

### CONCERNING THE COLLEGE FOR THE BLIND.

AN ACT to Repeal Sections, 1681 1682 and 1683, Chapter 6, Title 7 of the s. F. 179. Code, and for other purposes.

*Be it enacted by the General Assembly of the State of Iowa:* § 1 1681, 1682, and 1683.

SECTION 1. That sections 1681, 1682 and 1683 of the Code be and are hereby repealed.

SEC. 2. That the sum of five hundred and seventy-eight and 64-100 dollars which now stands to the credit of the industrial home, established in connection with college for the blind, be by the trustees of said institution transferred to the mechanical department of said institution for the purchase of stock material and other necessaries for said department. \$578.64 transferred from "Industrial home" to "mechanical department."

SEC. 3. This act being deemed of immediate importance, shall

To take effect. take effect from and after its publication in the Daily State Register, published at Des Moines, Iowa, and the People's Journal, published at Vinton, Iowa.

Approved March 10, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 15, and in the *People's Journal*, published at Vinton, March 17, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 72.

### RELATING TO ELECTIONS.

H. F. 247. AN ACT to Repeal Section 576, Title IV, Chap. 1, of the Code, and to Enact a Substitute therefor.

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

Code, 576 repealed.

Term of office.

Highway supervisor.

SECTION 1. That section 576 of the Code of 1873 is hereby repealed, and the following is enacted in lieu thereof:

SEC. 576. The term of office of all officers, except highway supervisors, chosen at a general election for a full term, shall commence on the first Monday of January next thereafter, except when otherwise provided by the constitution.

The term of office of highway supervisors shall commence fifteen days after the date of the general election. The term of an officer chosen to fill a vacancy shall commence as soon as he has qualified therefor.

Approved March 10, 1876.

## CHAPTER 73.

### TO PAY COMMISSIONERS APPOINTED TO INVESTIGATE THE REFORM SCHOOL.

H. F. 253. AN ACT appropriating money to pay the Commissioners appointed by Gov. C. C. Carpenter to Investigate the Affairs of the State Reform School.

Preamble.

WHEREAS, Hon. C. C. Carpenter, governor of Iowa, did on the 24th day of April 1875, request the services of and did appoint William H. Leas, and Deborah Cattell, of Polk county, Iowa, and Augustus C. Dodge, of Des Moines county, a special committee to inspect the books, &c., of the Iowa reform school, and to assist the trustees of said institution in an investigation respecting the

management of the same, to commence on the 27th day of April 1875, and to report to him the result of their findings, and

WHEREAS, The committee so appointed did by virtue of commissions issued by the executive aforesaid, of said date, enter upon its duties, in connection with the trustees aforesaid at Eldora, Hardin county, Iowa, closing their labors on the 27th day of August 1875, as a joint committee, and as a special committee in reviewing the evidence and making up the report closing their labors on the 8th day of November, 1875, embracing a period of the number of days hereinafter stated, to each of said commissioners respectively:

William H. Leas, one hundred and eight days; Deborah Cattell, eighty-six days; Augustus C. Dodge, one hundred and six days, and

WHEREAS, Said commissioners have been paid by order of Gov. C. C. Carpenter, under sec. 764, chap. 7, Code of 1873, a per diem of three dollars and no more, for the number of days above stated, therefore

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

SECTION 1. That there be and is hereby appropriated out of <sup>Sums appro-</sup> any money in the state treasury not otherwise appropriated, the <sup>priated.</sup> several sums hereinafter mentioned, viz:

\$216, (two hundred and sixteen dollars) to William H. Leas; \$172, (one hundred and seventy-two dollars) to Deborah Cattell; and \$212, (two hundred and twelve dollars) to Augustus C. Dodge which shall be in full payment for the services of the above named persons under said commissions.

SEC. 2. This act being deemed of immediate importance, shall <sup>To take effect.</sup> take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Polk county, Iowa.

Approved March 10, 1876.

I hereby certify that the foregoing act was published in the Iowa State Register, March 16, and in the Iowa State Leader March 18, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 74.

### LEGALIZING ACTS OF A CONSTABLE IN TAYLOR COUNTY.

AN ACT to Legalize the acts of R. P. Berry, a Constable of Platte <sup>H. F. 270.</sup> Township, Taylor county, Iowa.

WHEREAS, At the general election in October A. D. 1875, R. <sup>Preamble.</sup> P. Berry, was elected to the office of constable in Platte township, Taylor county, Iowa, and

Bond executed but not recorded.

WHEREAS, His bond was duly executed but was not duly filed and recorded according to law, and

WHEREAS, The said omission occurred through no fault of his, therefore,

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

SECTION 1. That the official acts of the said R. P. Berry as constable aforesaid, are hereby legalized and made valid as if his bond had been filed and recorded according to law, and he is hereby relieved from the liabilities of section 684 of the Code.

Sec. 2. This act shall take effect and be in force from and after its publication in the Iowa State Register, and *Lennox* [Lenox] Time Table, without expense to the state.

To take effect.

Approved March 10, 1876.

I hereby certify that the foregoing act was published in the *Lenox Time Table*, March 18, and in the *Iowa State Register*, April 6, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 75.

### TAKING AND CONDEMNING PRIVATE PROPERTY TO USE OF THE STATE.

H. F. 377. AN ACT to Repeal Section 1271 [Chapter 4, Title X: "Taking Private Property for works of Internal Improvement"] of the Code of 1873, and enact a Substitute therefor.

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

[SECTION 1.] That section 1271 of the Code of 1873, be and the same is hereby repealed, and the following enacted in lieu thereof, to-wit:

Code §1271.

How done, and for what purpose.

Sec. 1271. Whenever in the opinion of the governor, the public interest requires the taking of any real estate for the making or construction of any drains, sewers, yards, walls, buildings, or other improvements or conveniences for the use or benefit of the penitentiaries, hospitals for the insane, or any other institution of the state, upon or across lands being private property, the same proceedings may be had in the name of the state as provided in this chapter, and for that purpose the state shall be considered a person, and the proceedings shall be conducted by the district attorney of the district in which the land is situated, whenever directed by the governor, or the governor may appoint some other person for that purpose.

Approved March 10, 1876.

## CHAPTER 76.

## APPEALS TO SUPREME COURT.

AN ACT to Amend Section 135, [Chapter 1, Title III: Of the "Organiza- Sub. H. F. 34,  
tion of the Supreme Court"] of the Code, relating to Appeals to the and 427  
Supreme Court.

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

SECTION 1. That section 135 of the Code be and the same is Code, §185.  
hereby amended by striking out of said section the following  
words:

Keokuk, Cerro Gordo, Sac, Hancock, Worth, Winnebago, Causes from,  
Wright, Franklin and Hamilton. to be taken to  
Des Moines.

[SEC. 2.] This act being deemed of immediate importance, shall To take effect.  
take effect and be in force from and after its publication in the  
Iowa State Register, and Iowa State Leader, newspapers pub-  
lished at Des Moines, Iowa.

Approved March 10, 1876.

I hereby certify that the foregoing act was published in the *Iowa  
State Leader*, March 13, and in the *Iowa State Register*, March 15, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 77.

## LEGALIZING PLAT OF TRACY, NOW VAN METER.

AN ACT to Legalize the recorded Plat of the town of Tracy, now Van H. F. 42.  
Meter, Dallas county, Iowa.

WHEREAS, W. A. Wilson and Frank D. Wilson did about the Preamble.  
month of April one thousand eight hundred and sixty-eight lay  
off and plat certain sections or parts of sections of land, refer-  
ence being had to the recorded plat for the same—of which they  
were then owners, into lots, streets and alleys under the name of  
the town of Tracy, now known as Van Meter, in Dallas county,  
and

WHEREAS, Said lots have since been conveyed to other persons  
or their assigns by whom they are now held and improved, and

WHEREAS, The said William A. Wilson and Frank D. Wilson  
did neglect and omit to sign and acknowledge said plat, or if so  
signed and acknowledged by them the said William A. Wilson  
and Frank D. Wilson, their said signatures were lost or de-  
stroyed, by which means said plat is recorded in the records of

Dallas county, without being so signed and acknowledged, therefore,

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

Legalizing  
clause.

SECTION 1. That said plat of the town of Tracy, now known as Van Meter, as the same appears of record in the records of Dallas county, Iowa, shall have the same force and effect as if the same appeared on said records signed and acknowledged as required by law, *provided*, that this act shall not apply to that part of said town known as Clayton's addition to Van Meter.

Proviso.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the State Register, and State Leader, newspapers published in Des Moines, Iowa, without expense to the state.

To take effect.

Approved March 10, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 13, and in the *Iowa State Register* April 6, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 78.

### LEGALIZING ACTS OF A JUSTICE OF THE PEACE IN HARRISON COUNTY.

H. F. 478.

AN ACT to Legalize the Official Acts of S. S. N. Fuller, a Justice of the Peace in Harrison county, Iowa.

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

Legalizing  
clause.

SECTION 1. That all the official acts of S. S. N. Fuller as a justice of the peace in Harrison county, state of Iowa, since January first, 1876, be and the same are hereby legalized, made valid and confirmed; and the said S. S. N. Fuller is hereby authorized and permitted to file his official bond with the board of supervisors of said Harrison county, which shall be in all respects as valid as though the same had been filed on the first day of January, 1876.

Bond to be  
filed.

*Provided*, The same be filed within thirty days after the taking effect of this act.

Proviso.

To take effect.

SEC. 2. This act shall take effect and be in force on and after its publication in the *Iowa State Register*, and *Iowa State Leader*, newspapers published in Des Moines, Iowa, without expense to the state.

Approved March 11, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 15, 1876.

JOSIAH T. YOUNG, *Secretary of State.*



## CHAPTER 79.

## TAX SALES.

AN ACT to Authorize the Sale of Lands and Town Lots for Taxes S. F. 127. in certain cases, for an Amount less than the Taxes, Interest and Costs due thereon. [Additional to Code, Chapter 2, Title VI: "Of the Collection of Taxes."]

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

SECTION 1. That it shall be the duty of the several county treasurers of this state, on the first Monday of October in each year, or [at] any adjourned sale thereafter, to offer and sell at public sale, to the highest bidder therefor, all lands and town lots which then remain liable to sale for delinquent taxes, and which have heretofore been advertised and offered at public sale and passed for want of bidders, for two or more years, by giving general notice of such sale for six weeks previous thereto in the official papers of each of their respective counties, which said notice shall refer to and embrace the general provisions of this act; and in case of redemption of any real estate sold under the provisions of this act, the purchaser shall only receive the amount paid and a pro rata proportion of the penalty, interest and costs.

SEC. 2. That in ascertaining the interest and penalties to be paid upon the redemption of such real estate from such sale, the sum due on any piece or parcel of real estate sold under and by virtue of the provisions of this act, shall be taken to be the full amount of taxes, interest and costs due on such parcel at the time of such sale; and all the provisions of the revenue laws of Iowa, not inconsistent with this act, shall apply to such sale, and to the redemption of any real estate sold by virtue of this act; and the amount so paid for any parcel of real estate shall be apportioned pro rata among the different funds to which it belongs.

SEC. 3. The amount of taxes due on any real estate sold under the provisions of this act, in excess of the amount for which the same was sold, shall be credited, as unavailable tax, to the county treasurer, by the county auditor, apportioning the amount among the different funds to which the same belongs. The amount of such excess due to funds belonging to the state, shall be reported by the county auditor to the auditor of state as unavailable, who shall give the county credit for the same.

Approved March 11, 1876.

County treasurer on 1st Monday in October shall sell—

Lands heretofore advertised and offered for sale.

In case of redemption.

To ascertain interest and penalties to be paid for redemption.

Amount paid for any parcel to be apportioned.

Unavailable tax—

To be reported to State Auditor.

## CHAPTER 80.

## BOARDS OF SUPERVISORS.

H. F. 112. AN ACT to Repeal Sub-Division 24 of Section 303, Chapter 2, Title 4 of the Code to allow Boards of Supervisors to make Additional Appropriation for County Bridges, and Enact a Substitute in lieu thereof.

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

SECTION 1. That sub-division 24, of section 303, of title 4, of chapter 2, of the Code, be repealed and the following be enacted in lieu thereof: Sub-division 24. It shall not be competent for said board of supervisors to order the erection of a court house, jail, poor house, or other building, or bridge, when the probable cost will exceed five thousand dollars, nor the purchase of real estate, for county purposes, exceeding two thousand dollars in value, until a proposition therefor shall have been first submitted to the legal voters of the county, and voted for by a majority of all voting for and against such proposition at a general election, notice of the same being given for thirty days previously, in a newspaper, if one is published in the county, and if none be published therein, then by written notice posted in a public place in each township in the county.

Code, §303.

Must submit to vote, proposition to erect buildings or bridges.

On thirty days notice.

Exceptions: counties with population of ten thousand.

Of fifteen thousand population.

Bridge between two counties.

*Provided*, That the board of supervisors of any county having a population of more than ten thousand, may appropriate, for the construction of any one bridge, which is or may hereafter become a county charge, within the limits of such county, or may appropriate towards the construction of any bridge across any unnavigable river which is the dividing line between any two counties in this state, and between one county in this state, and another state, such sum as may be necessary, not exceeding the sum of forty dollars a lineal foot for superstructure, but in no case shall they appropriate for said purpose, including superstructure, and approaches, a sum exceeding fifteen thousand dollars.

*Provided*, however, that in any county having a population exceeding fifteen thousand, said board may appropriate as aforesaid, not to exceed twenty-five thousand dollars.

*Provided*, That no county shall expend a sum exceeding fifteen thousand dollars in aid of the construction of a bridge across a stream which is the dividing line between two counties.

Approved March 11, 1876.

## CHAPTER 81.

## BILLS OF EXCHANGE.

AN ACT to Establish Uniformity throughout the State in Regard to H. F. 9.  
Grace upon Sight Bills of Exchange.

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

SECTION 1. That all bills of exchange, drafts and orders payable within this state, except those drawn payable on demand, shall be entitled to grace.

Approved March 11, 1876.

## CHAPTER 82.

## LEGALIZING THE GRINNELL AND MONTEZUMA TELEGRAPH COMPANY.

AN ACT to Legalize the Incorporation of the Grinnell and Montezuma Telegraph Company. H. F. 486.

WHEREAS, The Grinnell and Montezuma Telegraph Company was organized under the laws of the state of Iowa, for the organization of corporations for pecuniary profit, on the 22nd day of November, 1875, and

WHEREAS, The said Grinnell and Montezuma Telegraph Company filed its articles of incorporation in the office of the recorder of Poweshiek county, Iowa, on the 22d day of November, 1875, and in the office of the secretary of state, of the state of Iowa, on the 4th day of February, 1876, and

WHEREAS, The notice of said corporation required by law to be published within three months from its organization, was not so published, but was published in the Montezuma Republican, a weekly newspaper published at Montezuma, Poweshiek county, Iowa, for four successive weeks commencing February 16th, 1876, and

WHEREAS, The said corporation has in all respects conformed to the requirements of the Code, relating to the organization of corporations, except in not publishing said notice within the time fixed by law; therefore,

*Be it enacted by the General Assembly of the State of Iowa:* Legalizing clause.

SECTION 1. That said publication shall have the same effect and force, as though it had been made and completed within the time required by law, from the organization of said corporation, and that the acts of said corporation shall be as legal and binding as though said notice had been published as required by law,

and that the individual property of the stockholders of said corporation shall not be liable for the debts of said corporation, by reason of the failure to publish said notice as required by law.

**SEC. 2.** This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register published at Des Moines, Iowa, and the Montezuma Republican published at Montezuma, Poweshiek county, Iowa, without cost to the state.

Approved, March 11, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register* March 16, and in the *Montezuma Republican*, March 22, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 83.

### LEGALIZING RECORDS OF DISTRICT COURT OF DES MOINES COUNTY.

**S. F. 240.** AN ACT to Legalize and declare of same force and effect as Originals, certain Records in District Court of Des Moines county Iowa.

**Preamble.** WHEREAS, On the 19th day of June, A. D. 1873, the court house at Burlington, in Des Moines county, was destroyed by fire, and the records of the district court of said county, from the April term, 1870, to the January term, 1873, inclusive, were totally destroyed, and,

WHEREAS, The board of supervisors of said county have procured a new record book, known and designated as "Records L., M., and N. Restored," and caused to be therein transcribed all the original decrees in causes, saved from said fire, which had been signed and enrolled in the *last* [lost] records, during said period; now, therefore,

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

**SECTION 1.** That the said book containing the record of said decrees now in the office of the clerk of the courts of said county, designated as "Records L., M., and N. Restored," be, and the same are hereby legalized, and when certified to be correct by said clerk, shall be taken and considered as prima facie evidence of the original record of the decrees therein recorded, and shall be admissible as such evidence in all cases at law or in equity, and copies of the same duly certified as required by law, shall have the same force and effect as such restored record would have if produced.

**SEC. 2.** This act being deemed of immediate importance, shall take effect from and after its publication in the State Register, and in the Burlington Hawk Eye.

Approved March 13, 1876.

I hereby certify that the foregoing act was published in the *Burlington Hawk Eye*, March 18, and in the *Iowa State Register*, March 29, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 84.

## RELATING TO TRANSFER OF FUNDS RAISED BY SPECIAL LEVY.

AN ACT to Provide for the Transfer of Moneys raised by Special Levy S. F. 243.  
to County fund for General purposes [Additional to Code, Chapter  
4, Title IV. "of the Board of Supervisors."]

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

SECTION. 1. That in any county of this state, where any special levy has been made to pay any claim, bond or other indebtedness and the same shall have remained in the treasury of the county, uncalled for, for a period of three years, the board of supervisors of such county may authorize such unclaimed fund to be transferred to the general county fund. Funding uncalled for.

SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa. To take effect.

Approved March 13, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 16, and in the *Iowa State Leader*, March 16, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 85.

## LEGALIZING TOWN OF ACKLEY.

AN ACT to Legalize the Incorporation and Corporate Acts of the Town of Ackley. H. F. 130.

WHEREAS, The inhabitants of the town of Ackley, in Hardin county, Iowa, being desirous of incorporating said town as provided by law, and for such purpose presented their petition to the circuit court of said county, at its August term, A. D. 1869, asking an order submitting the question of such incorporation to a vote of the electors residing within the proposed limits of said incorporation, namely; all of section number (2) two, in township number (89) eighty-nine, north, in range number (19) nineteen, west, of the 5th p. m., in said county and state, and Preamble.

WHEREAS, A large majority of the votes polled at said election were in favor of incorporating said town within the limits aforesaid, and

WHEREAS, The plat accompanying the records of proceedings had in relation thereto, as shown in record book No. 18, page 393, in the recorder's office in said county of Hardin, by mistake Defective plat.

indicates section No. (1) one, instead of section number (2) two, aforesaid, and

Papers not  
filed with the  
Secretary of  
State.

WHEREAS, A copy of the petition asking for the incorporation of said town of Ackley properly indorsed, together with the description and plat of said town were not deposited in the office of the secretary of state as required by sec. 4, chapt. 61, acts of the 12th general assembly of the state of Iowa, until recently,

Therefore, *Be it enacted by the General Assembly of the State of Iowa:*

Legalizing  
incorporation.

SECTION 1. That all proceedings had and acts done in relation to the incorporating of the said town of Ackley, shall be held and deemed to apply to section No. (2) two, in township No. (89) eighty-nine, north, range No. (19) nineteen, west of the 5th p. m., Iowa.

Recorder to  
correct  
record.

SEC. 2. The recorder of said Hardin county is hereby authorized and directed to correct the record referred to in the preamble of this act, so to show the true location of said incorporated town of Ackley, to-wit; upon section No. two instead of section No. one aforesaid.

Elections;  
ordinances;  
official acts.

SEC. 3. That all elections held, and all ordinances passed by the council of said incorporated town of Ackley, and all official acts done by the several officers of said town are hereby legalized and declared to have the same force and effect, as though the law had been strictly complied with in all respects and as though no mistake had occurred in defining the location of said town.

To take effect.

SEC. 4. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Ackley Enterprise, without expense to the state.

Approved March 14, 1876.

I hereby certify that the foregoing act was published in the *Ackley Enterprise*, March 17, and in the *Iowa State Register*, April 11, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 86.

### LEGALIZING SCHOOL TAXES IN CRAWFORD COUNTY.

H. F. 418. AN ACT to Legalize the Levy of certain school Taxes in Jackson township, Crawford county, Iowa.

Preamble.

WHEREAS, At the meeting of the district township of Jackson township, in Crawford county at its regular meeting in March, 1871, there was voted the following taxes, to-wit:

School house ten (10) mills, and at the regular meeting of the board of directors of the same township at its regular meeting in March, 1871, there was voted, the following taxes, to-wit:

Teacher's fund seven (7) mills, contingent fund seven (7) mills. The then acting secretary of the said district township failed to

report the said levies to the county auditor of said county in time for the annual levy of taxes for the year 1871, by the board of supervisors of said county at their regular meeting in September, 1871. Dist. Secretary failed to report to County Auditor.

WHEREAS, The board of supervisors of said county, at said session in September, 1871, gave the county auditor oral orders to procure and insert the amounts so voted by the said district township, and that the said auditor did procure and insert the said amounts directed by the said board of supervisors.

WHEREAS, Afterwards the Iowa Railroad Land Company and the Missouri River and Cedar Rapids Railroad Company instituted a suit in equity in which the said county was perpetually enjoined from collecting the taxes above named by reason of the irregularity of the said levy. Another suit has also been instituted causing great expense and vexatious litigation to this county, besides the loss of the money to the schools in the territory thus comprised in Jackson township, in the county aforesaid. Since the time above stated the township of Jackson has been divided into the following townships, to-wit: Morgan, Otter Creek, Stockholm and Jackson townships all of which have suffered by the loss of the taxes above named; therefore Suits in equity.

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

SECTION 1. That the following taxes voted by the district township of Jackson, in Crawford county, at its regular meeting in March, 1871, and at the regular meeting of the board of directors of the same township at its regular meeting in March, 1871, as follows, to-wit: School house ten (10) mills, teacher's fund seven (7) mills, contingent fund seven (7) mills be and the same are hereby legalized and declared valid, the same as though the law had in all respects been complied with by the district secretary of said township; *provided*, that the penalty due on said unpaid taxes, shall not be greater than what was due on said taxes when the said county was perpetually enjoined from the collection of the same by the Iowa Railroad Land Company, and the Missouri River and Cedar Rapids Railroad Company. Legalizing clause. Proviso: penalty.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, a newspaper published in Des Moines, and in the Denison Review and Crawford County Bulletin, newspapers published in Crawford county, without expense to the state. To take effect.

Approved, March 14, 1876.

I hereby certify that the foregoing act was published in the *Denison Review*, March 22, *Crawford County Bulletin*, March 23, and in the *Iowa State Register* March 29, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 87.

## LEGALIZING SALE OF SCHOOL LANDS IN CHEROKEE COUNTY.

H. F. 166. AN ACT to Legalize the Sale of certain School Lands in Cherokee County.

Preamble. WHEREAS, The board of supervisors of Cherokee county made sale, by contract, of certain school lands, described as follows;

The south half of the south west quarter of section sixteen, township ninety, range forty-one, to George W. Remy, on the 28th day of May, 1868, at the appraised price of \$1.75 per acre, which contract was afterwards assigned to John Guilliams; and

WHEREAS, The board of supervisors of Cherokee county made sale, by contract, of school lands, as follows; the northwest quarter of the southwest quarter, section sixteen, township ninety, range forty-one, to John Guilliams, on the 13th day of March, 1869, at the appraised price of \$1.75 per acre; and

WHEREAS, On the 21st day of February, 1870, the said John Guilliams exchanged the contracts for said lands with the county auditor of said county, taking a new contract therefor, at the same price per acre, in order that an error in the rate of interest in one of said contracts might be corrected; and

WHEREAS, The board of supervisors of said county afterwards approved said exchange of contracts; and

WHEREAS, The said new contract was made at a time when the school lands were withdrawn from market, and doubts have arisen as to the validity of said contract; therefore,

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

Sale legalized.

SECTION 1. That the sale of said lands is hereby legalized and made valid, and the proper authorities are hereby authorized and empowered to issue a patent for said real estate to the said John Guilliams, or his assigns, upon payment of the contract price therefor.

To take effect.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in Daily State Register, published at Des Moines, Iowa, and the Cherokee Times, published at Cherokee, Iowa; *provided*, that such publication shall be without expense to the state.

Approved March 14, 1876.

I hereby certify that the foregoing act was published in the *Cherokee Times*, March 9, and in the *Iowa State Register*, March 29, 1876.

JOSIAH T. YOUNG, *Secretary of State.*



## CHAPTER 88.

## TO CHANGE THE NAME OF WEST POINT.

AN ACT to Change the name of the Village of West Point, in Butler H. F. 490.  
County, Iowa.

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

SECTION 1. That the name of the village of West Point, in <sup>From West Point to</sup> Butler county, Iowa, be and the same is hereby changed to the name of Bristow; and that hereafter it shall be known and designated as the town of Bristow, and that all conveyances and transfers of all lots and real estate described and numbered on the recorded plat of the village of West Point, shall now and hereafter be known, numbered and described as of the town of Bristow.

SEC. 2. This act shall in no wise *effect* [affect] any vested <sup>Not to affect any vested rights.</sup> rights of any person or corporation acquired prior to the passage hereof.

SEC. 3. This act being deemed of immediate importance, shall <sup>To take effect.</sup> take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and in the Clarksville Star, a newspaper published in Butler county, Iowa, without expense to the state.

Approved March 14, 1876.

I hereby certify that the foregoing act was published in the *Clarksville Star*, March 23, and in the *Iowa State Register*, April 8, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 89.

## RELATING TO WEIGHT OF A BUSHEL OF OATS.

AN ACT to Amend Section 2049 of Chapter 1, Title 14, of the Code, in S. F. 223.  
relation to the Weight of a Bushel of Oats.

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

[SECTION 1.] That section 2049, of chapter 1, title 14, of the <sup>Code § 2049 amended.</sup> Code of 1873, be and the same is amended by striking out of the 8th line of said section the words "thirty-three," and inserting "thirty-two," so that the weight of a bushel of oats shall be <sup>32 pounds in- stead of 33.</sup> thirty-two pounds.

Approved March 14, 1876.

## CHAPTER 90.

## CITY ASSESSORS.

H. F. 488. AN ACT Providing for the Election of City Assessors in Cities Organized and Existing under Special Charters. [Additional to Code, Chapter 10, Title IV: "Of Cities and Incorporated Towns."]

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

Cities under special charter. One assessor. SECTION. 1. That the qualified electors of all cities organized and existing under special charters, shall, at their regular annual election, elect one city assessor, who shall hold his office for the term of one year and until his successor is elected and qualified.

To take effect. SEC. 2. This act being deemed of immediate importance, shall be in force from and after its publication in the Iowa State Register, and Iowa State Leader, anything in section 33 of the Code to the contrary notwithstanding.

Approved March 14, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 16, and in the *Iowa State Leader*, March 18, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 91.

## AGRICULTURAL COLLEGE.

S. F. 220. AN ACT to Amend Section 1617, Chapter 3, Title XII of Code. ["Of the State Agricultural College and Farm."]

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

Code, §1617 repealed. Money arising from sale of lands to be paid to state treasurer. SECTION 1. Section 1617, chapter 3, title XII of the Code is hereby repealed, and in lieu thereof it is enacted as follows: The moneys arising from the sale of said lands shall be paid into the state treasury, and shall be invested by the state treasurer subject to the approval of the executive council, in stocks of the United States, or of the states, or some other safe stocks, yielding not less than five per centum on the par value of said stocks as directed by the act of congress granting said lands, and the money arising from the interest on said stocks, on the deferred payments, and on the leases of said lands, as rental thereof, shall be paid over to the board of trustees, and may be loaned by said board of trustees on good and sufficient security when not needed to defray such expenses of the college, as said moneys are legally applicable to.

SEC. 2. This act being deemed of immediate importance, shall <sup>To take effect.</sup> be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa.

Approved March 14, 1876.

I hereby certify that the foregoing act was published in the Iowa State Register, March 16, and in the Iowa State Leader, March 16, 1876.  
JOSIAH T. YOUNG, Secretary of State.

CHAPTER 92.

LEGALIZING THE CITY OF OSKALOOSA.

AN ACT to Legalize the Organization of the City of Oskaloosa, as a H. F. 290. City of the Second Class, and to Legalize the Annexation thereto of Certain Territory.

WHEREAS, The city of Oskaloosa, in Mahaska county, Iowa, <sup>Preamble.</sup> held an election on the 14th day of January 1864 for the purpose of abandoning the special charter of said city, and to organize as a city of the second class under the provisions of chapter 51 of the revision of 1860 and amendments thereto; and

WHEREAS, The records of the proceedings connected with said <sup>Records lost or destroyed.</sup> abandonment and organization have been lost or destroyed; and

WHEREAS, Said city has been acting and recognized as a city of the second class since said proceedings were had; and

WHEREAS, Doubts have arisen as to the regularity of said proceedings; and

WHEREAS, The inhabitants of certain territory in said county <sup>Annexation.</sup> adjoining said city petitioned the circuit court of said county for the purpose of annexing said territory to said city under the provisions of chapter 10, title IV of the Code; and

WHEREAS, Commissioners were appointed by said court, and an election held on said territory on the 11th day of December, 1874, at which a large majority of the qualified electors residing upon said territory voted in favor of annexing said territory to said city, and other proceedings were had as provided by said chapter of the Code; and

WHEREAS, Doubts have arisen as to the regularity of the proceedings connected with the annexation of said territory and as to whether the same constitutes a part of said city as a city of the second class; therefore,

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

SECTION 1. That the organization of the city of Oskaloosa in <sup>Legalizing clause.</sup> Mahaska county, Iowa, as a city of the second class, and the annexation thereto of said territory are hereby legalized and rendered as valid and binding to all intents and purposes, as if all the proceedings in regard thereto had been conducted in strict accordance with law.

Approved March 14, 1876.

## CHAPTER 93.

## LEGALIZING AN ELECTION IN MITCHELL COUNTY.

H. F. 460. AN ACT to Legalize the Election held in Mitchell county, Iowa, on the 12th day of October, A. D. 1875.

Preamble. WHEREAS, At an election held in Mitchell county, Iowa, on the 12th day of October, A. D. 1875, by order of the board of supervisors of said county, as provided by section 310 of the Code, the question, "shall stock be restrained from running at large?" was submitted, and at said election a majority of the legal votes cast were in favor of restraining stock from running at large; and that notice of said election was published in the Mitchell County News, a newspaper published in said county three consecutive weeks, there having been an omission of one week's publication. The board of canvassers duly declared the result of said election to be a law, therefore,

Defective notice.

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

Legalizing clause. SECTION [1.] That the election held in Mitchell county, Iowa, on October 12th, A. D. 1875, on the question, "shall stock be restrained from running at large?" be and the same is hereby legalized, as are all the acts since done in pursuance of said stock law; and no act so done shall be declared invalid by reason of the failure or omission to give such notices as are provided by law.

To take effect. SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Mitchell County News, a newspaper published at Osage, Mitchell county, Iowa, without expense to the state.

Approved March 14, 1876.

I hereby certify that the foregoing act was published in the *Mitchell County News*, March 30, and in the *Iowa State Register*, April 5, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 94.

## SOLDIERS' ORPHANS' HOMES.

S. F. 20. AN ACT To Enlarge the Powers of the Trustees of the Soldiers' Orphans' Homes, and Provide for other Indigent Children of the State, and make Provision for Industrial Pursuits therein. [Additional to Code, Chapter 4, Title XI, "Of the Soldiers' Orphans' Homes."]

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

SECTION 1. That the board of trustees of the soldiers' or-

phans' home may receive into the care and privileges of the said home at Davenport, such destitute children as should, in their judgment, properly be admitted into said institution; *provided*, that the destitute children referred to, in this act, shall in all cases, have a legal settlement in this state; and *provided further*, that the soldiers' orphans' now at the other Iowa soldiers' orphans' homes shall be received at this institution and properly provided for before other children shall be received into this institution.

Who may be admitted; not restricted to soldiers' orphans.

Proviso.

SEC. 2. That all applications for the admission of such children shall be made through the board of supervisors of the county, wherein the person or persons to be admitted reside.

Application for admission: how made.

SEC. 3. That all children admitted to the said home under the provisions of this act, shall from and after the date of their reception be subject to all the rules and regulations therein in force; and the trustees of said home shall have all the control over and all the powers and rights of disposal of said children as are now or may be by law given them, in respect to the orphans of soldiers.

Government.

SEC. 4. That the propriety of admitting any child, under the provisions of this act, into the said home, shall be determined by the trustees of said institution. They may refuse to admit any child, who from any cause is deemed to be inadmissible.

Trustees to determine who shall be admitted.

SEC. 5. That payment to the said home, for the support and maintenance of children admitted as herein provided, and expenses of transmission of children to said home, shall be made by the state auditor, at the same time and in the same manner as is now or may be provided by law for the maintenance of soldiers' orphans.

Payment for support.

SEC. 6. The board of supervisors of the county from which such children are received into said home, shall make provisions for the payment, from any funds of the county not otherwise appropriated, for the amounts due monthly for the support of said children, and expenses of their transmission to said home, which amounts shall be paid to the state auditor at the same time that the state taxes are paid.

Board of supervisors shall provide.

SEC. 7. The trustees shall provide for the regular employment of all children received into the home, in some useful industrial pursuit, in order to enable them to support themselves after their discharge from the home, and shall also provide for each child the means of obtaining a common school education while such children remain inmates of the home. And any profits arising from any such labor shall go into the general support of the home, and shall be accounted for by the managers.

Employment.

Education.

SEC. 8. In cases of neglect or refusal of the board of supervisors of any county in the state to make the necessary levy for the support of children sent from said county, then, and in that case, the state board of equalization is hereby authorized and empowered to make the levy for such delinquent county or counties.

In case of refusal of board to make levy.

SEC. 9. *And be it further enacted*, That the soldiers' orphans now at the other state homes, shall be removed to the Davenport home within ninety days after the taking effect of this act.

Removal of orphans from other homes to Davenport.

SEC. 10. Section 1623 of the Code is hereby amended by

Code, §162B  
amended.  
Board of  
trustees.

striking out from the second and third lines thereof, the words "one person from each of the counties in which the said homes are located, and one from the state at large," and by inserting in lieu thereof the words "three persons from the state at large."

Approved March 15, 1876.

## CHAPTER 95.

### CITIES AND TOWNS.

S. F. 22. AN ACT to Amend Section 500, Chapter 10, Title 4, of the Code.

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

SECTION 1. That section five hundred, of chapter ten, title four, of the Code of Iowa, be amended by striking out the word "three" in the third line of said section, and inserting the word "five"; *provided*, that the provisions of this act shall not apply to cities having over 6,000 inhabitants, or less than 4,500 inhabitants, and in all other cases such loans shall not exceed the sum of three per cent. on such property.

SEC. 2. This *bill* [act] being deemed of immediate importance, shall take effect from and after its publication in the *Iowa State Register*, and *Iowa State Leader*, papers published in Des Moines.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 16, and in the *Iowa State Leader*, March 16, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 96.

### MCGREGOR AND MISSOURI RIVER RAILROAD COMPANY.

S. F. 34, 58½,  
and 96. AN ACT Relating to the Lands heretofore Granted to the McGregor and Missouri River Railroad Company, Resuming said Lands, and Re-granting the same upon new conditions to said Company, and Providing for Forfeiture thereof, and in case of such forfeiture, for the Disposition to be made of said Lands.

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

SECTION 1. That, whereas the McGregor and Sioux City railway company, now known as the McGregor and Missouri River railway company has failed to comply with the conditions and provisions of the acts of the twelfth general assembly of the state of Iowa, approved March 31st, 1868, entitled an act making a grant

Falling to  
comply with  
chap. 58, 12th  
G. A.

of land to the McGregor and Sioux City railway company, now therefore, all lands or rights to lands saving and excepting all those tracts and parcels lying within twenty miles on either side of the located or constructed line of the Sioux City and St. Paul railroad company, and within what is known as the "overlapping [overlapping] limits," heretofore granted or intended to be granted to the McGregor and Sioux City railway company, be and the same are hereby absolutely and entirely resumed by the state of Iowa.

The lands granted are hereby resumed.

SEC. 2. That all of said lands and rights to lands, be and are hereby granted to and conferred upon the McGregor and Missouri River railway company, upon the following express terms and conditions, viz: That the McGregor and Missouri River railroad company, then called the McGregor and Sioux City railway company, shall build and construct their railroad from Algona, in Kossuth county, to Emmetsburg, in Paltto Alto county, and locate and establish their depot upon the depot grounds of said company, as shown by the town plat of Emmetsburg; thence to Spencer, in Clay county, and locate and establish their depot upon section 7, in township 96, range 36, on or before the 1st day of January, A. D. 1877, and that the said McGregor and Missouri River railway company shall build and construct their railroad thence on the most direct and practicable route to the point of connection, in O'Brien county, within half mile of Sheldon, with the Sioux City and St. Paul railroad on or before the 1st day of December, A. D. 1877.

And granted to McGregor and Mo. River R. R. Co.

On conditions.

*Provided*, That federal legislation be had in 1876, by which the McGregor and Missouri River railway company is permitted to make its junction with the Sioux City and St. Paul railroad west or south-west of Primghar, outside of O'Brien county; then in that event said McGregor and Missouri River railroad shall be constructed from Spencer to Primghar, and thence to such point of intersection with the Sioux City and St. Paul railroad, as the McGregor and Missouri River railroad company may designate. And if federal legislation is had after 1876, than said McGregor and Missouri River railway company may intersect the Sioux City and St. Paul railroad at such point as the McGregor and Missouri River railroad company may determine. And, *provided further*, said railroad company or any other railroad company, accepting the provisions of this act, shall, at all times, be subject to such rules, regulations, and rates of tariff for the transportation of freights and passengers, as may from time to time be enacted and provided for by the general assembly of the state of Iowa, and further subject to the conditions, limitations, restrictions and provisions contained in this act, and in the acts of congress granting said lands to the state of Iowa, and the filing by any railroad company of the bond hereinafter provided, shall be taken and accepted as an acceptance by the company so filing, of the above proviso and each part thereof.

Proviso: federal legislation.

Accepting these provisions, shall be subject to legislative regulations.

SEC. 3. When the said railroad shall be built and constructed to Spencer, in Clay county, then and thereupon the governor of the state shall patent and transfer to said McGregor and Missouri River railway company, all the lands conveyed or appertaining

When R. R. Co. shall be entitled to patent.

to said grant lying east of said point and coterminous with the completed portion of said railroad; and when said railroad shall have been built and constructed to the point of connection in O'Brien county, with the Sioux City and St. Paul railroad, then and thereupon the governor of the state shall patent and transfer to said McGregor and Missouri River railway company all the remaining lands belonging to or embraced in said grant, appertaining to this line of railroad.

Proviso: shall first file bond.

*Provided*, That before any such patents shall issue, the said McGregor and Missouri River railway company, shall file with the secretary of state a good and sufficient bond, approved by the governor, in the sum of fifty thousand dollars, liquidated damages, within sixty days after the passage of this act, conditional upon the faithful performance of the provisions of this act, for the completion of said road to the point of connection in O'Brien county, with the Sioux City & St. Paul railroad, within the time specified in section two of this act.

Proviso: lands shall revert to state on failure to construct road.

*Provided further*, That if said McGregor and Missouri River railway company shall fail to build and construct their railroad within the time specified in this act, then all lands belonging and appertaining to said grant undisposed of at the date of the passage of this act shall revert to the state of Iowa, and this provision shall be interpreted to mean all lands under said grant not patented to the said company at the date of the passage of this act, by reason of railroad already constructed.

Terms on which road is to be built.

SEC. 4. The said railroad shall be built upon and subject to all the terms and conditions named in the act of 1868 above cited, save in such respects as said terms and conditions are changed or amended by this act.

On failure of the McG. & Mo. R. R. Co. to comply with this act, any other Co. may be substituted.

SEC. 5 Should the McGregor and Missouri River railway company fail to build and construct their railroad to Spencer, in Clay county, on or before the 1st of January, A. D. 1877, or fail to file the bonds required by this act within the time prescribed, then all lands belonging and appertaining to said grant undisposed of at the date of the passage of this act, shall revert to the state of Iowa, and this provision shall be interpreted to mean all lands under said grant not patented to the said company at the date of the passage of this act by reason of railroad already constructed; and any other railroad company first filing with the auditor of state, a good and sufficient bond in the sum of fifty thousand dollars, to be approved by the governor, and executive council, as provided in section three for a faithful performance of the provisions of this act, may be by advice of the governor and consent of the executive council, substituted to all the rights and subject to all the provisions of this act, to the same extent as if the lands were conferred upon said company and named by this act; and said company shall have the same time as is provided by section two of this act for the building of the road. Said grant shall then enure to the benefit of the Iowa, Dakotah and Black Hills railroad company, who shall have the right to file its bonds and accept said grant for thirty days thereafter, subject to the limitations and restrictions hereinbefore or herein-after provided.

I. D. & B. H. R. R. Co.



Sec. 6. Nothing contained in this act shall be so construed as to effect or change the rights of the McGregor and Missouri River railroad company, or of the Sioux City and St. Paul railroad company, as now existing in relation to lands where their rights conflict, or overlap, nor shall this act in any manner affect either company in any pending litigation, and if the McGregor and Missouri River railroad company shall obtain right or title to any lands heretofore patented to the state for the benefit of the Sioux City and St. Paul railroad company, over which the last named company has constructed its road, then the McGregor and Missouri River railroad company shall for the consideration of one dollar convey and release to the Sioux City and St. Paul railroad company a right of way over said lands on its present line, fifty feet in width on each side in ordinary cases, and in cases where cuts occur, such additional width as may be necessary for protection against drifting snow not exceeding one hundred and fifty feet in width on each side of said center line of track, and if any of said lands in dispute as to title shall be finally adjudged to the Sioux City and St. Paul railroad company, and be owned by it when the McGregor and Missouri River railroad company construct[s] its road or particularly designates its precise route or track to a junction with said Sioux City road, then the last named company shall for the consideration of one dollar convey to the McGregor and Missouri River railroad company, a like right of way as above for its road. It is further made an express condition of this grant that should the McGregor and Missouri River railway company be finally adjudged to be the owner of section thirteen (13,) town ninety-nine (99,) range forty-two (42) which has been heretofore patented to the state, for the use of the Sioux City and St. Paul railroad company, it being the section of land on which Sibley is located, in Osceola county, on which large expenditures and expensive improvements have been made by the Sioux City and St. Paul railroad company, it shall be the duty of the McGregor and Missouri River railway company to permit the Sioux City and St. Paul railroad company to purchase said section at the price of two dollars and fifty cents per acre, and upon the tender of the purchase money therefor, the last named company shall be entitled to receive said land by a conveyance of all the title received by said McGregor and Missouri River railway company of the United States or from the state of Iowa, and the Sioux City and St. Paul railroad company shall thereupon confirm said plat of Sibley and complete the title of Osceola county to the ground given for the court house, and also confirm the title to all donations of lots heretofore made for school houses and church lots and fulfill and confirm all contracts made with individuals for the sale of lots in Sibley, and it is further provided that in case the McGregor and Missouri River railway company shall be constructed to a connection with the Sioux City and St. Paul railroad company at Sheldon, then the last named company in consideration of the foregoing beneficial privileges, shall donate right-of-way and suitable depot grounds in the village of Sheldon, to said McGregor & Missouri River railway company.

Relating to  
the "overlap-  
ping limits."

Sec. 13, Tp. 99,  
R. 42.

**SEC. 7.** The acceptance of the provisions of this act shall be deemed a release by the company accepting the same of all claims to unpatented land, selected for and belonging to the original grant, which have been entered and occupied in good faith pursuant to the provisions of the pre-emption or homestead laws; and upon the making of final proof of occupation and improvement now required by law, and of good faith as aforesaid to the satisfaction of the register of the state land office, the governor is hereby authorized to execute a patent for such land to the persons entitled thereto.

**SEC. 8.** This act being deemed of immediate importance, it shall be in force from and after its publication in the *Iowa State Leader*, and *State Register*, daily papers published in Des Moines, Iowa.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 22, and in the *Iowa State Register*, March 22, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 97.

### LEASING CONVICT LABOR AT THE PENITENTIARY.

**S. F. 263.** AN ACT to amend Section 4, Chapter 35, of the Private, Local, and Temporary Acts of the Fifteenth General Assembly.

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

**SECTION 1.** That section 4, of chapter 35, of the private, local, and temporary acts of the fifteenth general assembly, be, and the same is hereby repealed, and that the following be enacted in lieu thereof:

**SEC. 4.** That all the acts of said commissioners shall be approved by the executive council before they shall be binding on the state, and that the labor of the convicts of said penitentiary shall be leased by said commissioners at such rates and for such time as they shall deem for the best interest of the state, and they shall have authority to modify or cancel any existing contract in relation to the lease of said convict labor, with the approval and consent of the contracting parties and consent of the executive council when they shall deem it for the best interests of the state.

**SEC. 2.** The commissioners, with the consent of the executive council, may remove convicts confined at Fort Madison, to the penitentiary at Anamosa in such manner, at such time, and in such numbers as they may think for the best interests of the state.

SEC. 3. This act being deemed of immediate importance, shall <sup>To take effect.</sup> take effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 20, and in the *Iowa State Register*, March 23, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 98.

### LEGALIZING TOWN OF CARLISLE.

AN ACT to Legalize the Incorporation of the Town of Carlisle and its S. F. 249. Ordinances and the Acts of its Officers thereunder.

WHEREAS, At the May term, 1870, of the circuit court of the <sup>Preamble.</sup> 1st circuit of the 5th judicial district of the state of Iowa, due and legal steps were taken to incorporate the town of Carlisle in the county of Warren, state of Iowa, and

WHEREAS, All requirements of law were complied with in the <sup>Failed to file papers.</sup> incorporation of said town of Carlisle, except the filing of the papers in the recorder's office of the county, and the office of the secretary of state, as provided in chapter 51 of the revision of 1860 and laws amendatory thereto, and

WHEREAS, Said papers were not filed in the recorder's office of said Warren county, or in the office of the secretary of state, until July 16th, 1875, and

WHEREAS, The council of said town of Carlisle did make and adopt laws, rules and ordinances for the government of said town of Carlisle, and

WHEREAS, Doubts exist as to the legality of such incorporation and the official acts of the council and officers of the same; therefore,

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

SECTION 1. That the incorporation of said town of Carlisle be <sup>Legalizing clause.</sup> and the same is hereby legalized, and all the ordinances passed and the rules and regulations adopted by the council of said town, and all the official acts of the officers thereunder be, and the same are hereby declared to be legal and valid in every respect, as fully and completely as if the law had been strictly complied with as provided in chapter 51 of the revision of 1860, and the laws amendatory thereto.

SEC. 2. This act being deemed of immediate importance, <sup>To take effect.</sup> shall take effect and be in force from and after its publication in the Iowa State Register, published in Des Moines, Iowa, and

the Warren County Record, a newspaper published at Indianola, Iowa, without expense to the state.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 23, and in the *Warren County Record*, March 23, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 99

### TO PROVIDE FOR PAINTING THE PORTRAIT OF ANSEL BRIGGS.

S. F. 188. AN ACT to appropriate money for Painting the Portrait of Hon. Ansel Briggs, first Governor of the State of Iowa.

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

SECTION 1. That there be appropriated from any money in treasury of the state of Iowa, not otherwise appropriated, the sum of one hundred and twenty-five dollars, or such sum as may be necessary, for the purpose of procuring the portrait of Honorable Ansel Briggs, the first governor of said state of Iowa, that the same may be placed with the portraits of the other chief executives of said state in the state house.

\$125 appropriated.

Executive Council to engage artist.

SEC. 2. The executive council may engage a suitable artist to paint such portrait, and at a price not exceeding the amount hereby appropriated, making the acceptance and payment therefor to depend on such picture being, when painted, satisfactory to said executive council. When such portrait is so painted and accepted, the said council may order the agreed price audited and allowed and paid from this appropriation.

Approved March 15, 1876.

## CHAPTER 100.

### RELATING TO MECHANICS' LIENS.

S. F. 142. AN ACT Repealing Chapter 8, of Title 14, of the Code, and providing for Mechanics' Liens.

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

SECTION 1. Chapter eight, of title 14, of the Code, titled "Of Mechanics' Liens," is hereby repealed; *provided*, that this repeal shall not *effect* [affect] any contract already made, executed, or executory, or impair any right whatever, arising under the law hereby repealed.

Code, chap. 8, title XIV. repealed. Not to affect any contract already made.

SEC. 2. No person shall be entitled to a mechanic's lien, who, at the time of executing or making the contract for furnishing material or performing labor, as hereinafter provided; or during the progress of the work, erection, building or other improvement, shall take any collateral security on such contract. But after the completion of such work, and when the contractor or other person shall have become entitled to claim, or have a lien, the taking collateral or other security shall not affect the right to such mechanic's lien, unless such new security shall be by express agreement given and received in lieu of the mechanic's lien.

Collateral security: prevents a lien.

Except.

SEC. 3. Every mechanic, or other person who shall do any labor upon, or furnish any materials, machinery, or fixtures, for any building, erection or other improvement, upon land, including those engaged in the construction or repair of any work of internal improvement, by virtue of any contract with the owner, his agent, trustee, contractor, or sub-contractor, upon complying with the provisions of this chapter, shall have for his labor done, or materials, machinery or fixtures furnished, a lien upon such building, erection or improvement, and upon the land belonging to such owner on which the same is situated, to secure the payment of such labor done, or materials, machinery, or fixtures furnished.

Who may have a lien.

SEC. 4. The entire land upon which any such building, erection, or other improvement is situated, including that portion of the same not covered therewith, shall be subject to all liens created by this chapter, to the extent of all the right, title and interest owned therein by the owner thereof, for whose immediate use or benefit such labor was done or things furnished, and when the interest owned in said land by such owner of such building, erection or other improvement is only a lease hold interest, the forfeiture of such lease for the non-payment of rent, or for non-compliance with any of the other stipulations therein, shall not forfeit or impair such liens so far as concerns such buildings, erections and improvements, but the same may be sold to satisfy said lien, and be moved within thirty days after the sale thereof by the purchaser.

Extent of lien.

SEC. 5. And when such material shall have been furnished or labor performed, in the construction, repair, or equipment of any railroad, canal, viaduct, or other similar improvement, the lien therefor shall extend and attach to the erection, excavations, embankments, bridges, road-bed, and all land upon which the same may be situated, including the rolling stock thereto appertaining and belonging; all of which, except the easement or right of way, shall constitute the building, erection or improvement provided and mentioned in this statute.

Extent of lien on work of internal improvement.

SEC. 6. Every person, whether contractor or sub-contractor, who wishes to avail himself of the provisions of this statute, shall file with the clerk of the district court of the county in which the building, erection or other improvement to be charged with the lien is situated, a just and true statement or account of the demand due him after allowing all credits, setting forth the time when

Contractor or sub-contractor to make and file statement.

such material was furnished or labor performed, and when completed, and containing a correct description of the property to be charged with the lien, and verified by affidavit. Such verified statement or account must be filed by a principal contractor, within ninety days, and by a sub-contractor within thirty days from the date on which the last of the material shall have been furnished, or the last of the labor was performed. But a failure or omission to file the same within the periods last aforesaid, shall not defeat the lien, except against purchasers or encumbrancers in good faith without notice, whose rights accrued after the thirty or ninety days, as the case may be, and before any claim for the lien was filed; *Provided*, That where a lien is claimed upon a railway, the sub-contractor shall have sixty days from the last day of the month in which such labor was done or material furnished, within which to file his claim therefor.

**Time of filing.** such material was furnished or labor performed, and when completed, and containing a correct description of the property to be charged with the lien, and verified by affidavit. Such verified statement or account must be filed by a principal contractor, within ninety days, and by a sub-contractor within thirty days from the date on which the last of the material shall have been furnished, or the last of the labor was performed. But a failure or omission to file the same within the periods last aforesaid, shall not defeat the lien, except against purchasers or encumbrancers in good faith without notice, whose rights accrued after the thirty or ninety days, as the case may be, and before any claim for the lien was filed; *Provided*, That where a lien is claimed upon a railway, the sub-contractor shall have sixty days from the last day of the month in which such labor was done or material furnished, within which to file his claim therefor.

**Failure to file shall not defeat the lien.** or omission to file the same within the periods last aforesaid, shall not defeat the lien, except against purchasers or encumbrancers in good faith without notice, whose rights accrued after the thirty or ninety days, as the case may be, and before any claim for the lien was filed; *Provided*, That where a lien is claimed upon a railway, the sub-contractor shall have sixty days from the last day of the month in which such labor was done or material furnished, within which to file his claim therefor.

**Except.** in good faith without notice, whose rights accrued after the thirty or ninety days, as the case may be, and before any claim for the lien was filed; *Provided*, That where a lien is claimed upon a railway, the sub-contractor shall have sixty days from the last day of the month in which such labor was done or material furnished, within which to file his claim therefor.

**Sub-contractor must give notice of filing claim.** To preserve his lien as against the owner and to prevent payments by the latter to the principal contractor or to intermediate sub-contractors, but for no other purpose, the sub-contractor must, within the thirty days as provided in section six (6) serve upon such owner, his agent or trustee, a written notice of the filing of said claim, which notices may be served by any sheriff or constable, or other person; and if the party to be served, his agent or trustee, is out of the county wherein the property is situated a return of that fact by the officers shall constitute sufficient service from and after it is filed with the clerk. But the lien of the sub-contractor may at any time be vacated and discharged by the owner, contractor, or intermediate sub-contractor, *filed* [filing] with the clerk of the said district court a bond in twice the amount of the sum for which the mechanic's lien is claimed and filed with two or more sureties to be approved by the clerk, conditioned for the payment of any sum for which the mechanic may obtain judgment upon the demand of which such statement or account has been filed. But if no claim for a lien is filed within the periods hereinbefore provided and the notice thereof is not served, or if such thing being done and the bond as above provided is filed, then the owner or contractor may thereafter proceed, make payments and adjust their claims, without regard to the lien of the sub-contractor, and nothing in this act contained shall be construed to require the owner to pay a greater amount or in any other manner or at earlier dates than those provided in his contract. But the liens created by this act are for the full enforcement thereof for the use and benefit of the holders of said liens.

**Sufficient service.** To preserve his lien as against the owner and to prevent payments by the latter to the principal contractor or to intermediate sub-contractors, but for no other purpose, the sub-contractor must, within the thirty days as provided in section six (6) serve upon such owner, his agent or trustee, a written notice of the filing of said claim, which notices may be served by any sheriff or constable, or other person; and if the party to be served, his agent or trustee, is out of the county wherein the property is situated a return of that fact by the officers shall constitute sufficient service from and after it is filed with the clerk. But the lien of the sub-contractor may at any time be vacated and discharged by the owner, contractor, or intermediate sub-contractor, *filed* [filing] with the clerk of the said district court a bond in twice the amount of the sum for which the mechanic's lien is claimed and filed with two or more sureties to be approved by the clerk, conditioned for the payment of any sum for which the mechanic may obtain judgment upon the demand of which such statement or account has been filed. But if no claim for a lien is filed within the periods hereinbefore provided and the notice thereof is not served, or if such thing being done and the bond as above provided is filed, then the owner or contractor may thereafter proceed, make payments and adjust their claims, without regard to the lien of the sub-contractor, and nothing in this act contained shall be construed to require the owner to pay a greater amount or in any other manner or at earlier dates than those provided in his contract. But the liens created by this act are for the full enforcement thereof for the use and benefit of the holders of said liens.

**Lien may be discharged by filing bond.** To preserve his lien as against the owner and to prevent payments by the latter to the principal contractor or to intermediate sub-contractors, but for no other purpose, the sub-contractor must, within the thirty days as provided in section six (6) serve upon such owner, his agent or trustee, a written notice of the filing of said claim, which notices may be served by any sheriff or constable, or other person; and if the party to be served, his agent or trustee, is out of the county wherein the property is situated a return of that fact by the officers shall constitute sufficient service from and after it is filed with the clerk. But the lien of the sub-contractor may at any time be vacated and discharged by the owner, contractor, or intermediate sub-contractor, *filed* [filing] with the clerk of the said district court a bond in twice the amount of the sum for which the mechanic's lien is claimed and filed with two or more sureties to be approved by the clerk, conditioned for the payment of any sum for which the mechanic may obtain judgment upon the demand of which such statement or account has been filed. But if no claim for a lien is filed within the periods hereinbefore provided and the notice thereof is not served, or if such thing being done and the bond as above provided is filed, then the owner or contractor may thereafter proceed, make payments and adjust their claims, without regard to the lien of the sub-contractor, and nothing in this act contained shall be construed to require the owner to pay a greater amount or in any other manner or at earlier dates than those provided in his contract. But the liens created by this act are for the full enforcement thereof for the use and benefit of the holders of said liens.

**Extent of lien if claim is filed after expiration of thirty days.** A sub-contractor may at any time after the expiration of said thirty days, file his claim for a mechanic's lien, with the clerk of the district court, as hereinbefore provided, and give written notice thereof to the owner, his agent or trustee, as provided in section seven (7) and from and after the service of such notice his lien shall have the same force and effect, and be prosecuted or vacated by bond, as if filed within the thirty days; but shall be enforced against the property or upon the bond, if given by the owner only to the extent of the balance due from the owner to the contractor at the time of the service of such notice

upon the owner, his agent or trustee. But if in such case the bond is given by the contractor or person contracting with the sub-contractor filing the claim for a lien, such bond shall be enforced to the full extent of the amount found due the sub-contractor.

SEC. 9. The mechanic's lien provided for by this statute shall take priority as follows: Priority.

*First.* As between persons claiming mechanics' liens upon the same property, according to the order of the filing of the statements and accounts therefor.

*Second.* They shall take priority to all garnishments upon the person of the owner for the contract debt, made prior or subsequent to the commencement of the furnishing of the material or performance of the labor, without regard to the date of filing the claim for mechanic's lien. Over garnishments.

*Third.* They shall be preferred to all other liens and incumbrances which may be attached to or upon such building, erection or other improvements, or either of them, and to the land upon which they are situated, made subsequent to the commencement of said building, erection or other improvement. *Provided,* That the rights of purchasers, *encumbrances* [encumbrancers] and other persons, who acquire interests in good faith for valuable consideration, and without notice after the expiration of the time for filing claims for liens as provided in section six (6), shall be prior and paramount to the claims of all contractors or sub-contractors, who have not, at the date such rights and interests were acquired, filed their claims for mechanics' liens. Over all other liens and incumbrances. Proviso: interests in good faith without notice.

*Fourth.* The liens for the things aforesaid or the work, including those for additions, repairs and betterments, shall attach to the buildings, erections or improvements for which they were furnished or done, in preference to any prior lien or encumbrance or mortgage upon the land upon which such erection, building or improvement belongs, or is erected or put. If such material was furnished or labor performed in the erection or construction of an original and independent building, erection or other improvement commenced since the attaching or execution of such prior lien, encumbrance or mortgage, the court may in its discretion order and direct such building, erection or improvement to be separately sold under execution, and the purchaser may remove the same within such reasonable time as the court may fix. But if in the discretion of the court such building should not be separately sold, the court shall take an account and ascertain the separate values of the land, and the erection, building or other improvement, and distribute the proceeds of sale so as to secure to the prior mortgage or other lien, priority upon the land, and to the mechanic's lien, priority upon the building, erection, or other improvement. If the material furnished or labor performed was for addition to, repairs of, or betterments upon buildings, erections or other improvements, the court shall take an account of the values before such material was furnished or labor performed, and the enhanced value caused by such additions, repairs or betterments and upon the sale of the premises, distribute Shall attach any building &c. in preference to prior lien on land where building is situated. Court may direct building to be sold separately. Where labor was on additions, the mechanic's lien shall take priority on enhanced value caused by such repairs.

the proceeds of sale so as to secure to the prior mortgage or lien priority upon the land and improvements as they existed prior to the attaching of the mechanic's lien, and to the mechanic's lien priority upon the enhanced value caused by such additions, repairs or betterments. In case the premises do not sell for more than sufficient to pay off the prior mortgage or other lien, the proceeds shall be applied on the prior mortgage or other liens.

**Definition of "owner."** SEC. 10. Every person for whose immediate use or benefit of any building, erection, or other improvement is made, having the capacity to contract, including guardians of minors, or other persons shall be included in the word "owner" thereof.

**Definition of "sub-contractor."** SEC. 11. All persons furnishing things or doing work provided for by this act shall be considered sub-contractors, except such as have therefor contracts directly with the owner, proprietor, his agent or trustee.

**Lien—How enforced.** SEC. 12. Any person having filed a claim for a lien by virtue of this chapter, may at once bring suit to enforce the same, or upon any bond given in lieu thereof, in the district or circuit court of the county wherein the property is situated.

**Suit shall be begun on demand, or lien forfeited.** SEC. 13. Upon the written demand of the owner, his agent or contractor, served on the person claiming the lien requiring him to commence suit to enforce such lien, such suit shall be commenced in thirty days thereafter, or the lien shall be forfeited. The mechanic's liens are assignable, and shall follow the assignment of the debt; and where such lien is for personal services, the same shall be exempt from execution, as now provided for such services.

**Assignable.** SEC. 14. The clerk of the district court shall endorse upon every account or statement the date of its filing, and make the abstract thereof in a book by him to be kept for that purpose, and properly indexed, containing the date of its filing, the name of the person filing the lien, the amount of the lien, the name of the person against whom the lien is filed, and a description of the property to be charged with the same.

**Duty of clerk.** SEC. 15. Whenever a lien has been claimed by filing the same in the clerk's office, and is afterwards paid, the creditor shall acknowledge satisfaction thereof upon the proper book in such office, or otherwise, in writing; and if he neglect to do so for ten days after the demand, he shall forfeit and pay twenty-five dollars to the owner or contractor and be liable to any person injured, to the extent of his injury.

**Acknowledgment of satisfaction; penalty for failure.** Approved March 15, 1876.



## CHAPTER 101.

## WIRE FENCE.

AN ACT to Amend Sec. 1507, Chap. 5, Title 11, of the Code.

S. F. 29.

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

SECTION 1. That section 1507 of the Code, be and the same is amended by inserting after the word "rail," in the (10th) tenth line, the word "wire," and by inserting in the (12th) twelfth line, after the word "height," the words "except that a barbed wire fence may consist of three barbed wires, or of four wires, two of which shall be barbed, such fence in either case to have not less than forty iron barbs to the rod; the wires to be firmly fastened to posts not more than two rods apart, with two stays between the posts, or with posts not more than one rod apart without such stays, the top wire to be not more than fifty-six nor less than forty-eight inches in height, and the bottom wire not more than twenty nor less than sixteen inches from the ground.

Code, §1507 amended.

Barbed wire fence of three wires. Requirements.

Approved March 15, 1876.

## CHAPTER 102.

## TO DEFINE AND PUNISH THE CRIME OF SWINDLING.

AN ACT to Define the Crime of Swindling and to Punish the Same.

H. F. 496.

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

SECTION 1. That whoever by the means of three-card monte so-called or any other form or device, sleight-of hand or other means whatever, by use of cards or instruments of like character, obtains from another person any money or other property of any description, shall be deemed guilty of the crime of swindling, and shall, on conviction thereof, be punished by a fine not less than two hundred dollars nor more than two thousand dollars, or by imprisonment in the penitentiary not less than two years nor more than five years, or by both such fine and imprisonment in the discretion of the court. All persons aiding, encouraging, advising or confederating with, or knowingly harboring or concealing, any such person or persons, or in any manner being accessory to the commission of the above-described offense, or confederating together for the purpose of playing such games, shall be deemed principals therein, and punished accordingly.

Swindling defined and punishment for same.

Accessories.

SEC. 2. The jurisdiction of all the offenses described in section one (1) of this act which shall be committed on any railroad car, coach, train, boat or other public conveyance, or in or at any

Jurisdiction.

railroad station or depot shall be in any county through which said car, coach, train, boat or other public conveyance may pass during the trip or voyage, or in which the trip or voyage may begin or terminate, and in all other cases the jurisdiction shall be in the county in which the offense is committed.

Who may  
make arrest.

SEC. 3. Every person shall possess the power and authority, and it shall be the duty of every conductor, or other employe on any railroad, car or train, and of every captain, clerk or other employe on any boat, or station agent at any railway depot, or the officers of any fairs or fair grounds, and the proprietors of any place of public resort, and their employes, with or without warrant to arrest any person or persons whom they or either of them shall find in the act of committing any of the offenses mentioned in the first section of this act, or any person, or persons whom he or they may have good reason to believe to have been guilty of the commission of the said offenses, and to take such person or persons before a magistrate in any county where jurisdiction to try said offenses exists by virtue of this act, and deliver such person or persons so arrested to the magistrate, and make written complaints under oath of the facts. And for executing the powers conferred by this section, the person making the arrest shall possess the same powers in all respects as are exercised by officers with warrants, including the power to summon assistance; and it shall be the duty of the person making such arrest to also arrest the person injured or defrauded by reason of the commission of any of the offenses mentioned in section one (1) of this act, and take such person before the examining magistrate, who shall require such person to give security to appear and testify on the trial of the cause, and such person or persons shall not be deemed to be guilty of the offense mentioned in section one (1) of this act, nor of the offense of gambling unless such person or persons shall have failed to appear and give evidence on the trial.

With what  
powers.

Person de-  
frauded to be  
arrested.

And the persons performing the services required by this act shall receive the same compensation as sheriffs receive for like services.

Compensa-  
tion.

SEC. 4. It shall be the duty of any conductor, captain, hotel or saloon keeper, proprietor or manager of any public conveyance or place of public resort, and the officers of any fair or fair grounds, to eject from his car, train, boat, hotel, saloon, public conveyance, fair grounds or place of public resort, any person known to him or whom he has good reason to believe to be a three-card-monte-man, or who offers to wager or bet money or other valuable things upon what is commonly known as three-card-monte, or bet on any trick, or game with cards or other gaming device and for such ejection no action for damage shall be maintained. And any parties operating any public conveyance by which passengers are carried shall keep posted up a copy of this law in such conveyance.

Duty of con-  
ductor, cap-  
tain, &c.

Conductor,  
captain, &c.  
to be deemed  
guilty.

SEC. 5. Any conductor of a railroad train, captain of any steamboat, proprietor or manager of any public conveyance, officer of any fair or fair grounds, or place of public resort, any hotel or saloon keeper or their agent or employe, who shall fail,

neglect or refuse to perform the duties herein mentioned, or who shall knowingly suffer or permit a violation of this act shall be deemed guilty of a misdemeanor, and the jurisdiction of such offense shall be the same as that provided in section 2 of this act.

SEC. 6. Any person may be convicted for violation of section number one (1) of this act, on his own confession out of court, or upon the testimony of an accomplice. Evidence.

SEC. 7. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register at Des Moines, and Council Bluffs Daily Nonpareil, newspapers published in the state of Iowa, the provisions of section thirty-three of the Code to the contrary notwithstanding. To take effect.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 23, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 103.

### MUTUAL ASSOCIATIONS.

AN ACT to amend Section 1160, Chapter 4, Title 9, of the Code, relating to the Number of Members of Mutual Associations. S. F. 75.

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

[SECTION 1.] That section 1160, chapter 4, title 9, of the code, be, and the same is hereby amended by adding at the end of said section the following: Code, §1160 amended.

“*Provided*, That the limitation of 2,000, herein provided for, shall not apply to benevolent or charitable societies, having as one of their objects a species of life insurance, for the payment of which, on the death of any member, a tax of a fixed sum is levied upon each member of the society or order.” Limitation not to apply to certain societies.

[SEC. 2.] This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and the Iowa State Leader, newspapers published at Des Moines, Iowa. To take effect.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 21, and in the *Iowa State Register*, March 24, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 104. •

## LEGALIZING THE CONVEYANCE OF LAND FOR CEMETERY PURPOSES IN CRAWFORD COUNTY.

S. F. 268. AN ACT to Legalize the Conveyance of a certain tract of Land for Cemetery Purposes in Denison Township, Crawford County, Iowa.

Preamble, WHEREAS, The owners of a certain tract of land in Denison township, Crawford county, Iowa, did set apart said tract as a cemetery for the purpose of suitably fencing, platting, and protecting the same, and of selling lots therein for meeting expenses, in the usual manner of managing cemetery tracts, by the following described instrument, viz:

“Know all men by these presents, that we, Jesse W. Denison, Edward S. Plimpton, and Morris McHenry, the owners of the s  $\frac{2}{3}$  of the e  $\frac{1}{4}$  of the se  $\frac{1}{4}$  of section 14, township 83, N. of R. 39, W. of the 5th P. M., containing 50 acres, according to the government survey, do hereby set apart and dedicate the aforesaid tract of land to be used as a cemetery.”

WHEREAS, Said parties did thereupon proceed to improve and prepare the same for cemetery purposes, as contemplated in said dedication, by inclosing and regularly platting and laying off the same into lots and blocks.

WHEREAS, Said owners did subsequently convey the same to an incorporate company for cemetery purposes in furtherance of the said object; and

WHEREAS, Doubts have arisen as to the legality of said conveyance by reason of the wording of said aforementioned instrument; therefore,

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

Legalizing clause. [SECTION 1.] That said conveyance of the aforementioned tract of land to said company for cemetery purposes is hereby legalized.

Approved March 15, 1876.

## CHAPTER 105.

## APPROPRIATION FOR SOLDIERS' ORPHANS' HOME.

S. F. 242. AN ACT to Make Appropriation for the Iowa Soldiers' Orphans' Home and Home for Indigent Children at Davenport, Iowa.

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

SECTION 1. That there be and the same is hereby appropriated out of the funds in the state treasury not otherwise appro-

priated, the sum of four thousand three hundred and fifty dollars <sup>\$4,350 appro-</sup> to be expended by the board of trustees of said home in manner <sup>priated.</sup> following:—

1. For steam filling and washing machine for laundry.....	\$ 200.00
2. For building fences.....	200.00
3. For painting, repairs, and whitewashing.....	200.00
4. For library.....	200.00
5. For furniture, including pumps.....	500.00
6. For new bake oven.....	500.00
7. For lumber, hardware, carpenters work, and general repairs on buildings.....	2000.00
8. For expenditures in introducing industrial pursuits for employment of inmates of said home.....	550.00
	\$4350.00

SEC. 2. Said several sums of money so appropriated shall only be drawn out of the state treasury upon the order of the board of trustees. <sup>Drawn on order of trustees.</sup>

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, published at Des Moines, Iowa, and the Davenport Gazette, published at Davenport, Iowa. <sup>To take effect.</sup>

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 24, and in the *Davenport Gazette*, March 27, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

### CHAPTER 106.

#### IN RELATION TO DIVISION HEDGES.

AN ACT in relation to Hedges on Division Lines between adjoining Land Owners. [Additional to Code, chapter 4, Title XI: "Of Fences."] <sup>S. F. 147.</sup>

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

SECTION 1. That if any person shall desire to plant or make a hedge fence on any line separating his lands, or enclosures from the lands, or enclosures of any other person, or persons, he shall be allowed to make or build a fence sufficient to protect the hedge and set the same five feet beyond the line on the adjoining lands and keep the same there, not more than five years, and free from weeds and then he shall be allowed to remove the same, and during which time he shall be permitted to cultivate the land <sup>Fence may be built five feet beyond the division line.</sup>

Proviso. thus enclosed for the benefit of the hedge; *provided*, he shall enter upon the cultivation of said hedge within twelve months from the time said fence is removed on the adjoining land.

Builder of hedges on entire division line to receive pay for one half. SEC. 2. When any person builds a hedge on the entire line between his own and unenclosed lands, when said lands are enclosed the owner thereof shall pay for one half of said hedge, the value to be ascertained by the fence viewers, and the manner of proceeding in this respect shall conform to the provisions of the law now in force in relation to the ascertainment of the value of partition fences with like remedies; the maker of said hedge

Proviso. to select his own half thereof; *provided*, this act shall not apply to town lots.

To take effect. SEC. 3. This act being deemed of immediate importance, shall be in force after its publication in the State Register, and State Leader, papers published in Des Moines.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 22, and in the *Iowa State Register*, March 25, 1876.  
 JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 107.

### RELATING TO LEVY OF SPECIAL TAX IN CITIES.

H. F. 127. AN ACT to Empower Cities to levy a Special Tax for Sewerage Purposes. [Additional to Code, Chapter 10, Title IV: "Of Cities and Incorporated Towns.]"

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

Levy of two mills for a sewerage fund. SECTION 1. That any city within this state may levy a tax of not more than two mills on the dollar in addition to the maximum tax now authorized by law for the purpose of commencing a general system of sewerage in such city, and the money so raised shall constitute a sewerage fund, and shall be applied to no other purpose.

May condemn private property. SEC. 2. *And, be it further enacted*, That when, for the purpose of carrying off the water of any stream which flows within or through the said city, it becomes expedient to cause a principal sewer to pass through private property, the right to condemn such property for this purpose is hereby conferred upon its council. And the powers granted shall be the same in other respects as those enjoyed by railway companies, by and under the provisions of the Code. The proceedings to enforce their powers shall also be the same, except that all damages shall be assessed by a board of three commissioners. These shall be appointed by the city council and may be changed at the pleasure thereof. They must be free from all personal interest in subjects brought before them for their adjudication, and they may decide on any

Commissioners to assess damages.

question of damages that may arise in respect to any of the property that may be claimed to be injured by the construction of said sewer.

SEC. 3. *And, be it further enacted,* That instead of constructing such principal sewer itself, the city may authorize its construction by any individual or company, and may agree to pay therefor out of the sewerage fund. And the city council may also make all needful rules and regulations in relation to any of the sewers in their respective cities and may regulate the manner in which any property holder may connect therewith and may also prescribe all needful regulations pertaining thereto.

In relation to construction: by whom.

SEC. 4. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and the Iowa State Leader, as provided by law.

To take effect.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 22, and in the *Iowa State Register*, March 24, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 108.

### HOSPITAL FOR THE INSANE AT INDEPENDENCE.

AN ACT making an appropriation for the Iowa Hospital for the Insane S. F. 117. at Independence.

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

SECTION 1. That there is hereby appropriated for the Iowa hospital for the insane at Independence, out of any money in the treasury not otherwise appropriated, the following sums, and for the following purposes, to-wit: For the erection of gas works and furnishing gas fixtures for said hospital, the sum of five thousand dollars; for finishing and furnishing the main center building of said hospital, the sum of six thousand dollars; for building the south wing of said hospital, the sum of ninety-three thousand dollars.

\$104,000 appropriated for building south wing, &c.

SEC. 2. That not more than seventy-five thousand dollars of the amount appropriated by section one of this act shall be drawn from the state treasury during the year ending March 1st, 1877.

Only \$75,000 to be drawn before March 1, 1877.

SEC. 3. That the money appropriated by this act shall be expended in accordance with the provisions of chapter 120 of the laws of the thirteenth general assembly, and the act of which that is amendatory.

To be expended under chap. 120, 13th G. A.

SEC. 4. This act being deemed of immediate importance, shall

To take effect. take effect and be in force from and after its publication in the Daily State Register, and Daily State Leader, newspapers published in Des Moines, Iowa.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 21, and in the *Iowa State Register*, March 31, 1876.  
 JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 109.

### RELATING TO DUTIES OF BOARDS OF DIRECTORS.

H. F. 15. AN ACT to Amend Section 1725 of Chapter 9, Title 12 of the Code Relating to the Formation of Sub-Districts.

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

SECTION 1. That section 1725 of the Code be and the same is hereby repealed, and in lieu thereof is enacted the following:

SECTION 1725. They shall determine where pupils may attend school, and for this purpose may divide their district into such sub-districts as may by them be deemed necessary; *Provided*, that no such sub-district shall be created for the accommodation of less than fifteen pupils, but the board of directors shall have power to rent a room and employ a teacher for the accommodation of any five scholars; *Provided further*, that nothing in this chapter contained shall be construed to prohibit the construction of as many school houses, out of *monies* [moneys] derived from taxes levied previous to January 1st, 1876, in any sub-district, where the sub-district comprises the entire district township, as shall have been authorized and provided for at the annual meeting of the district township electors.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, and the Iowa State Leader, newspapers printed and published at Des Moines, Iowa.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 21, and in the *Iowa State Register*, March 24, 1876.  
 JOSIAH T. YOUNG, *Secretary of State*.



## CHAPTER 110.

## TOWNSHIP CLERKS.

AN ACT Empowering Township Clerks to Administer Oaths. [Additional to Code, Chapter 9, Title IV: "Of Townships and Township Officers." H. F. 128.]

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

SECTION 1. Township clerks shall have power to administer oaths to township officers, judges of election, clerks of election, and highway supervisors, for services rendered in their respective townships. Power to administer oaths.

Approved March 15, 1876.

## CHAPTER 111.

## IN RELATION TO CONSTRUCTION OF CATTLE-WAYS.

AN ACT in Relation to the Construction of Cattle-Ways across the Public Highway. [Additional to Code, Chapter 1, Title VII: "Of Highways." H. F. 134.]

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

SECTION 1. Upon application by any person to the board of supervisors of any county for permission to construct a cattle-way across, over or under any public highway, the board may grant the same; *provided*, said cattle-way shall not interfere with the travel upon such highway; but the person who applied for such cattle-way shall construct the same at his own expense and be responsible for all damages that may arise from its construction or from the same not being kept in good condition, and that the grade of the highway over the cattle-way shall not exceed one foot in ten. Board of supervisors may grant permission to construct across highway. Proviso. Grade of highway.

SEC. 2. If the person on whose land such cattle-way is constructed, fails to keep the same in good repair, then it shall be the duty of the road supervisor to make all repairs necessary and charge the same to the owner of the land upon which such cattle-way is constructed, and upon his refusal or failure to pay, the supervisor shall recover the same in an action brought in his own name in any court having competent jurisdiction; which money when collected, shall be expended for improving or repairing the public highway, in the road district where such cattle-way is constructed. *Provided*, That no person shall construct any cattle-way so as to obstruct the freedom of the public in watering at any running stream. If owner of land fails to make repairs: duty of road supervisor. Proviso: not to obstruct freedom of highway.

Approved March 15, 1876.

## CHAPTER 112.

## RELATING TO REPORTS OF SECRETARIES AND TREASURERS OF SCHOOL DISTRICTS.

H. F. 128. AN ACT to Amend Sections 1745, and 1751, Chapter 9, Title XII, of the Code, Relative to Report of Treasurers of School Districts.

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

Code, §1745  
amended.  
Secretary's  
report.  
Code, §1751  
amended.  
Treasurer's  
report.

SECTION 1. That section 1745, of chapter 9, title XII, of the Code be amended by striking out the 6th, 7th, and 8th sub-divisions of said section.

SEC. 2. That section 1751 of chapter 9, title XII, of the Code be amended by adding to the end of said section the following: "He shall make to the board, on the third Monday in September, a full and complete annual report, embracing:

Teacher's  
fund;  
Contingent;

1st. The amount of teachers' fund held over, received, paid out, and on hand.

2nd. The amount of contingent fund held over, received, paid out, and on hand.

School-house;

3rd. The amount of school house fund held over, received, paid out, and on hand.

On failure to  
report, shall  
forfeit.

He shall immediately file a copy of said report with the county superintendent, and for failure to file said report, he shall forfeit the sum of twenty-five dollars to be recovered by suit brought by the district on his official bond."

Approved March 15, 1878.

## CHAPTER 113.

## AUTHORIZING THE AUDITOR OF STATE TO PAY BACK TO COUNTIES ANY BALANCE DUE.

H. F. 248. AN ACT to Authorize the Auditor of State to cause to be paid back to Counties entitled thereto, any excess on Revenue paid into the State Treasury. [Additional to Code, Chapter 3, Title VI: "Provisions for the Security of the Revenue."]

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

Duty of  
auditor.

SECTION 1. That the auditor of the state be and he is hereby authorized and empowered to draw his warrant on the state treasury, in favor of any county in this state for the amount of any excess in any fund or tax due the state from said county excepting the state taxes.

SEC. 2. Whenever, it shall appear from the books in his office, that there is a balance due any county, and in excess of any rev-

enne due the state, except state taxes, it shall be his duty to draw his warrant for such excess, in favor of the county entitled thereto, and forward the said warrant by mail or otherwise, to the county auditor of the county to which said money belongs, and charge the amount so sent to the said county.

To forward warrant for any excess to county entitled.

SEC. 3. The county auditor to whom said warrant is sent, shall immediately upon receipt thereof deliver the same to the county treasurer of his county and charge the amount of the warrant to said county treasurer in the same manner as any other fund is charged on the books of his office, and the county auditor shall also, on receipt of said warrant from the auditor of state acknowledge receipt of the amount of said warrant to said state auditor.

Duty of county auditor.

SEC. 4. This act being deemed of immediate importance, shall take effect and be in force from and after its passage and publication in the Iowa State Register and Iowa State Leader, newspapers published at Des Moines, Iowa.

To take effect.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 23, and in the *Iowa State Register*, March 25, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 114.

### RELATING TO PROPOSITION TO AMEND THE CONSTITUTION.

AN ACT providing for the Publication of Propositions to Amend the Constitution and for other purposes connected therewith. H. F. 337.

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

SECTION 1. That whenever any proposition to amend the constitution has passed the general assembly and [been] referred to the next succeeding legislature as provided in section 1, article ten of the constitution, the secretary of state shall cause the same to be published in two newspapers of general circulation in each congressional district in the state for the time provided in section one, article ten of the constitution; and the fact of such publication having been made shall be verified by the affidavits of the publishers of such newspapers and such affidavits together with the certificate of the secretary of state that he had designated the newspapers in which the publication was made shall be filed, preserved and recorded in a book kept for that purpose in the office of the secretary of state; and the secretary of state shall report his action in the premises to the next succeeding general assembly.

When proposition has passed the general assembly.

Publication.

Certificate of secretary of state—

And report.

SEC. 2. Whenever a proposition to amend the constitution shall have passed the general assembly and been agreed to by the next succeeding general assembly as provided in section one,

Proposition having passed two general assemblies.

- Shall be submitted at next general election.  
 Ballots. article ten of the constitution, the same shall be submitted to the qualified electors at the next ensuing general election; and the ballots relating to such amendment or amendments shall be separate from the ballots for officers cast at such election, and shall be deposited in boxes to be provided by the judges of election, separate from said ballots so cast for officers; and there shall be written or printed on such ballots the entire proposed amendment or amendments with the word "for" or "against"—as the elector may desire—preceding each amendment voted upon; and the election shall be conducted in the same manner as the election for state officers, except as herein otherwise provided; and the canvass shall be in the same manner, and by the same officers and like returns made thereof as of the ballots cast for the secretary of state; and the board of state canvassers shall declare the result and enter the same of record in the book mentioned in section one of this act, immediately following and in connection with the proofs of publication.
- Election. Sec. 3. Whenever a proposition to amend the constitution is submitted to a vote of the electors, the governor shall include such proposed amendment in his proclamation provided for in section 577 of the Code.
- Returns. Sec. 4. Expenses incurred under the provisions of this act, shall be audited and allowed by the executive council and paid out of any money in the state treasury not otherwise appropriated.
- Duty of Governor. Approved March 15, 1876.
- Expenses under this act.

## CHAPTER 115.

### LEGALIZING SALE OF CERTAIN LAND IN HARRISON COUNTY.

- H. F. 861. AN ACT to Legalize the Sale of a Certain 80 Acre Tract of School Land in Harrison County, sold to John A. Parkins.

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

- SECTION 1. That the sale of the east half of the southwest quarter of section three (3) in township seventy-eight (78) north of range forty-two (42), west of the fifth p. m. in Harrison county and state of Iowa, be and the same is hereby made valid and confirmed, the same having been sold by the auditor of Harrison county to John A. Parkins on the 2nd day of March, 1870, and a certificate of purchase given therefor; and it is further enacted that the governor is hereby authorized to make and deliver a patent to the said John A. Parkins or his assignee on presentation of the certificate of purchase and the payment of three (\$3) dollars per acre including what has heretofore been paid to the state thereon.
- E  $\frac{1}{4}$  of s w  $\frac{1}{4}$   
 sec. 3, tp. 78.  
 r. 42.
- Governor to make patent.

SEC. 2. This act being deemed of immediate importance, shall take effect on and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, April 20, and in the *Iowa State Register*, March 23, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 116.

### RELATING TO CITIES ORGANIZED UNDER SPECIAL CHARTERS.

AN ACT Relating to Cities Organized and Existing Under Special Charters Conferring Additional Powers, and Amending the Charters of such Cities. [Additional to Code, Chapter 10, Title IV; "Of Cities and Incorporated Towns."] H. F. 213.

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

SECTION 1. All cities in this state organized and existing under special charters, may provide by ordinance when taxes both general and special shall become delinquent, and the rate of interest which they shall thereafter bear, which rate shall not exceed twenty-five per cent. per annum; and for the sale of delinquent, special and general taxes, on such terms and such at a rebate of the principal or interest, or both, as the city council may determine; and in the notice required by law to be given it will be sufficient to state the description of the lot or parcel of real estate to be sold for delinquent taxes of the current year, and also the lot or parcel of real estate on which the delinquent taxes for previous years remain due and unpaid, and the amount of taxes delinquent for previous years without naming such previous years, and the amount of interest and costs, if any, against each lot or parcel of real estate, in which may be included special taxes delinquent, at such rate of interest as the city council may determine, not to exceed the rate allowed by law at the time the taxes were assessed, and the total amount of taxes, interest and cost against such lot or parcel of real estate.

SEC. 2. In all advertisements for the sale of real property for taxes, and in entries required to be made in any manner connected with the assessment or collection of taxes, letters and figures may be used to denote numbers, fractions of numbers, and amounts, as are commonly used in other business transactions, and no irregularity or informality in the advertisement shall affect the legality of any sale, or the title of any property conveyed if it shall appear that said property was subject to taxation for the

To take effect.

H. F. 213.

To provide by ordinance when taxes shall become delinquent.

Sufficient notice of sale.

Letters and figures may be used.

Irregularities.

year or years for which the same was sold, and that the tax was due and unpaid at the time of sale; and in all cases the advertisement shall be sufficient notice to the owners and persons having an interest in or claiming title to any lot or parcel of real estate, of the sale of their property for delinquent taxes, and a failure of the collector to make a personal demand of taxes shall not affect the validity of any sale or the title to property acquired under such sale.

**Sec. 3.** The city council may provide by ordinance that all special taxes hereafter assessed and levied shall bear the same rate of interest as the annual taxes from and after the same becomes due and delinquent, which rate shall not exceed twenty-five per cent. per annum; and all special taxes remaining due and delinquent at the date when the annual taxes become delinquent, shall be collected at the time and in the manner the annual delinquent taxes are collected, and the same shall be included with the annual delinquent taxes, if any remain delinquent, and the city council may provide by ordinance that all special taxes or assessments which shall become due and delinquent prior to the delinquency of the annual taxes, shall be collected by a sale of the real estate so taxed or assessed specially called therefor, and the kind of notice to be given, and may also provide for the collection of such tax by suit, such as is authorized by sections 478 and 479 of chapter 10, title 4, of the Code.

**Sec. 4.** The collector shall in all cases, make out and deliver to the tax payer a receipt, which receipt shall contain the description and assessed value of each lot or parcel of real estate, and the assessed value of personal property; and in case the property has been sold for taxes and not redeemed, the date of such sale and to whom sold, also, the amount of the tax, interest and costs, if any, giving a separate receipt for each year, whereupon he shall make the proper entries of such payments on the books of his office. And the council may provide by ordinance, that no person shall be permitted to pay the taxes of any one year until the taxes for the previous years shall be first paid; and provide that the receipt herein contemplated shall be conclusive evidence that all taxes, and the costs of every kind against the property described in such receipt, are paid to the date of such receipt; and provide that for any failure or neglect on the part of the collector, or on the part of any one acting as a collector, he and his bondsmen shall be liable to an action on his official bond for the damages sustained by any person or the city through such neglect.

**Sec. 5.** The collector of taxes, or person authorized to act as collector, shall make, sign and deliver to the purchaser of any real property sold for the payment of any taxes authorized by the provisions of this act, or by any law applicable to cities acting under special charters, a certificate of purchase, which shall have the same force and effect as certificates issued by county treasurers for the sale of delinquent county taxes.

**Sec. 6.** Real property sold under the provisions of this act, or by virtue of any power heretofore given, may be redeemed at any time—before the right of redemption is cut off, as hereinafter

Special taxes;  
interest.

Collection.

Code, §§ 478  
and 479.

Receipt by  
collector.

Council may  
provide:

Collector  
shall make  
certificate of  
purchase.

Redemption.

provided—by payment to the collector, or to the person authorized to act as collector, to be held by him subject to the order of the purchaser on surrender of the certificate, or in case the same is lost or destroyed, on his making affidavit of such fact, and of the further fact that it was not assigned, of the amount for which the same was sold, and twenty per centum of such amount immediately added as a penalty, with ten per cent. interest per annum on the whole amount thus made from the day of sale. The collector, or person authorized to act as collector, shall, upon the application of any party to redeem real property sold as aforesaid and being satisfied that such person has a right to redeem the same, and on the payment of the proper amount issue to such party a certificate of redemption, in substance and form as provided by section 891 of chapter 2, title 6, of the Code, and shall make the proper entry thereof in the sale book, which redemption shall thereupon be deemed complete without further proceedings.

Certificate of redemption.

The provisions of section 892, 893, and 894, of chapter 2, title 6, of the Code, shall so far as the same are applicable, and not herein changed or modified, apply to sales of real estate for delinquent taxes herein contemplated, provided, that where the words "treasurer of the county," or "treasurer" are used in said sections, the words "collector of the city," or "collector," or person authorized to act as collector shall be substituted.

Code, § 892, 893, and 894, to apply.

Sec. 7. Immediately after the expiration of ninety days from the date of service of the notice, as prescribed by section 894, of chapter 2, title 6, of the Code, the collector or person authorized to act as collector then in office, shall make out a deed for each lot or parcel of land remaining unredeemed, and deliver the same to the purchaser, upon the return of the certificate of purchase, any number of parcels of real estate bought by one person, may be included in one deed, if required by the purchaser. Deeds executed by the collector or person authorized to act as collector, may be in form substantially as provided by section 896, chapter 2, title 6, of the Code, and shall be signed and acknowledged by him in his official capacity, and all deeds and conveyances hereafter made and executed on account of any general or special tax sales shall have the same force and effect as deeds made by county treasurers for delinquent county taxes, and the purchaser, as well as the owner of any real property sold on account of such general or special delinquent tax, shall be entitled to all the rights and remedies which are granted and prescribed by sections 897, 898, 899, 900, 901, 902, 903, 904 and 905, of chapter 2, title 6, of the Code; *provided*, that wherever the words "county" or "county treasurer" are used, the words "city" or "city collector" or person authorized to act as collector shall be substituted.

Deed to holder of certificate of purchase:

Form:

Effect.

Rights and remedies.

Sec. 8. When the grade of any street or alley shall have been established, and any person shall have built or made improvements on such streets or alley according to the established grade thereof, and such city shall alter said established grade in such a manner as to injure or diminish the value of said property, said city shall pay to the owner or owners of said property so injured the amount of such damage or injury.

Grade of street or alley.

- Damages to be assessed by commissioners.** SEC. 9. Said damage or injury shall be assessed by three commissioners, who shall be disinterested freeholders, to be appointed by the city council. They shall, before entering upon their duty, be sworn to execute the same according to the best of their ability. Before entering upon their duty the city shall cause notice to be given, which notice shall be signed by the commissioners and published for three weeks in one or more newspapers printed in such city, of the time and place of their meeting for the purpose of viewing the premises and making their assessments. They shall view the premises, and, in their discretion, receive any legal evidence, and may adjourn from day to day; either one of whom shall have the power, in the presence of the others, to administer an oath or oaths to any witness or witnesses to be examined before them.
- Powers.** SEC. 10. When the appraisement shall be completed the commissioners shall sign and return the same to the city council within thirty days of their appointment. The city council shall have power, in their discretion, to confirm or annul the appraisement, and if annulled, all proceedings shall be void; but if confirmed, an order of the confirmation shall be entered. Any person interested may appeal from the order of confirmation to the circuit or district court of the county in which such city is situated, by notice in writing to the mayor, at any time before the expiration of twenty days after entering the order of confirmation. Upon the trial of the appeal, all questions involved in the proceedings, including the amount of damages shall be open to investigation. The cost of any proceedings incurred prior to the order of such city council confirming or annulling the appraisement, shall in all cases be paid by such city.
- Appraisement.** SEC. 11. The city council shall have power to remove commissioners, and from time to time appoint others in the place of such as may be removed, refuse, neglect, or be unable from any cause to serve.
- Appeal from order of city council.** SEC. 12. That so much of section 1, chapter 51, acts of the fifteenth general assembly as requires cities to provide by ordinance for the improvement of alleys after presentation of petition by owners of property to be assessed, be and the same is hereby repealed, and such cities organized under special charters, may provide by ordinance how such improvements shall be made, and thereafter may order any alley to be improved, graded or macadamized, by resolution passed by the affirmative vote of two thirds of such council, and on voting on such resolution the yeas and nays shall be recorded.
- Costs.** SEC. 13. All property taken and condemned by virtue or [of] any power heretofore conferred or herein granted may be so taken and condemned and such power may be exercised and pursued without resorting to proceedings in court in the first instance to enforce the same, anything in any law to the contrary notwithstanding.
- City council may remove commissioners.** SEC. 14. The city council of any such city may regulate and license sales by transient merchants, bankrupt and dollar stores and the like. *Provided*, That the exercise of such power shall
- City council may improve alley without petition from property owners.**
- Property may be condemned without action to enforce the same.**
- Council may regulate sales.**
- § 1, chap. 51, 15th G. A. modified.



not interfere with sales made by sheriffs, constables, coroners, marshals, executors, guardians, assignees of insolvent debtors, or other persons, required by law to sell real or personal property.

SEC. 15. The city council of all cities acting under special charters, with a population of not more than fifteen thousand inhabitants, as shown by the last state census, shall have power to levy an annual tax of not to exceed three per cent. of the assessed value of all taxable property within its limits, for the purpose of defraying the annual current expenses of the city, carrying on its municipal affairs and paying its bonded indebtedness; *provided*, that no other or greater assessment shall be made in any one year than the amount herein authorized, anything in any law to the contrary notwithstanding. While all other cities acting under special charters may levy the taxes now authorized by law, and when such city constitutes a road district, may levy a road tax in addition to the road tax now allowed by law of two mills on the dollar of the assessed valuation, which road tax shall in no case exceed five mills; *provided*, however, the city council may provide by ordinance that all property lying within the corporate limits of any city acting under a special charter, and which is not now subject to tax for city purposes, by reason of the said property being used for agricultural, horticultural or gardening purposes, shall be subject to a road tax not exceeding the sum of forty cents for each one hundred dollars of the valuation thereof, for the purpose of keeping in repair the roads, streets and bridges lying within that part of any such city where the property is not subject to taxation for city purposes.

Annual tax of not to exceed 3 per cent.

When city constitutes a road district.

SEC. 16. When, by the provisions of special charters, taxes or revenue of any kind are required to be collected by the marshal or any other designated officer, the city council of any such city shall have the power to provide by ordinance for the collection of such taxes or revenue, and the discharge of all other duties relating thereto by any other officer or person.

When taxes are to be collected by marshal.

SEC. 17. Cities acting under special charters shall have power to provide by ordinance for the numbering of houses by the owners or lessees thereof.

Numbering of houses.

SEC. 18. All such cities shall have power to require the owner or lessee of any lot or tract of ground extending into, across, or bordering on any hollow or ravine which constitutes a drain for surface water, or a water course of any kind, who shall by grading or filling such lot or tract of ground obstruct the flow of water through such water courses, to construct through such lot or land such a drain or passage way for water as the council may designate, and to enforce the same by proper penalties, or the city may construct such drains at the expense of the owners, and assess the cost thereof on the lots or tracts of ground.

When flow of water is obstructed by filling.

SEC. 19. All such cities shall have power to enforce the payment of poll tax in such manner as it may determine by suit, penalties or otherwise, as may be provided by ordinance.

Poll tax.

SEC. 20. In regard to the police powers, sanitary regulations, and regulations for the prevention and spread of fires, and of

Police power, etc.

contagious diseases, the enumerated powers shall not be construed as a limitation of the general powers.

General laws. SEC. 21. No general law as to powers of cities organized under the general incorporation act, shall in any manner be construed to affect the charter or laws of cities organized under special charters, and while they continue to act under such charters, unless the same shall have special reference to such cities.

§ 7, chap. 238, 6th G. A. repealed. SEC. 22. That section 7, chapter 238, acts of the sixth general assembly of the state of Iowa, approved January 27th, A. D. 1857, be and the same is hereby repealed.

To take effect. SEC. 23. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily Gate City, and Daily Constitution, and Keokuk Post, newspapers published in the city of Keokuk, and the Davenport Gazette, and Davenport Democrat, and Der Democrat, newspapers published in the city of Davenport, and in the Dubuque Times, and Dubuque Herald, newspapers published in the city of Dubuque, anything in section 33, chapter 3, of the Code, to the contrary notwithstanding.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Daily Constitution*, March 21, *Davenport Democrat*, March 23, *Davenport Gazette*, March 24, *Dubuque Times*, March 25, *Dubuque Herald*, March 26, *Der Democrat*, March 28, *Daily Gate City*, March 29, and in the *Keokuk Post*, March 30, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 117.

### RELIEF OF JOSEPH METZ.

H. F. 443. AN ACT to Amend Chapter 107, of the Private, Local and Temporary Acts of the 14th General Assembly.

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

Chap. 107, 14th G. A. amended. SECTION 1. That chapter 107, of the private, local and temporary acts of the 14th general assembly, be and the same is hereby amended by striking out the words "one hundred and fifty" and inserting in lieu thereof the words "two hundred and forty."

\$250 appropriated. SECTION 2. That there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of two hundred and fifty dollars for the use of Joseph Metz, being designed to aid him in the purchase of artificial limbs.

To take effect. SEC. 3. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and Iowa State Leader.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 23, and in the *Iowa State Register*, March 25, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

CHAPTER 118.

RELATING TO THE RE-LOCATION OF RAILROADS.

[AN] ACT to Authorize the Re-location of Railroads.

H. F. 395.

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

SECTION 1. Any railroad company desiring to change or re-move the line of its road, after the same has been permanently located and constructed, may for that purpose file a petition in the district or circuit court in any one of the counties wherein the change or removal is proposed to be made, describing with convenient accuracy that portion of its line of road which said company seeks to have changed or removed, and asking the court to grant the right or authority to make such change or removal. To this suit, all trustees, mortgagees, or other lien holders and all townships, cities and counties which have aided by taxation to build the road, must be made defendants by service of original notice, in the time and manner as provided by law for service of original notices.

R. R. Co. seeking to change shall file petition in district or circuit court.

Who shall be defendants.

SEC. 2. In addition to the foregoing notice, a public notice to all whom it may concern, of the time of filing such petition, and of the object thereof and of the term of court at which the application for authority to make the change will be made, and requiring all persons desiring the repayment of money or the return of property, as in this act contemplated, to appear at such court and make good their claim therefor, must be published in a newspaper printed in each county, wherein the change is to be made, for a period of ten successive weeks before the term of court at which the application is to be made. The court may order any additional notice or publication that it may deem proper.

Notice.

SEC. 3. But no railroad company shall be allowed to change or remove the line of its road after its permanent location and construction, without re-paying to the proper parties all moneys, and restoring all property, or its value, which were given or donated to the company building the same, exclusively in consideration of the said railroads being located and constructed on such line, nor without first procuring the proper consent of all parties having liens upon said railroad; and also of any township, city or county that has by taxation or by the issuing of bonds contributed money to aid in the construction thereof; *provided*, that the consent of such township, city or county shall be necessary with reference only to the change to be made within its own territorial limits.

Before change can be made R. R. Co. must repay moneys and return property.

With consent of lien-holders.

SEC. 4. If the court is satisfied that due and proper notice has been given, and that the consent of the proper parties, as herein contemplated, has been duly obtained, it shall order and adjudge in favor of all persons who have appeared and established their claims thereto, the re-payment of all moneys, and the return of all property, or its value, which were given or donated to the

Court shall make order.

company exclusively in consideration of the roads being located on the line from which it is proposed to make the removal, and shall declare and adjudge all persons not so appearing and establishing their claims as aforesaid, forever thereafter debarred and estopped from setting up or asserting the same. The court may, if the public interest demand it, make an order authorizing the railroad company to change or remove the location of its road, as asked for in the petition, but such order must be on the condition that all claims for the re-payment of money, or the return of property, which may be allowed by the court, as herein provided, shall be first paid or satisfied.

Effect of removal on liens, mortgages, etc.

Sec. 5. All mortgage liens or other incumbrances on the line of road which the company is authorized by the court to change, shall be and remain valid liens and incumbrances on the line of road to which the change is made, and shall take priority of all other liens and incumbrances upon such new line of road.

Township trustees to appear for their respective townships. Proviso.

To what roads this shall apply.

Sec. 6. For the purpose of this act, the trustees of each township shall be served with notice, and shall be authorized to represent and act for their respective townships; *provided*, that no vested right of any person or persons, living on and along the line of any railroad removed under the provisions of this act, shall be defeated or affected by this act; *and provided further*, that the provisions of this act shall apply only to such railroads as were constructed prior to the year one thousand eight hundred and sixty-six.

Cuts to be filled and banks leveled upon removal.

Sec. 7. That when any railroad company shall take up their track and re-locate the same under the provisions of this act, shall fill up the cuts and level down the banks, or cause the same to be done, within two years from the time of taking up such track.

Approved March 15, 1876.

## CHAPTER 119.

### AGRICULTURAL COLLEGE.

H. F. 478.

AN ACT to Amend Clause 4, Section 1606, Chapter 3, [Title XII: "Of the State Agricultural College and Farm,"] of the Code.

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

Number of hours devoted to manual labor.

SECTION 1. That clause 4 of section 1606, chapter 3, of the Code, be amended by striking out the words "to be not less than three in summer and two in winter."

To take effect.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and the Progressive Farmer.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 25, and in the *Progressive Farmer*, a monthly publication, April, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 120.

## RELEASING PAGE COUNTY FROM PAYMENT OF CERTAIN TAXES.

AN ACT to Release Page County from the Payment of Certain Taxes H. F. 482.  
Claimed by the State of Iowa.

WHEREAS, The state of Iowa claims the sum of six hundred Preamble.  
and ninety-six dollars and thirty-two cents, as money due her  
from Page county, Iowa, as delinquent taxes and the penalties  
thereon for the year 1857, which said sum was ordered to be  
levied by the state board of equalization as an additional half  
mill levy for said year, and

WHEREAS, Said additional levy against said county, through  
the neglect of the state board of equalization, was not made by  
said board, nor reported to the treasurer of said county in time to  
have the same placed upon the tax books for collection, the reg-  
ular tax books having been made out before said additional levy  
was reported to the proper authorities of said county, therefore

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

[SECTION 1.] That the county of Page, in the state of Iowa, Released  
is hereby wholly released from the payment of the sum of six from the pay-  
hundred and ninety-six dollars and thirty-two cents, (\$696.32), ment of  
the amount claimed by the state as due from said county with the \$696.32.  
the interest and penalties thereon and that the auditor of the state of  
Iowa is authorized and empowered to cancel said claim upon  
his books.

SEC. 2. This act to be in force and take effect from and after To take effect.  
its publication as required by law.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State  
Register*, March 25, and in the *Clarinda Herald*, April 1, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 121.

## RELATING TO INDEPENDENT SCHOOL DISTRICTS.

AN ACT to Amend Section 1821, Title XII, Chapter 9, of the Code. H. F. 499.  
["Of the System of Common Schools."]

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

SECTION 1. That section 1821, of title XII, chapter 9, of the Code be amended by adding to said section—after the words  
"purpose of" and before the word "erecting"—in the second amended.  
Code § 1821

Power to bor- line of said section, the words, "redeeming outstanding bonds  
row money. and."

To take effect. SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published at Des Moines Iowa, anything in sec. 33 of the Code to the contrary notwithstanding.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 23, and in the *Iowa State Register*, March 25, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 122.

### RELATING TO GAME.

H. F. 493. AN ACT to Amend Chapter Sixty-nine (69) of the Public Acts of the 15th General Assembly in Relation to Game.

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

Chap. 69, Pub-  
lic Acts 15th  
G. A. amend-  
ed.

SECTION 1. That chapter 69 of the public acts of the 15th general assembly be and the same is hereby amended by inserting after the word "following" in the 6th line of section one these words, "or if any person, any where, at any time of the year shall shoot or kill any prairie hen or chicken."

Approved March 15, 1876.

## CHAPTER 123.

### RELATING TO TAXES IN AID OF RAILROADS.

S. F. 67 and 96. AN ACT to enable Township[s] and Incorporated Towns and Cities to Aid in the Construction of Railroads.

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

Who may aid  
in construc-  
tion.

SECTION 1. That it shall be lawful for any township, incorporated town or city to aid in the construction of any projected railroad in this state, as hereinafter provided.

Duty of trust-  
ees, or coun-  
cil on presen-  
tation of peti-  
tion by a ma-  
jority of tax  
payers.

SEC. 2. Whenever a petition shall be presented to the council or trustees of any incorporated town or city, or trustees of any township, signed by a majority of the resident freehold tax payers of such township, incorporated city or town, asking that the question of aiding in the construction of any railroad be submitted to the voters thereof, it shall be the duty of the trustees or council of

such incorporated town or city, or trustees of such township, to immediately give notice of a special election, by publication in some newspaper published in the county, if any be published therein, and also by posting said notice in five public places in such township, incorporated city or town, at least twenty days before said election, which notice shall specify the time and place of holding said election, the line of railroad proposed to be aided, the rate per centum of tax to be levied, and whether the entire per centum voted is to be collected in one year, or one-half collected the first year and one-half the following year; and the amount of work upon said proposed railroad line required to be completed before said tax shall be paid to the railroad company, and where the same shall be performed, and to what point said road shall be fully completed and any other conditions which shall be performed before such tax shall become due, collectible and payable; and in no case shall such tax become due, collectible or payable until the road is fully completed to such point as mentioned in the notice. At such election the question of taxation shall be submitted, and if two-thirds of the votes polled be "for taxation," then the recorder of the incorporated town, the city clerk, township clerk, or clerk of said election, shall forthwith certify to the county auditor the rate per centum of tax thus voted by such township, incorporated town or city, the year or years during which the same is to be collected and the time and terms upon which the same, when collected, is to be paid to the railroad company, under the conditions and stipulations in the said notice, together with an exact copy of the notice, under which such election was held; which said county auditor shall at once cause to be recorded in the office of the recorder of deeds of the county.

Notice to specify.

Election: questions to be submitted.

Certificate.

When such certificate shall have been made and recorded, the board of supervisors of the county shall at the time of levying the ordinary taxes next following, levy such taxes as are voted under the provisions of this act as shown by said certificate, and cause the same to be placed on the tax lists of the proper township, incorporated city or town, indicating in their order thereupon when and in what proportion the same are to be collected, and upon what conditions the same are to be paid to the railroad company, a certified copy of which said order shall accompany the tax lists.

Date of board of supervisors.

Said taxes shall be collected at the time or times specified in said order in the same manner, and be subject to the same penalties for non-payment after they are collectible as other taxes, or as may be stated in the petition asking said election.

Collection of taxes.

SEC. 3. The stipulations and conditions contained in the said notices must conform to those set forth in the petition, as the same is presented to the trustees of the township or trustees or council of the incorporated city or town where the said taxes are proposed to be voted, and the aggregate amount of tax to be voted or levied under the provisions of this act in any township, incorporated town or city, shall not exceed five per centum of the assessed value of the property therein respectively.

Notice must conform to petition.

Maximum per cent of tax.

SEC. 4. The moneys collected under the provisions of this act shall be paid out by the county treasurer to the treasurer of the

Money to be paid out: how and when.

railroad company, for whom the same was voted, upon the orders of the president or managing director thereof, at any time after the trustees of such township, or trustees or council of such incorporated town or city voting such tax, or a majority of them shall have certified to the county treasurer that the conditions required of the railroad company and set forth in the notice for the special election at which the tax was voted have been complied with. And it is hereby made the duty of said township trustees, or trustees or council of such incorporated town or city, when the said conditions have been complied with sufficiently to entitle the said railroad company to the amount of such orders, or when the said conditions are fully complied with and performed on the part of the railroad company, to make such certificate.

Duty of trustees.

County treasurers: duty of

Certificate to tax payers:

Assignable:

And R. R. Co. shall issue shares of stock for same.

SEC. 5. It shall be the duty of the county treasurer when required, in addition to a tax receipt to issue to each tax payer, on his payment of taxes voted in aid of a railroad company under the provisions of this act, a certificate showing the amount of tax by him paid in aid of said railroad company, and when the same was paid, and he shall be entitled to charge and receive as compensation therefor, the sum of twenty-five cents for each certificate so by him issued

Said certificates are hereby made assignable, and when presented by any person holding the legal title thereto to the president, managing director, treasurer, or secretary of the railroad company receiving the taxes paid as shown by said certificate, in amount showing the sum of one hundred dollars or more of taxes to have been paid for said railroad company, it shall be and is hereby made the duty of said railroad company to issue or cause to be issued to said person the amount of stock covered by said certificate or certificates, and if the taxes paid as shown by said certificate or certificates amount in the aggregate to more or less than any certain number of shares of said stock, then the holder aforesaid of such certificate or certificates shall be entitled to receive of said stock the number of shares next greater than the amount covered by said certificates, upon making up the deficiency in money or tendering the same with the said certificates the said stock to be estimated for the purposes hereof at its par value.

If road is encumbered to a certain amount, directors are held liable.

SEC. 6. The board of directors of any railroad company receiving taxes voted in aid thereof under the provisions of this act or those members thereof or either of them, who shall vote to bond, mortgage, or in any manner encumber said road to an amount, if the same be a railroad of three feet gauge, to exceed the sum of eight thousand dollars per mile, and if of the ordinary four feet eight and one-half inch gauge, to exceed the sum of sixteen thousand dollars per mile, not including in either case any debt for ordinary operating expenses, shall be liable to the stock holders or either of them, for double the amount, estimated at its par value of the stock by him or her held, if the same should be rendered of less value or lost thereby.

SEC. 7. Should the taxes voted in aid of any railroad under the provisions of this act remain in the treasury more than two years after the same have been collected, the right to them by



the railroad company shall be considered forfeited, and the persons paying the said taxes shall be entitled to receive from the county treasurer the amount by them paid to the said railroad company, in which case the persons paying the said taxes shall be entitled to receive back only their proper pro rata share thereof remaining.

Taxes voted to company may be forfeited.

SEC. 8. Nothing contained in this act shall preclude any taxpayer who may have contracted with a railroad company for whom taxes may have been voted under the provisions of this act to pay his tax thus voted, or any part thereof, in labor upon the line of its road in pursuance of the terms and conditions stipulated in the notices of election in lieu of a payment thereof in money, from presenting to the county treasurer a receipt from said railroad company, duly signed by the president or managing director thereof, specifying the value of the labor performed by him thereunder and from having the same credited by the county treasurer on his tax in aid of said railroad with like effect in all respects as though the same was paid in money to the said county treasurer, and when such receipts have been presented and thus credited by the county treasurer they shall have the same force and validity in his settlement with the board of supervisors as the orders from the railroad company provided for in section three hereof.

Tax payer may pay taxes in labor.

SEC. 9. All railroads in this state constructed by or with the aid of any taxes levied and collected under the provisions of this act shall be subject to the control of the general assembly thereof in regard to the management of the same, and the charges for the transportation of freights and passengers thereon.

R. R. to be subject to control of G. A.

SEC. 10. This act being deemed by the general assembly of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

To take effect.

Approved March 15, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 24, and in the *Iowa State Leader*, March 30, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 124.

### STATE AGRICULTURAL COLLEGE.

AN ACT Making Appropriations for the Iowa State Agricultural College. S. F. 97.

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

SECTION 1. That there is hereby appropriated out of any

\$24,820 appropriated: heating apparatus etc.

money in the treasury not otherwise appropriated the following sums for the purposes herein named, to-wit :

For engine house and air ducts.....	\$ 5,000.00
For heating apparatus complete.....	15,000.00
For rebuilding brick walls.....	1,400.00
For repainting building exterior.....	500.00
For changes and repairs to water closets.....	600.00
For repairs to interior woodwork.....	400.00
For painting interior woodwork.....	500.00
For new gutters and conductors.....	420.00
For repairs to plastering.....	1,000.00

\$24,820.00

*Provided*, That any sum remaining after the specific object for which the same was appropriated shall have been completed may be used so far as necessary for any other of the purposes specified in this act.

**Sec. 2.** The board of trustees shall take vouchers in duplicate of all moneys expended under this appropriation, one of which shall be filed in the office of the auditor of state. The trustees shall at the close of each month present to the auditor of state a certified exhibit of all amounts due for labor done or material furnished during said month; and the auditor shall thereupon deliver to them a warrant upon the state treasurer for the amount and no warrant shall issue except upon such exhibit.

**Sec. 3.** This *bill* [act] being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and the Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 24, and in the *Iowa State Register*, March 28, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 125.

RELATING TO THE BONDING OF COUNTY INDEBTEDNESS.

H. F. 2. AN ACT To Amend an Act Entitled, an Act to Amend Section 289, and Section 290 of the Code of 1873.

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

Chap. 9, public acts 15th G. A. amended. May fund debt existing January 1, 1876.

**SECTION 1.** That chapter 9, additional to the Code, of the laws of the fifteenth general assembly, be amended as follows :

Strike out of the sixth line of said chapter, the figures " 1874 " and insert the figures " 1876; "—strike out of the seventh line of said chapter, the figures " 1874 " and insert the figures " 1876."

SEC. 2. Any members of a board of supervisors in any county having four thousand inhabitants and over, according to the last preceding census who shall vote to order an issue of bonds under this act in excess of the constitutional limit, shall be held personally liable for the excess of such issue.

Board of supervisors to be held liable.

Approved March 17, 1876.

CHAPTER 126.

HOSPITAL FOR THE INSANE AT MT. PLEASANT.

AN ACT Making further Appropriation for the Iowa Hospital for the S. F. 140. Insane at Mt. Pleasant.

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

SECTION 1. That there is hereby appropriated out of any moneys in the treasury not otherwise appropriated, the following sums for the purposes herein named, viz:

\$20,100 appropriated.

For erecting and completing airing courts.....	\$ 2,000
For reconstructing water-closets .....	3,800
For enlarging washing and ironing rooms.....	2,000
For new heating and ventilating flues.....	900
For new soil pipes .....	600
For new kitchen furniture.....	500
For enlargement of well and supply of drinking water..	2,000
For shrubbery, trees, and caring for the same.....	500
For materials and labor in replacing and repairing sub- basement.....	5,000
For replacing partition walls, and for contingencies.....	3,000

\$20,100

*Provided,* That any money herein appropriated remaining unexpended after the improvements herein contemplated shall have been completed may be used so far as necessary for any other of the purposes specified in this act.

Proviso.

SEC. 2. The money hereby appropriated shall be drawn and paid on the order of the trustees of said hospital at such times as may be deemed necessary by said trustees.

How same shall be drawn.

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, a newspaper published at Des Moines, and the Mt. Pleasant Journal, a newspaper published at Mt. Pleasant.

To take effect.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the Iowa State Register, March 28, and in the Mt. Pleasant Journal March 30, 1876.

JOSIAH T. YOUNG, Secretary of State.

## CHAPTER 127.

## RELATING TO REFORM SCHOOL AT SALEM.

S. F. 158. AN ACT to Provide for Working and Keeping in Repair the Highways on the Reform School Farm at Salem, *Lee* [Henry] County.

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

SECTION 1. That the sum of two hundred dollars be, and the same is hereby appropriated out of any money in the state treasury and not otherwise appropriated—which sum shall be used for working and keeping in repair the highways on the State Reform School Farm at Salem.

Restrictions. SEC. 2. One hundred dollars or so much thereof as may be necessary for the purposes named in the preceding section, may be drawn from the treasury from and after April 1st, 1876, and one hundred from and after the 1st day of April, 1877. All work and repairs on said highways shall be done between April 1st and July 1st of each year named in this section.

Superintendent to supervise work. SEC. 3. The superintendent of the state reform school shall have supervision of this fund and work, and may authorize his deputy, in the absence of the superintendent, to attend to the same, who shall see that the money be honestly applied and make report thereof, under oath, to the trustees of the state reform school.

Warrant. SEC. 4. The auditor of state shall draw his warrant on the treasurer of state in favor of the treasurer of the board of trustees of the state reform school for the sum herein provided.

To take effect. SEC. 5. This act to be in force from and after its publication in the Daily State Register, and Daily State Leader, papers published at Des Moines.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 28, and in the *Iowa State Leader*, March 31, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 128.

## LEGALIZING SALE OF SCHOOL LANDS IN CHEROKEE COUNTY.

H. F. 165. AN ACT to Legalize the Sale of certain School Lands in Cherokee County, Iowa, and to Authorize the Treasurer of said County to refund certain money illegally paid therefor.

Preamble. WHEREAS, The board of supervisors of Cherokee county, Iowa, did at their *reg* [regular] session held in September, 1871, authorize the auditor of said county to exchange the contract entered

into between said county and John A. Sanburn for the sale of the south half of section sixteen (16), in township ninety-two, north of range thirty-nine, west of the 5th P. M. in Cherokee county, for two other contracts entered into between said county and John A. Sanburn and James P. Richardson respectively for the same tract of land for the sum of two and 53 <sup>100</sup>/<sub>100</sub> dollars per acre, and,

WHEREAS, On the same day the said auditor did by authority in him vested by said board of supervisors make a new contract with said John A. Sanburn for the southwest quarter and the west half of the southeast quarter of said section sixteen, for the price per acre above named, and

WHEREAS, Doubts have arisen as to the legality of said acts of the said board of supervisors, and county auditor, and

WHEREAS, On the 30th day of June, A. D. 1875, the said John A. Sanburn under protest paid into the treasury of said county under said contract the sum of eight hundred and thirty-one and 74-100 dollars being at the rate of \$8.00 per acre for said land and eight hundred thirty-one and 74-100 dollars, more than required by the contract aforesaid, and upon which payment the state issued a patent for said land to said John A. Sanburn, therefore,

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

SECTION 1. That the acts of the board of supervisors of Cherokee county, and of the auditor of said county in selling and transferring to John A. Sanburn the s. w.  $\frac{1}{4}$  and w  $\frac{1}{2}$ , s. e.  $\frac{1}{4}$  16-92-39, are hereby declared legal and valid as if all the requirements of the law had been strictly adhered to. Legalising clause.

SEC. 2. That the treasurer of said county of Cherokee be authorized and empowered to refund to said John A. Sanburn, his heirs, or assigns, all money paid into the treasury on account of said contract of said county in excess of the amount therein required. Treasurer to refund.

SEC 3. This act being deemed of immediate importance, shall take effect from and after its publication in the Daily State Register, and Cherokee Times, said publication to be made without expense to the state. To take effect.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 29, and in the *Cherokee Times*, March 30, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 129.

## STATE NORMAL SCHOOL.

S. F. 171. AN ACT to Establish and Maintain a School for the Instruction and Training of Teachers of Common Schools.

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

SECTION 1. That a school for the special instruction and training of teachers for the common schools of this state is hereby established at Cedar Falls, in Black Hawk county.

SEC. 2. The school shall be under the management and control of a board of directors consisting of six members, no two of whom shall be from the same county. They shall be elected by the general assembly, two for two years, two for four years and two for six years, and the general assembly shall elect two members of said board every two years, for the full term of six years as the terms of office of the respective classes expire. Their term of office shall commence on the 1st day of June following their election. No member of the board shall be a teacher in the school or receive other compensation for his services than a reimbursement of his actual expenses to be certified to by him and paid out of the state treasury. Any vacancy occurring in the board shall be filled by the appointment of the governor.

SEC. 3. The board shall convene at the call of the superintendent of public instruction on or before June 15th, 1876, and having each qualified according to law, shall organize by the election of a president and vice president from their *member* [number,] and a secretary and a treasurer who shall be persons not *numbers* [members] of the board. The secretary shall receive such compensation as may be fixed by the board not to exceed the sum of one hundred dollars and actual traveling expenses. The treasurer shall receive no compensation but shall receive reimbursement of actual expenditures.

SEC. 4. The board shall require a bond in the sum of twenty thousand dollars of the treasurer with proper and sufficient sureties, conditional for the safe keeping of funds coming into his hands. He shall receive and disburse all moneys hereby appropriated, and any other funds as the board may provide. The board may require of any other officer or employe who may be authorized to receive or pay out money a like bond.

SEC. 5. It shall be the duty of the board, in every necessary manner with the means at their disposal, to provide for and carry out the object for which the school is established. For that purpose they shall employ competent and suitable teachers, and other employes. They shall direct, use and control all the property of the state coming into their hands for that purpose. They shall control and direct the expenditure of all moneys. They shall make all necessary rules for the management of the school and the government thereof, and shall provide for the ad-

mission of pupils from the several counties of the state in proportion to their respective population and upon the appointment of respective boards of supervisors, or as the board may direct. They shall establish and publish uniform rules for the admission of pupils thereto and such rules shall provide for equal rights in said school to all the teachers in the state, but they shall require in all cases satisfactory evidence of the good character of the pupil. They shall also further require all pupils upon their admission to the school to sign a statement of their intention in good faith to follow the business of teaching in the schools of the state. It shall also be the duty of the board to make all possible and necessary arrangements with the means at their disposal for the boarding and lodging of pupils, but the pupils shall pay the cost of the same. They shall require each pupil to pay a fee for contingent expenses amounting to not more than one dollar per month. The school shall be open during such part of the year as the board shall determine, but the sessions shall continue at least twenty-six weeks. Rules of admission to school. School year.

SEC. 6. At the close of the year, and on or before the first day of July, 1876, it shall be the duty of the board of trustees of the Iowa soldiers' orphans' home, to deliver over to the board of directors provided for herein, the buildings and grounds at Cedar Falls, Iowa, now occupied by said home, transferring for the purpose the inmates of said home to the home at Davenport. They shall also at the same time turn over in like manner all the personal property at said home at Cedar Falls, except such as is necessary for and adapted to the personal use of such inmates at Davenport, and a careful inventory and appraisalment thereof shall be made, and a proper voucher given therefor by said board of directors. To take buildings used as soldiers' orphans' home.

SEC. 7. The board of directors shall at once proceed to make such improvements and changes in said buildings and grounds as may be necessary to *adopt* [adapt] the same to the use of said school but without greater expense to the state than is provided for in this act, and shall, on or before September 10th, 1876, open the same to the use and instruction of pupils. Board may make changes in same. When shall open.

SEC. 8. In addition to the property the use of which is hereby set apart for the purposes of the school, the following sums are hereby appropriated for the establishment and maintenance thereof: \$14,500 appropriated.

For necessary improvement and repairs, three thousand dollars.

For salaries of teachers and employes, ten thousand dollars.

For contingent expenses, fifteen hundred dollars:

The amount appropriated for repairs and improvements may be paid at any time, on the order of the board, the remaining sums shall be paid in equal quarterly payments, commencing September 1st, 1876. How paid.

SEC. 9. The said board shall make, at the end of each school year, to the superintendent of public instruction, a detailed report of their proceedings during the year. Their report shall also contain the number of teachers employed in the school, with Board to report to supt. of public instruction.

the compensation of each, the number of pupils, classified ; the amount of receipts and expenditures and the items thereof, with such other information and recommendations as they may deem expedient, which report shall be embodied in the superintendent's report to the general assembly.

**Sec. 10.** This act being deemed of immediate importance, shall be in force from and after its publication in the *Iowa State Register*, and *Iowa State Leader*, newspapers published at Des Moines, Iowa.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 27, and in the *Iowa State Register*, March 28, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 130.

### RELATING TO CEMETERIES.

H. F. 176 and  
854.

AN ACT to Provide for Condemning, Surveying and Platting Cemeteries, and authorizing all Transfers of Lots therein to be filed with and recorded by the Township Clerk. [Additional to Code, chapter 9, Title IV: "Of Townships, and Township Officers."]

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

Cemeteries  
may be  
platted.

**SECTION 1.** That where there is located in any township one or more cemeteries the owner or owners of the same, or any party or parties owning an interest therein, may cause the same to be surveyed, platted and laid out into sub-divisions and lots, numbering the same by progressive numbers, giving the dimensions, length and breadth thereof, with reference to known or permanent monuments to be made; and which plat shall accurately describe all the sub-divisions of the tract of land used or designed to be used as a cemetery, said plat shall be recorded in the office of the county recorder, and filed with and recorded by the township clerk and preserved by him among the records of his office.

And plat filed  
with town-  
ship clerk.

Lots to be  
conveyed by  
deed to be  
recorded by  
tp. clerk.

**SEC. 2.** All conveyances of sub-divisions or lots of a cemetery thus platted, shall be by deed from the proper owner, which deed shall be recorded with the township clerk in a book kept by him for that purpose, for the recording of which the said clerk shall be entitled to a fee of fifty cents for each instrument recorded, to be paid by the party desiring the record made.

Trustees may  
condemn any  
lands.

**SEC. 3.** The township trustees are hereby empowered to condemn or purchase and pay for out of the general fund, and enter upon and take any lands within the territorial limits of such township for the use of cemeteries in the same manner as is now provided for incorporated cities and towns.



SEC. 4. They shall at the regular meeting in April, levy a tax sufficient to pay for any such lands so condemned or purchased, or for the necessary improvement and maintenance of cemeteries thus established. They shall have power to control any such cemeteries, or appoint trustees for the same or sell it to any private corporation for cemetery purposes. To pay for lands so condemned.

SEC. 5. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the State Register, and State Leader, newspapers published at Des Moines, Iowa. To take effect.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 24, and in the *Iowa State Register*, March 29, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 131.

### IN RELATION TO PUBLIC SHOWS.

AN ACT to Regulate Circuses and other Public Shows.

H. F. 186.

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

SECTION 1. That before any person can exhibit any traveling show or circus, not prohibited by law, or show any natural or artificial curiosity or exhibition of horsemanship in a circus or otherwise, for any price, gain or reward, in any county, outside of the limits of any city or incorporated town, he shall obtain a license therefor from the county auditor upon the payment to the county treasurer of such sum as may be fixed by the board of supervisors, not exceeding one hundred dollars for each and every place in the county at which such show or circus may exhibit. To exhibit outside any city or town, license must be obtained from co. auditor.

SEC. 2. If any person shall exhibit any show above contemplated without having first obtained such license, he shall be deemed guilty of a misdemeanor and punished accordingly, and shall forfeit and pay double the amount fixed for such license, for the use and benefit of the school fund. Fine for violation of section 1.

SEC. 3. This act being deemed of immediate importance, shall take effect from and after its publication in the State Register, and Iowa State Leader, newspapers published at Des Moines, Iowa. To take effect.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 24, and in the *Iowa State Register*, March 28, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 132.

## RELATING TO PUBLICATION AND DISTRIBUTION OF LAWS.

S. F. 257. AN ACT to Repeal Sections 35, 36, 37, 38, 39, and 40, of Chapter 3, Title 1, of the Code, and to Enact a Substitute therefor.

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

SECTION 1. That sections 35, 36, 37, 38, 39, and 40, of the Code, § 385, 36, 37, 38, 39 and 40 amended.

Laws arranged and prepared for publication.

SEC. 35. Within twenty days after the adjournment of the general assembly, the secretary of state shall prepare a manuscript or printed copy of all the laws, joint resolutions, and memorials passed thereat, arranging the same in chapters, with marginal notes and index, to which he shall attach his certificate that the acts, resolutions, and memorials therein contained are truly copied from the original rolls, which shall be presumptive evidence of their correctness, and deliver them to the state printer.

How published.

SEC. 36. The acts of each general assembly shall be printed in pages of the same size, and as near as may be, of the same style, type and appearance with the edition of this Code.

Secretary of state to superintend publication.

SEC. 37. The secretary of state shall superintend the printing of the laws as above directed. In the absence of any other provision the number of copies to be printed and bound, and the time within which the same shall be completed, may be fixed by resolution of each general assembly, or, in case no such resolution is passed, shall be determined by the executive council.

Laws amending code, shall refer to portion amended.

SEC. 38. Every act passed in amendment of or in addition to any chapter or section of this Code, or in amendment of or in addition to any previous act of the same kind, shall contain in the title thereof a reference to the number and name of the chapter so amended or added to, and if such reference be omitted, the secretary of state shall, in preparing such act for publication, supply the omission.

Distribution of laws.

SEC. 39. The secretary of state shall distribute the laws aforesaid as follows: To the state library for distribution to other states and territories, and for exchange, two hundred copies; two copies to each state institution, to each judge of a court of record, state officer, and member of the general assembly; one copy to each officer of the general assembly, and to the publisher of each newspaper or periodical of the state; ten copies to the library of the law department of the state university; eighty copies to the state historical society, all the foregoing to be bound in law sheep. Eighteen thousand copies of the laws bound in boards shall be delivered to the county auditors of the several counties in proportion to the population thereof. No county shall receive a less number than ten copies of the laws for each organized township and incorporated town or city in such county.

Upon receipt of such laws the auditor of each county shall execute duplicate receipts therefor to the secretary of state, one of which shall be filed in the office of the auditor of state.

SEC. 40. The county auditor shall set apart a sufficient number of copies of the laws to furnish each county officer, and the mayor of each incorporated town or city, one copy; and one copy to each justice of the peace, constable, township trustee, or member of a city or town council, and to each township clerk and assessor, and shall report to the auditor of state the number of copies remaining in his hands. County auditor to distribute same.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and the Iowa State Leader, newspapers published in Des Moines, Iowa. To take effect.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 25, and in the *Iowa State Register*, March 29, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 133.

### RELIEVING CERTAIN RAILROAD COMPANIES FROM PENALTIES INCURRED.

AN ACT for the Relief of certain Railroad Companies, their Officers, Agents and Employees. S. F. 265.

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

SECTION 1. That if it shall be made to appear to the satisfaction of the executive council of this state, that any railroad company owning or operating a railroad in this state, has in good faith adopted the schedule of rates for the transportation of freight and passengers, which shall at the time of the execution of the certificate herein provided for, be in force, and shall file a bond with the auditor of state with good and sufficient sureties, in the sum of \_\_\_\_\_ dollars liquidated damages to be fixed by the *executive* [executive] council, conditioned that it will continue to operate its said railroad for a period of two years (provided the law shall remain in force during that time) under and in accordance with the said schedule, and not seek to evade its provisions by increasing or contriving any increase on through rates to points on its line outside of the state; the test of such increase shall be the rates actually charged by said company on through freights in the year 1873, the said railroad company, its agents, officers and employes, shall be released from all criminal prosecutions, penalties, fines and forfeitures, under chapter 88, herein-after described, and the governor shall execute a certificate of the compliance of such railroad company with the provisions of this

R. R. Co. complying with schedule of transportation rates.

And filing bond with auditor of state.

Shall be released from criminal prosecution.

act, which certificate shall be conclusive evidence in any court of record, in any criminal or civil suit or proceeding, that such railroad company, its officers, agents and employes, are released from all criminal prosecutions, penalties, fines and forfeitures which may have been incurred under the provisions of chapter 68 of the acts of the 15th general assembly, known as the "Railroad Tariff Law," and no greater sum shall be recovered in any case arising under the provisions of said act in any civil action or proceeding, than the actual damages suffered by any person from unreasonable charges paid prior to that date, and; *provided*, that the provisions of this act shall be accepted by such railroad company within sixty days from and after its approval by the governor.

Incurred under chap. 68, 15th G. A.

Proviso.

To take effect.

SEC. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in the city of Des Moines, Iowa.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 21, and in the *Iowa State Register*, March 24, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 134.

### LEGALIZING THE TOWN OF LENOX.

H. F. 334. AN ACT to Legalize the Incorporation and Ordinances of the Town of Lennox, Taylor county, Iowa.

Preamble. WHEREAS, The town of Lenox, Taylor county, Iowa, embracing the  $s \frac{1}{4}$  se sec. 6, nw  $\frac{1}{4}$  and w  $\frac{1}{4}$  ne sec. 8, tp. 70, r. 32, on May 26, 1875, duly filed its petition to be incorporated under the general incorporation laws of the state of Iowa, and

WHEREAS, Said town of Lennox held its first election for municipal officers on the 12th day of October A. D. 1875, and has regularly transacted business since, and enacted ordinances, and

WHEREAS, Doubts have arisen as to the legality of said incorporation and the ordinances ordained thereunder; therefore,

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

Legalizing clause. SECTION 1. That the incorporation of the town of Lennox, Taylor county, Iowa, be and the same is hereby legalized, and that all the official acts of the town council of the said town of Lennox, done and performed since its organization and in the organization thereof be and the same are hereby legalized and declared legal and valid.

To take effect. SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Reg-

ister, and Lenox Time Table newspapers published at Des Moines, Iowa, and Lennox, Iowa, said publication to be without expense to the state.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Lenox Time Table*, March 31, and in the *Iowa State Register*, April 7, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 135.

### LEGALIZING THE FARMER'S MUTUAL FIRE INSURANCE COMPANY OF MITCHELL COUNTY.

AN ACT to Legalize the Farmer's Mutual Fire Insurance Company of H. F. 481. Mitchell County, Iowa.

WHEREAS, There was organized in March, 1874, the farmer's mutual fire insurance company of Mitchell county, Iowa, whose articles of incorporation were duly filed in the office of the recorder of Mitchell county, Iowa, wherein is situated the principal place of business of said corporation, but by oversight a copy of said articles was not filed with the secretary of state, as in such cases made and provided until September 30th, 1875. Articles not filed with secretary of state.

The said association has, since its organization, been proceeding to conduct and carry on its business, now therefore,

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

SECTION 1. That the incorporation of the farmer's mutual fire insurance company of Mitchell county, Iowa, be and the same is hereby legalized as are all the acts and proceedings of said association since done in pursuance of its articles, the same as if said articles of incorporation had been duly filed, and no act of the said association or of its board of directors shall be invalid by reason of the omission to file said articles of association with the secretary of state. Legalizing clause.

SEC 2. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, a newspaper published at Des Moines, Iowa, and the Mitchell County News, a newspaper published at Osage, Iowa, without expense to the state. To take effect.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Mitchell County News*, March 30, and in the *Iowa State Register*, April 5, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 136.

## RELATING TO SCHOOL SUPERINTENDENTS AND DIRECTORS.

S. F. 275. AN ACT to Define who may hold the Offices of County School Superintendent and School Director in the State of Iowa.

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

SEX not to render any one ineligible. Nor deprive one of office.

SECTION 1. That no person shall be deemed ineligible by reason of sex, to any school office in the state of Iowa.

SEC. 2. No person who may have been or shall be elected or appointed to the office of county superintendent of common schools or school director in the state of Iowa, shall be deprived of office by reason of sex.

TO take effect.

SEC. 3. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa Daily State Register, and Iowa Daily State Leader, newspapers published in Des Moines, Iowa

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 24, and in the *Iowa State Register*, March 28, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 137.

## RELATING TO THE ADDITIONAL PENITENTIARY.

H. F. 23. AN ACT to Provide for the Continuation of the Work on the Additional Penitentiary and to make an Appropriation therefor.

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

\$18,000 appropriated to continue work on buildings.

SECTION 1. That there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of eighteen thousand dollars for the purpose of continuing the work on wall and buildings.

Fifteen hundred dollars for fitting up rooms for hospital and residence of warden.

Three thousand dollars for change of track, and laying down additional track to facilitate work on the wall and buildings.

How work shall be carried on.

SEC. 2. The work contemplated in section one (1), of this act shall be carried on under the superintendence and direction of the warden, with the concurrence of the executive council, and the money hereby appropriated shall only be drawn from the state treasury on the order of the warden, countersigned by the clerk, and in such sums only as may be actually necessary to de-

fray the expenses of carrying on the work as it progresses, and he shall take vouchers in duplicate for all money paid out by him, one of which shall be filed in the office of the auditor of state.

SEC. 3. The warden shall at the close of each month present to the auditor of state, a certified exhibit of all amounts due for labor done, or materials furnished during said month. Such exhibit to be itemized and approved by the executive council, and the auditor shall thereupon deliver to him a warrant upon the state treasury for the amount, and no warrant shall issue except upon such exhibit, duly approved as aforesaid.

Warden to furnish auditor with monthly exhibit.

*Provided*, That not more than twelve thousand dollars shall be drawn from the treasury in the year 1876.

Proviso.

SEC. 4. If the warden shall at any time enter into, or be a party to any contract, bargain or arrangement which shall involve the expenditure of a greater amount of money than is appropriated by section one of this act, or shall incur any debt or obligation, otherwise than is provided herein, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than five hundred dollars, or by imprisonment for not more than one year.

If warden shall contract greater expenditure.

SEC. 5. There is also appropriated an amount sufficient to increase the general support now allowed by law, to ten dollars per month, or so much thereof as may be necessary for each convict in said penitentiary, such increase to be estimated and drawn in the manner now provided by law.

For support of convicts.

SEC. 6. This act being deemed of importance, shall be in force and effect on and after its publication in the Iowa State Register, Iowa State Leader, and Staats Anzeiger, newspapers published in Des Moines.

To take effect.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 24, *Iowa State Register*, March 29, and in the *Staats Anzeiger*, April 13, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 138.

### IN RELATION TO SUPREME COURT REPORTS.

AN ACT Amendatory of Section 156, Chapter 4, Title 3, of the Code relating to the Publication of the Reports of the Supreme Court. S. F. 61.

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

SECTION 1. That section 156, chapter 4, title 3, of the Code, be and the same is hereby amended by adding thereto the words following, to-wit: "except in the years 1876 and 1877, in each of which years three volumes shall be published."

Code, §156 amended.  
No. of volumes.

**SEC. 2.** This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines. Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 25, and in the *Iowa State Register*, March 29, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 139.

### IN RELATION TO THE DEAF AND DUMB ASYLUM.

S. F. 108. AN ACT to Provide for Commencing the Erection of the West Lateral Wing and Completion of the Buildings of the Deaf and Dumb Asylum at Council Bluffs, Iowa.

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

**SECTION 1.** That there is hereby appropriated for the deaf and dumb asylum at Council Bluffs, Iowa, out of any money in the state treasury not otherwise appropriated, the following sums and for the following purposes, to-wit:

\$50,000 appropriated for erection of west wing, etc.

First. For the construction of new steam boilers and necessary attachments for improving the heating apparatus now in use in said institution, the sum of four thousand dollars, \$4,000.

Second. For the erection and completion of a boiler house smoke stack, coal sheds and laundry, the sum of four thousand dollars \$4,000.

Third. For additional tools, implements and stock for the use of the mechanical department the sum of two thousand dollars, \$2,000.

Fourth. For the erection of the west lateral wing, the sum of forty thousand dollars, \$40,000.

**SEC. 2.** That the money appropriated by this act shall be expended in accordance with the provisions of chapter 107 of the laws of the twelfth general assembly made applicable to the erection of said west lateral wing and the completion of the buildings of said asylum; *provided*, that wherever the word "commissioner" occurs therein the word "trustees" shall be substituted therefor and the governor of the state shall be ex-officio, a trustee for the purposes of this act.

How expended.

**SEC. 3.** This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, and Daily State Leader, newspapers published in Des Moines, Iowa.

To take effect.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 25, and in the *Iowa State Register*, March 30, 1876.

JOSIAH T. YOUNG, *Secretary of State.*



## CHAPTER 140.

## IN RELATION TO DRAINS, DITCHES, AND WATER-COURSES.

AN ACT amending Sections 1207, [1210] 1212, [1213, 1214] and 1216 of S. F. 106, chapter 2, Title X of the Code, in relation to Drains, Ditches, and Water-Courses.

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

SECTION 1. That section 1207 chapter 2, title 10 of the Code be amended by striking out the word "ten" in the second line of said section and inserting in lieu thereof the word "five."

Code, §1207 amended.  
Referring to population of counties.  
§1212 amended.

That section 1212 of chapter 2, title 10 of the Code be amended by striking from the end of said section the following words: "But no water-course shall be so changed as to deprive the owner of any adjacent lands of the benefit thereof unless he consents thereto."

Water courses.

SEC. 2. That section 1210 of chapter 2, title 10 of the Code be amended by inserting after the word "water-course" in the third line thereof the following: "or for damages sustained by the change of direction of any such water-course."

§1210.  
Damages.

SEC. 3. That section 1213 of chapter 2, title 10 of the Code be amended by inserting after the word "appropriated" in the 7th line thereof the following: "or damages sustained by the change of direction of such water-course"

§1213 amended.  
Costs and fees.

SEC. 4. That section 1214 of chapter 2, title 10 of the Code be amended by inserting after the word appropriated in the 3d line thereof the following: "Or damages sustained by the change of direction of such water-course," and by adding at the end thereof the following: "and said supervisors shall when necessary, cause said ditches, drains, or water-courses to be re-opened and repaired, and the costs thereof shall be apportioned, assessed, levied, and collected as hereinbefore provided for the costs of the construction of such ditches, or drains, and the amount so collected shall be paid out of the county treasury from the fund collected for that purpose on the order of the county auditor. And the diverting, obstructing, impeding or filling up of such drains, ditches or water-courses in any manner by any person without legal authority, is hereby declared a nuisance, and any person convicted of such crime, shall be punished as provided in title 24, chapter 15 of the Code for the punishment of nuisances."

§1214 amended.  
Equitable apportionment of costs.

Nuisance.

SEC. 5. That section 1216 of chapter 2, title 10 of the Code be and the same is hereby repealed and the following enacted in lieu thereof:

§1216 repealed.

SEC. 1216. The petitioners or any of them or the applicant for compensation for land taken or for damages sustained by reason of the change of direction of any water-course, may appeal from the order locating and establishing such ditch or drain or changing the direction of such water-course or refusing so to do, and from the amount allowed as damages by pursuing the same

Appeals.

method provided for appeals from assessment of damages in the location of highways and the auditor shall make out transcripts as provided in appeals taken from the assessment of damages in case of highways.

Approved March 17, 1876.

CHAPTER 141.

RELATING TO THE PENITENTIARY AT FORT MADISON.

S. F. 139. AN ACT to Provide for the Improvement of the Penitentiary at Fort Madison, Iowa, to Provide for the Transportation of Discharged Convicts.

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

SECTION 1. That there be and is hereby appropriated out of \$21,800 appropriated. any money in the treasury not otherwise appropriated, or as much thereof as may be necessary, for the several objects named, viz: For converting deputy warden's house into cells .....\$7,500.00 For dwelling house for deputy warden..... 1,500.00 For the removal of old wooden paintshops and the erection of two workshops..... 6,000.00 For transportation of discharged convicts..... 1,800.00 For school building and hospital..... 4,000.00 For ventilation of cell room and shops..... 1,000.00

How expended. SEC. 2. The moneys hereby appropriated for the improvement of said penitentiary, and expended under the direction of the warden, shall be in accordance with the plans and estimates first submitted to the executive council.

To take effect. SEC. 3. This act shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the Iowa State Leader, March 23, and in the Iowa State Register, March 24, 1876.

JOSIAH T. YOUNG, Secretary of State.

## CHAPTER 142.

## GENERAL APPROPRIATION ACT.

AN ACT Making an Appropriation for the Payment of State and Judicial Officers, and for other purposes hereinafter named, and to amend Section 120 of Chapter 2 of the Code of Iowa. S. F. 278.

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

SECTION 1. That there is hereby appropriated from any money in the state treasury not otherwise appropriated, an amount sufficient to pay the salaries of the various officers, whose salaries are now fixed by law; and to be paid from the state treasury; and the auditor of state shall draw warrants therefor in favor of the officers entitled thereto in monthly installments, when not otherwise provided by law. Am't appropriated sufficient to pay salaries.

SEC. 2. There is hereby further appropriated from the state treasury for the term of two years, ending March 31st, 1878, the following amounts or so much thereof as may be necessary, to-wit: *provided*, that on the first day of April, succeeding the meeting of each regular session of the general assembly, all moneys appropriated and remaining undrawn, belonging to the several funds hereinafter mentioned, shall be covered into the treasury. Further appropriations.

SEC. 3. The sum of eight thousand dollars for incidental expenses of the supreme court, or so much thereof as may be necessary, and all bills for such expenses shall contain the items thereof, and shall be certified to be correct by the chief justice of said court before being audited. \$8,000 for incidental expenses supreme court.

SEC. 4. The amounts hereinafter named or so much thereof as may be necessary for the use of the several state officers herein designated, to enable them to procure clerical help; *provided*, that such officers shall furnish vouchers to the auditor of state before the same shall be audited; and the amount of such expenditure, and to whom paid, shall be reported to the next general assembly. For the use of the secretary of state, the sum of two thousand dollars, (\$2,000.) To state officers for clerical help.

For the use of the treasurer of state, the sum of two thousand dollars, (\$2,000.) \$2,000 to treasurer.

For the use of the auditor of state, the sum of five thousand dollars, (\$5,000.) \$5,000 to auditor.

For the use of the superintendent of public instruction, the sum of four thousand dollars, (\$4,000) and, for the use of the register of the state land office, including all expenditures authorized by resolution number fifteen, passed at the adjourned session of the fourteenth general assembly, and for platting the several land grants of the state of Iowa, the sum of three thousand dollars, (\$3,000.) \$4,000 to superintendent. \$3,000 to register state land office.

SEC. 5. For contingent expenses of the executive office, the sum of five thousand dollars, (\$5,000); and for payment of room rent for the governor, the sum of twelve hundred dollars, (\$1,200.) \$5,000 to governor, contingent expenses.

**Sec. 6.** For the payment of a janitor, necessary night guards, and fireman for the capitol building, the sum of five thousand and five hundred dollars, (\$5,500) to be expended under the direction of the executive council.

\$5,500 for janitor, night guards, and fireman.

**Sec. 7.** For providential contingencies, the sum of six thousand dollars, (\$6,000,) said amount to be under the control of the executive council, and all the payments from said fund, shall first receive their unanimous approval. Any expenditure under this section shall be reported in detail by the auditor of state in his biennial report:

\$6,000 for providential contingencies.

Code, §120 amended.

**Sec. 8.** Section 120 of chapter nine, title two of the Code is hereby amended to read as follows :

Custody of state property: providing for state officers.

**SECTION 120.** The executive council shall have the charge, care, and custody of the property of the state, when no other provision is made, and shall procure for the several offices of the governor, secretary of state, auditor and treasurer of state, register of state land office, superintendent of public instruction, attorney-general and state librarian, and clerk of the supreme court, fuel, lights, blank books, postage, furniture, and any other thing necessary to enable such officers to promptly and efficiently perform the duties of their several offices; the accounts for any expenditures under this section, including repairs of the state house and such other necessary and lawful expenses as are not otherwise provided for shall be audited upon the certificate of such council and the warrants drawn therefor paid by the treasurer of state.

The executive council shall report to each regular session of the general assembly the amounts expended, and in general terms what for and how much for each office.

\$1200 to secretary of state for publishing and distributing laws.

**Sec. 9.** The sum of twelve hundred dollars (\$1,200.00) is hereby appropriated to pay the secretary of state for preparing the manuscript, making the marginal notes and index, superintending the printing and *building* [binding] and for the distribution of the laws to the several counties, as required by law. The sum of four hundred dollars (\$400.00) when the laws are bound, ready for distribution; four hundred dollars (\$400.00) when the laws are distributed to at least fifty counties, and the remaining four hundred dollars (\$400.00) when the distribution of said laws is complete.

How paid.

\$42,000 to pay interest on bonds.

**Sec. 10.** For the payment of semi-annual installments of interest, to become due on the war and defense bonds of the state, the sum of forty-two thousand dollars \$4,200.00 [\$42,000.00].

\$40,000 to pay interest on school fund loans.

**Sec. 11.** For the payment of the interest to become due on school fund loans, the sum of forty thousand dollars (\$40,000.00).

\$1200 to adjutant general for clerk hire. \$600 for care of arms.

**Sec. 12.** For the payment of clerk hire in the adjutant-general's office the sum of twelve hundred dollars (\$1,200.00), and for the care and transportation of arms and other expenses of the quartermaster-general's department, the sum of six hundred dollars \$1,600.00 [\$600 00], bills under this section to be certified to by the adjutant and acting quartermaster-general, and approved by the executive council before payment.

**Sec. 13.** For the payment of the chaplains of the senate, forty-eight days at five dollars (\$5.00) per day, the sum of two hundred

and forty dollars (\$240); and for the payment of the chaplains of the house at five dollars (\$5.00) per day, the sum of two hundred and thirty dollars, (\$230), to be paid on the certificate of the president of the senate and the speaker of the house, and divided among themselves. Payment of chaplains of house and senate

SEC. 14. To the lieutenant governor, Joshua G. Newbold, as president of the senate, the sum of eleven hundred dollars, (\$1,100.) \$1100 to president of senate.

SEC. 15. To John H. Gear, as speaker of the house, the sum of five hundred and fifty [dollars], (\$550), which amount shall be in addition to his salary as a member of the house. \$550 to speaker of house.

SEC. 16. For the payment of Joseph Dysart, as president of the senate during its temporary organization, four days at ten dollars (\$10.00) per day, forty dollars (\$40.00). \$40 to pres. of senate: temporary organization.

SEC. 17. For the payment of Lemuel R. Bolter, speaker pro tem, of the house during its temporary organization, two days, ten dollars, (\$10.00). \$10 to speaker pro tem.

SEC. 18. For the payment of J. A. T. Hull, secretary of the senate, and James W. Logan, chief clerk of the house, for transcribing the journals, superintending the printing and distributing the same, the sum of six hundred dollars (\$600) each, (\$1,200); one-half to be paid when a certified copy of the journals is filed in the office of the secretary of state, and the balance when the distribution is made. Warrants under this section to be issued under the *director* [direction] of the executive council. \$1200 for work on journals.

SEC. 19. To J. G. Foote, as accountant of the board of capitol commissioners for two years ending March 31st, 1878, the sum of six hundred dollars, (\$600), to be paid as services are rendered. \$600 to accountant of cap. commissioners.

SEC. 20. To Bolton Bros., for bill of hardware, twenty-seven dollars and eighty-five cents, (\$27.85). \$27.85 for hardware.

SEC. 21. To Redhead & Wellslager, for bill of stationery, one hundred and sixty-one dollars and fifty-three cents, (\$161.53). \$161.53 for stationery.

SEC. 22. To Carter, Hussey & Curl, for bill of stationery, one hundred and twenty dollars and sixteen cents, (\$120.16). \$120.16 for stationery.

SEC. 23. To J. D. Seeberger, for one post-office balance for use of general assembly, six dollars and sixty-five cents, (\$6.65). \$6.65 for post office balance.

SEC. 24. To Paul Lange & Co., for printing biennial message of Gov. C. C. Carpenter, and inaugural address of Gov. S. J. Kirkwood in German, eighty-seven dollars and sixty cents, (\$87.60). \$87.60 for message and inaugural in German.

SEC. 25. To J. B. Letovsky, for printing biennial message of Gov. C. C. Carpenter, and inaugural address of Gov. S. J. Kirkwood in the Bohemian language, forty-three dollars and sixty-five cents, (\$43.65). \$43.65 for message and inaugural in Bohemian.

SEC. 26. To Redhead & Wellslager, for bill of stationery for use of sixteenth general assembly, twenty six dollars and twenty-five cents, (\$26.25). \$26.25 for stationery.

SEC. 27. For the payment of one fireman, Edward Entwistle, and three janitors, William R. Stimpson, E. R. Childs, and Andrew J. Scholes, during the session of the sixteenth general assembly, two hundred and sixty-eight dollars (\$268) each—one thousand and seventy-two dollars, (\$1,072) \$1,072 for fireman and janitors.

- \$57 for witness fees.
- \$25 for paste.
- \$10 for diagrams.
- \$504.60 for stationery.
- \$12 for schedules.
- \$600 each to secretary, auditor, and treasurer, as members of ex. council.
- \$90 for message and inaugural in Norwegian.
- \$75 for translating message in German.
- \$37.53 for board of soldiers.
- \$10 for mails.
- To take effect.
- SEC. 28. To Wm. Ward, for services as witness before the senate committee on claims, five days, fifty-seven dollars (\$57).
- SEC. 29. To W. R. Stimson for paste for use of sixteenth general assembly, twenty-five dollars (\$25.)
- SEC. 30. To F. A. Warner for making and platting diagrams for desks of president of senate and speaker of house, ten dollars (\$10.)
- SEC. 31. To Mills & Co., for stationery, blank books, etc., five hundred and four dollars and sixty cents; (\$504.60); *provided* the executive council shall first approve said bill.
- SEC. 32. For two hundred and fifty schedules ordered by the senate, to be paid to Mills & Co., twelve dollars, (\$12.00)
- SEC. 33. To the secretary of state, auditor of state, and treasurer of state, for extra services, as members of the executive council for the years 1876, and 1877, the sum of six hundred (\$600) each. Warrants, therefor, shall be drawn in quarterly installments not exceeding three hundred dollars per year, for each of said officers.
- SEC. 34. To B. Anundsen for printing biennial message and inaugural address in the Norwegian language, ninety dollars, (\$90.)
- SEC. 35. To Theo. Guelich, for translating biennial message, and inaugural address into the German language, seventy-five dollars (\$75.)
- SEC. 36. For the payment of A. J. Millard, for the board of soldiers as per voucher filed in the office of the auditor of state, eighty-seven and 58-100 dollars (\$87 58.)
- SEC. 37. For conveyance for carrying mails to and from post-office, and bridge toll, the sum of (\$10); to be paid to E. H. Stedman.
- SEC. 38. This act being deemed of immediate importance, shall be in force and effect on and after its publication in the Iowa State Register, Iowa State Leader, and Staats Anzeiger, newspapers published in Des Moines.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 20, *Iowa State Register*, March 21, and in the *Staats Anzeiger*, March 30, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 143.

## RELATING TO SUPERIOR COURTS IN CITIES.

AN ACT to Provide for Establishing Superior Courts in Cities of a Certain Grade. [Additional to Chapter 10, Title IV, of the Code; "Of Cities and Incorporated Towns."] S. F. 74.

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

SECTION 1. That any city in this state containing five thousand inhabitants whether organized under a special charter or the general act for the incorporation of cities and towns, may establish a superior court as hereinafter provided, which, when established, shall take the place of the police court of such city. What cities may establish.

SEC. 2. Upon the petition of one hundred citizens of any such city, the mayor by and with the consent of the common council, may at least ten days before an annual election for city officers, issue a proclamation submitting to the qualified voters of said city, the question of establishing said court. At the same election and every fourth year thereafter, (if the said court is established) there shall be elected a judge of the superior court, the votes for whom shall be upon the same ballot with other city officers. Should two-thirds of all the votes cast at such election be in favor of said court, the same shall thereby be established, and the said judge shall qualify and hold his office for the term of four years, and until his successor is elected and qualified. Immediately after each election of said judge, the mayor of said city shall transmit a certificate of the election of said judge to the governor of the state, who shall thereupon issue to him a commission empowering him to act as judge as herein provided. Question of establishment to be submitted to vote.

SEC. 3. Said judge shall be a qualified elector of the city, and be possessed of the legal acquirements prescribed in section 208 of the Code of Iowa, and shall subscribe in writing the same oath required of judges of the district court, and file the same with the mayor of the city, and shall give bond to the state of Iowa in the sum of four thousand dollars, for the faithful discharge of his duties, which bond must be filed with and approved by the mayor; and the effect of such election and qualification shall be to abolish the office of police judge of such city. Judge—his acquirements and bond.

SEC. 4. In case of a vacancy occurring in the said office of judge, the mayor, by and with the consent of the common council, shall appoint a judge, who shall hold the office until the next annual city election, and until his successor is elected and qualified, who shall be chosen to fill the unexpired time. Vacancy.

SEC. 5. Said judge shall hold at least one term of court in each month, except in August, commencing on the first Monday in each month, but as a police court it shall always be open for the dispatch of business. Terms of court.

SEC. 6. Said court shall have jurisdiction concurrent with the district and circuit courts, as now and hereafter provided by law, Jurisdiction.

except where said courts respectively have exclusive jurisdiction and except actions for divorce, and of all appeals and writs of error, in civil cases, from justice's courts within the township or townships in which the city is located, and by consent of parties from justice's courts in other townships in the county, said appeals and writs of error to be taken in the same time and manner as if the same were taken to the circuit court, and the exclusive original jurisdiction to try and determine all actions civil and criminal, for the violation of city ordinances, and all the jurisdiction conferred upon police courts, as now and heretofore provided by law, and all the jurisdiction co-extensive and concurrent with justices of the peace, in all actions, civil and criminal, as now are or may be hereafter provided by law, and for the trial of criminal actions, shall be open at such times and under such rules as the court shall prescribe.

Changes of venue.

SEC. 7. Changes of venue may be had from said court in all civil actions to the circuit court in the same manner, for like causes, and with the same effect, as the venue is now changed from the circuit court as provided by law. In criminal actions changes of venue may be had to the district court, as provided by law for changes of venue in the district court, and when criminal actions are tried in vacations, without jury, an appeal will lie to the district court, as provided by law for appeals in like cases from justices of the peace.

Powers of judge in vacation.

SEC. 8. The said judges shall have the same power in regard to injunctions, writs, orders and other proceedings, out of courts as are now or may be hereafter possessed for [by] the judges of the district or circuit courts; and may also administer oaths, take acknowledgments and depositions (except depositions to be used in his own court,) and solemnize marriages. But he shall not practise in any of the courts of this state.

Pleadings, modes of trial, rules of practice, etc.

SEC. 9. The superior court shall be a court of record, and all statutes in force respecting venue and commencement of actions, the jurisdiction process, and practice of the circuit and district court, the pleadings and mode of trial of action at law or in equity, and the enforcement of its judgments by execution or otherwise, and the allowance and taxing of costs, and the making of rules for practice or otherwise, shall be deemed applicable to the superior court, except wherein the same may be inconsistent with the provisions of this act. The records and papers properly filed in a cause in either the district or circuit courts are equally evidence in said superior court.

Seal.

SEC. 10. The said court shall have and use its own seal, having on the face thereof the words, "superior court," and the name of the city, county, and state.

Clerk.

SEC. 11. As long as the business of the court can be done with convenience and dispatch, without a clerk, the judge shall be the clerk of the said court. Whenever, from the accumulation of causes and other demands upon the court a clerk shall become necessary, the city recorder, or clerk, shall be the clerk of the superior court, and shall receive such compensation for his services as the city council may from time to time allow; and



he shall perform the duties in said court provided by law for the clerk of the circuit court, and shall give bonds as required of the said judge.

SEC. 12. The city marshal shall be the executive officer of said court and his duties and authority in court and in executing process shall correspond with those of the sheriff of the county in the circuit court, and with process from that court, and he shall receive the same fees and compensation as the sheriff for like services. But the process of said court may be also served by the sheriff. Marshal.

SEC. 13. The judge of said court shall receive in full compensation for his services the sum of two thousand dollars per annum, to be paid to him quarterly; the first two quarters of the municipal year shall be paid from the city treasury, and the last two quarters from the county treasury wherein said city is located. The costs and fees of said court in civil actions shall be the same as in the circuit and district courts except herein otherwise provided, and the clerk of the superior court shall account for and pay over to the city all fees that may be paid into the said court, and also for all fines for the violation of city ordinances. Of all other fines he shall render the same account as is provided for justices of the peace. In actions for the violation of city ordinances, if unsuccessful, the city shall pay all costs, the same as provided by law for the county in other criminal actions prosecuted in the name and behalf of the state. The fees in criminal actions shall be the same as in justices courts, and shall be paid and accounted for as hereinbefore stated, and as otherwise provided by law for justices of the peace and their courts. Compensation of Judge.  
Costs.  
Fees.

SEC. 14. Upon the first regular consecutive call of the calendar of causes by the court, either party to an action may elect to have such cause tried by jury, and a minute of said election shall be made upon the calendar. Causes thus designated shall be tried first in their order, and when a disposition shall have been made of such causes the jury shall be discharged from further attendance at that term. No juror shall be detained as juror longer than one week, except upon a trial commenced within the first week of his attendance. Jury.

SEC. 15. In order to provide jurors for said court, the judge, mayor, and recorder shall immediately after qualifying and every three months thereafter, make out a list of twelve names of persons from the body of the county in which the city is situated, qualified to serve as jurors in the district court, which list shall be furnished to the clerk of said superior court, and from this list there shall be drawn by the clerk and marshal nine persons in the same manner as jurors are drawn in the district court, and a precept from the court shall issue accordingly five days before the first day of next term, as provided by law in like cases in the district court. Selection of jurors.

SEC. 16. The jury shall consist of six qualified jurors, unless a jury of twelve is demanded, in which case the clerk may issue a special venire for that purpose or the city marshal may complete the jury from the bystanders. (But no party shall be entitled to Number of jury.

- a jury of twelve, until the person demanding the same, shall deposit with the clerk the sum of six dollars to be paid said jurors and taxed with the costs.) The pay of the regular jurors shall be one dollar per day of six hours, and mileage as provided by law, to be taxed with the costs not exceeding twenty-five dollars in any one case; the rest of the jury fees to be paid by the city.
- Fees.**                    **SEC. 17.** All appeals from judgments or orders of said court or the judge thereof in civil actions shall be taken to the supreme court in the same manner and under the same restriction, within the same time, and with the same effect as appeals are taken from the circuit to the supreme court except upon consent appeals shall be in same manner to the district court.
- Appeals.**                **SEC. 18.** Judgments in said court may be made liens upon real estate in the county in which the city is situated by proceeding as provided in sections 3567 and 3568 of the Code, relating to judgments of justices of the peace, and with equal effect and may be made liens upon real estate in other counties in the same manner as judgments in the circuit and district courts.
- Judgment liens.**        **SEC. 19.** It shall be the duty of the city attorney or solicitor to file informations in the superior court for violation of city ordinances and prosecute the same and for such services he shall receive such compensation as the city council shall allow.
- City attorney.**        **SEC. 20.** The said judge shall be ex-officio a magistrate and in preliminary examinations, the proceedings and practice shall be the same as before any other magistrate, and all warrants issued in criminal proceedings under the seal of the court, may be used in any other part of the state without further attestation, in like manner as if issued by the district court, and parties may be committed to the city prison for confinement or punishment instead of the county jail.
- Powers of judge ex-officio.**    **SEC. 21.** This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register, a newspaper published in the city of Des Moines, and the Daily Republican, a newspaper published in the city of Cedar Rapids, Iowa.
- To take effect.**        Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, and in the *Cedar Rapids Daily Republican*, March 22, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 144.

IN RELATION TO FURNISHING COUNTY AND TOWNSHIP OFFICERS  
WITH FIELD'S TREATISE.

AN ACT to Enable Counties to furnish certain County and Township Officers with a copy of a treatise published in this state, and known of a similar character, on County and Township Officers. S. F. 122.

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

SECTION 1. That the board of supervisors of each county may and they are hereby authorized and empowered to furnish to each county and township officer of their county, for the use of his office, one copy of a treatise published in this state, and known as "Field's County and Township Officers," or such other treatise of a similar character as they deem necessary. Every officer who shall be furnished with a copy of said treatise shall give a receipt therefor, which shall be filed for preservation in the office of the auditor of the county. Board of supervisors may furnish officers.

SEC. 2. Every officer who shall be furnished with a copy of said treatise under the provisions of the foregoing section, or who shall receive the same from his predecessor, shall transmit the same to his successor in office at the same time and in the same manner that he is required to transmit other books and papers belonging to his said office. To be transmitted to successor.

Approved March 17, 1876.

## CHAPTER 145.

## RELATING TO SALE OF LANDS FOR TAXES.

AN ACT to Amend Section 900, of Chapter 2, Title 6, of the Code, relating to Sale of Land for Taxes and the Interests acquired thereunder by Purchasers of United States, State, Municipal, University, Agricultural College, Swamp and Township Lands, Burial Grounds, Fair Grounds, Public Squares, Public Ornamental Grounds, and the Property of School Districts. S. F. 149.

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

SECTION 1. That the following be enacted as a substitute for section 900 of the Code of 1873: Code, §900 amended.

"Section 900. Whenever any school or university land, bought on a credit, is sold for taxes, the purchaser at such sale shall only acquire the interest of the original purchaser in such lands, and no sale of any such lands for taxes shall prejudice the rights of the state or university therein, or preclude the recovery of the purchase money or interest due thereon; Interest acquired by purchaser in school or university lands, etc., etc.

“and in all cases where real estate is mortgaged, or otherwise encumbered, to the school or university fund, the interest of the person who holds the fee shall alone be sold for taxes, and in no case shall the lien or interest of the state be affected by any sale of such encumbered real estate made for taxes.”

Same provisions to apply to other lands.

The foregoing provisions shall be extended to and shall include all lands exempted from taxation by the provisions of this title, including lands of the United States and of this state, or of any county, township, city, incorporated town, or school district, including agricultural college lands, swamp lands, burial grounds, fair grounds, public squares, public groves, or public ornamental grounds, and to any legal or equitable estate therein held, possessed or claimed for any public purpose, and no assessment or taxation of any such lands, nor the payment of any such taxes by any person, or the sale or conveyance for taxes of any such lands, shall in any manner affect the right or the title of the public therein, or prejudice the public thereto; nor shall any such payment or sale confer upon the purchaser or person who pays such taxes, any right or interest in such land adverse or prejudicial to the public right, title or ownership thereto.

Approved March 17, 1876.

## CHAPTER 146.

### IN RELATION TO CHANGING NAMES OF UNINCORPORATED TOWNS AND VILLAGES.

S. F. 150. AN ACT to provide for the Changing of the Names of Unincorporated Towns and Villages.

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

SECTION 1. That the board of supervisors may change the name of unincorporated towns or villages within their respective counties in the manner herein prescribed.

SEC. 2. When any number of the inhabitants of such town or village shall desire to change the name thereof, there shall be filed in the office of the county auditor of the proper county, at least ten days before the regular meeting of the board of supervisors, a petition for that purpose, which must be signed by at least two thirds of the qualified electors of said town or village, setting forth the name by which said town or village is known, its location as near as practicable, and giving the name which they desire the town shall thereafter be known by.

SEC. 3. Notice of the filing of said petition and the time and place when the same shall be heard, and the objects and purposes thereof, shall be given at least four weeks before the regular meeting of the board of supervisors, in like manner as the publication of original notices in civil actions where the defendant

cannot be personally served within the state; or by posting up a notice of said petition in three public places in the town or village the name of which is sought to be changed, at least four weeks before the meeting of said board, and also one copy of said notice for the same length of time on the front door of the court house of the proper county wherein the last term of the district court was held.

SEC. 4. At the first regular meeting of said board after publication of notice is completed, the board of supervisors shall proceed to hear and determine said petition, unless said hearing is for good cause continued until the next meeting; and said board on the hearing of said petition, shall hear any remonstrances against the proposed change, and in all its proceedings in relation to the hearing of said petition and remonstrances to the same, the said board shall be governed by the law regulating the hearing of petitions for the establishment of highways, so far as they are applicable and not inconsistent with this act. Hearings.  
Remonstrances.

SEC. 5. If, on the hearing, it shall appear to the said board that two-thirds of the qualified electors of said town or village in good faith signed said petition for change of name, and desired the same, then the said board shall order said name to be changed as prayed for. When board shall order change.

SEC. 6. Said order of the board shall thereupon be entered of record, giving the name of said town or village as set forth in said petition, the new name given, the time when the change shall take effect which shall not be less than thirty days thereafter, and directing that notice of said change shall be published in at least one newspaper published in said county, if any; and if there is no newspaper published in said county, then said notice shall be published by posting the same for four weeks on the front door of the court-house where the last term of the district court of said county was held. Order shall contain—

SEC. 7. The ordinary proof of such publication shall be filed in the office of the county auditor, shall be by him filed for preservation, and on the day fixed by the board as aforesaid the change shall be complete. Proof of publication.

SEC. 8. In all cases arising under the provisions of this act where there is no remonstrance or opposition to said petition, the petitioners shall pay all costs; but in all other cases, costs shall abide the result of the proceeding, and be taxed to either party, in the discretion of the board, or divided equitably between the parties. Costs.

Approved March 17, 1876.

## CHAPTER 147.

## STATE UNIVERSITY.

- H. F. 211. AN ACT to Repeal Section 1587, Chapter 2, Title 12 of the Code, Relating to the State University, and to Enact a Substitute therefor.

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

Code, §1587  
repealed.

SECTION 1. That section 1587, chapter 2, title 12 of the Code be and the same is hereby repealed and the following enacted in lieu thereof:

Board of  
regents.

Section 1587. The university shall be governed by a board of regents consisting of the governor of the state, who shall be president of the board by virtue of his office, the superintendent of public instruction, who shall be a member by virtue of his office and the president of the university, who shall also be a member by virtue of his office, together with one person from each congressional district of the state who shall be elected by the general assembly.

Approved March 17, 1876.

## CHAPTER 148.

## TO PUNISH INTERFERENCE WITH THE PROPERTY OF RAILROAD COMPANIES.

- S. F. 221. AN ACT to Diminish Liability to Railroad Accidents and to Punish interference with, and injury to the Property of Railroad Companies.

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

Discharging  
fire-arms &c.  
at railroad  
train.

SECTION 1. If any person shall throw any stone, or other substance of any nature whatever, or shall present or discharge any gun, pistol, or other fire arm at any railroad train, car, or locomotive engine he shall be deemed guilty of a misdemeanor and be punished accordingly.

Jumping off  
cars while in  
motion.

SEC. 2. If any person not employed thereon, or not an officer of the law in the discharge of his duty, without the consent of the person having the same in charge, shall get upon, or off, any locomotive engine, or car of any railroad company, while said engine or car is in motion, or elsewhere than at the established depots of such company, or who shall get upon, cling to, or otherwise attach himself to any such engine or car, for the purpose of riding upon the same, intending to jump therefrom, when such engine or car is in motion, he shall be guilty of a misdemeanor and be punished by fine not exceeding \$100, or by imprisonment not exceeding thirty days.

Approved March 17, 1876.

## CHAPTER 149.

## RELATING TO SUPPORT OF THE POOR.

AN ACT to Amend Section 1381, Title Eleven (11), Chapter One (1) H. F. 284.  
of the Code ["Of the Settlement and Support of the Poor."]

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

[SECTION 1.] That section 1381; title 11, chapter 1 of the Code be amended by striking out the words "one mill" in the fifth line of the said section and inserting therein, in lieu thereof the words "one and a half mills" so that the section will read as follows:

SECTION 1381. The expenses of supporting the poor house shall be paid out of the county treasury in the same manner with other disbursements for county purposes; and in case the ordinary revenue of the county prove insufficient for the support of the poor, the board may levy a poor tax not exceeding one and a half mills on the dollar to be entered on the county list and collected as the ordinary county tax; *provided*, that the provisions of this act shall not apply to counties in which the population is less than thirty-three thousand (33,000) inhabitants.

Approved March 17, 1876.

## CHAPTER 150.

## APPROPRIATION FOR COLLEGE FOR THE BLIND.

AN ACT making further Appropriations for the College for the Blind. H. F. 288 and 472.

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

SECTION 1. That there is hereby appropriated out of any money in the treasury not otherwise appropriated, the following sums for the purposes herein named, to-wit:

- For library and apparatus, one thousand dollars.
- For musical instruments, one thousand dollars.
- For furniture, carpets, bedding and furnishing goods, three thousand dollars.
- For wood-house, five hundred dollars.
- For painting, eight hundred dollars.
- For concreting basement in main building and south wing, one thousand dollars.
- For labor in removing old floors and stairs in basement of main building and south wing, and putting in new floors and stairs, six hundred and twenty-two 50-100 dollars.

For lumber and other materials for putting in new floors and stairs in basement of main building and south wing, eight hundred and forty-three 75-100 dollars.

For general repairs on buildings and grounds, eight hundred and thirty-three 75-100 dollars.

For water tanks, one thousand dollars.

For rubber hose, four hundred dollars.

For the erection of outhouse and water closets, four hundred dollars.

For contingent expenses, six hundred dollars.

How used.

SEC. 2. That the money hereby appropriated for library, apparatus, musical instruments, furniture, carpets, bedding and furnishing goods, shall be used for those objects exclusively, and any other moneys hereby appropriated and remaining unexpended after the specific object for which the same was appropriated shall have been completed, may be used so far as may be necessary for any of the other purposes specified in this act.

How audited and paid.

SEC. 3. That the money hereby appropriated shall be drawn and paid on the order of the trustees and audited and paid as other claims. And they shall take vouchers in duplicate for all money paid out under the provisions of this act, one of which shall be filed in the office of the auditor of state; *provided*, that not more than six thousand dollars shall be drawn and paid in the year 1876.

Proviso.

To take effect.

SEC. 4. This act being deemed of immediate importance, shall be in force from and after its publication in the Daily Iowa State Register, and Daily Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 27, and in the *Iowa State Register*, March 30, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 151.

### APPROPRIATION FOR THE CAPITOL BUILDING.

S. F. 239.

AN ACT to Amend an Act Entitled "An Act to Provide a State Capitol" Approved April 13th, 1870, and for making an Additional Appropriation for the Erection of the Capitol Building.

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

Chap. 110 of the 13th G. A. amended. Amount for which contract may be made without advertisement.

SECTION. 1. That chapter one hundred and ten (110) of the acts of the thirteenth general assembly be amended, so that the words "one thousand dollars" in the fourth line of the second clause of section 3 shall read twenty-five hundred dollars.

SEC. 2. That there is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of two



hundred and fifty thousand dollars for the erection of the new capitol building. \$250,000 appropriated for erection of capitol. In addition to annual appropriation.

SEC. 3. Said sum hereby appropriated shall be in addition to the annual appropriation provided for in chapter thirty-five (35) of the acts of the fourteenth general assembly.

SEC. 4. Of the amount hereby appropriated not more than one hundred and fifty thousand dollars shall be drawn from the treasury during the year eighteen hundred and seventy-six (1876), and the balance of said sum during the year eighteen hundred and seventy-seven (1877). Am't to be drawn in 1876. In 1877.

SEC. 5. Said sum of money shall be drawn and expended as provided in section four (4) of chapter one hundred and ten (110) of the acts of the thirteenth general assembly. How drawn and expended.

SEC. 6. The capitol commissioners are hereby authorized to construct the capitals of columns, and the cornice of stone instead of iron as now provided for in the specifications of the architect, as amended by resolution of the board. Capitals of columns.

SEC. 7. Section four (4) of chapter one hundred and ten (110) of the acts of the thirteenth general assembly, is hereby amended by adding thereto the following words; "*provided*, the state treasurer is directed to pay the men who may be discharged or cease work on the capitol building between regular pay days, upon the certificate of the overseer of construction or the secretary of the board of commissioners, said certificates to be taken up and included in the warrant for the next regular pay roll. \$4, chap 110, 13th G. A. amended. Payment of workmen.

Approved March 17, 1876.

## CHAPTER 152.

### FOR THE ESTABLISHMENT OF AN ASYLUM FOR FEEBLE MINDED CHILDREN.

AN ACT to Provide for the Organization and Support of an Asylum at H. F. 240. Glenwood, in Mills County, for Feeble Minded Children.

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

SECTION 1. That there is hereby established at Glenwood, in Mills county, in this state, an institution to be known as the asylum for feeble minded children, and the property of the state at that point, including buildings and grounds heretofore used for the western branch of the Iowa soldiers' orphans' home, shall be used for that purpose. Said institution shall be under the management of a board of trustees, consisting of three persons, two of whom shall constitute a quorum for business. Said trustees shall be elected by the general assembly, and at least one of them shall be a resident of Mills county. They shall hold their office for two years, or until their successors are appointed and qualified. At Glenwood. Buildings. Management.

Vacancy.	They, or either of them, may be removed at any time by the governor, for incompetency or bad behavior, on good cause shown. Any vacancy created from any cause shall be filled by the governor when the general assembly is not in session.
Object of institution.	SEC. 2. The purposes of this establishment are to care for, support, train and instruct feeble minded children.
Superintendent.	SEC. 3. The board of trustees shall appoint a superintendent, whose duty it shall be under the direction of the board, to superintend the care, management, training and instruction of the inmates of the asylum, and the management of its finances. He shall give a bond to the state of Iowa, in such sum as the board shall require, to be approved by the board, conditioned for the faithful performance of his duties. He shall make quarterly settlements with the board, the latter being represented by the resident trustee, assisted by the county auditor. The auditor shall receive three dollars per day for his services while so employed. The superintendent shall be removable by the board at its pleasure.
Duty and powers of trustees.	SEC. 4. The board of trustees shall have the general supervision of said asylum and all its affairs, and shall adopt such rules and regulations for the management of the same as will carry into effect the provisions and purposes of this act. The trustees shall meet and organize as soon as possible after the taking effect of this act. They shall elect one of their number president, and another treasurer; they shall also elect a person, who may or may not be one of their number, secretary. The treasurer shall give such bond as the board shall require conditioned for the faithful accounting of all moneys that come into his hands.
Treasurer.	The secretary shall receive three dollars per day for the time he is actually employed during the sessions of the board or under their direction. Said board shall meet on the first Wednesday in November of each year, and at such other times as two of their number may direct. All of said meetings after the organization of the board, shall be at the asylum.
Secretary.	The full compensation of the members of said board shall be mileage, such as is allowed by law to the members of general assembly.
Compensation.	SEC. 5. There shall be received into the asylum weak minded children between the age of seven and eighteen years whose admission may be applied for as follows:
Who shall be admitted.	<i>First.</i> By the father and mother, or by either of them, if the other be dead or adjudged to be insane.
	<i>Second.</i> By the guardian duly appointed.
	<i>Third.</i> In all other cases, by the board of supervisors of the county in which such child resides. It shall be the duty of such board of supervisors to make such application for any such child that has no living sane parent or guardian in the state.
Form of application.	SEC. 6. The forms for application for admission into the asylum shall be such as the trustees shall prescribe and each application shall be accompanied by answers under oath to such interrogatories as the trustees shall by rule, require to be propounded.
	SEC. 7. For the support of said institution there is hereby

appropriated out of any money in the state treasury not otherwise appropriated, the sum of ten (10) dollars per month for each child therein actually supported by the state, counting the actual time such child is an inmate and supported by such institution, and upon presentation to the auditor of state, for each month, of a sworn statement of the average number of children supported in the institution by the state, for the preceding month, the auditor shall draw his warrant upon the treasurer of state in favor of the treasurer of the board of trustees for such sum.

Support of children.

In cases where the parents or guardian are able to do so, they shall support the child, or children, whose admission they apply for; and such ability to support shall be determined by the board of supervisors of the county in which such children reside. In cases where the parent or guardian is able to pay a portion of such support, he shall do so, and the balance shall be made up by the state; and the board of supervisors of the county where such child resides shall decide how much such parent or guardian shall pay. The superintendent in his sworn monthly statement shall show the number of such children so partially paid for, and the amount which the state is to pay which amount shall be included in the auditor's warrant. In all cases where the parent or guardian pays under the provisions of this act the board of supervisors of the proper county shall require such security for the amount to be so paid as the said board of trustees shall prescribe.

By parents.

All salaries for officers and compensation for teacher and help shall be paid out of the support fund except as otherwise herein declared. No more of said support fund shall be drawn than is necessary for the purposes for which it is appropriated.

Salaries of officers, etc.

SEC. 8. The expenses of transmission of children to the asylum shall be paid out of the support fund in cases where they are supported by the state. In other cases by the parent or guardian.

Traveling expenses.

SEC. 9. The board of trustees shall make a full report of the disbursements of the asylum and its condition, financial and otherwise, to the general assembly at each regular session thereof.

Report of board.

Sec. 10. The inmates of the asylum may be returned to the parents or guardian whenever the trustees may so direct.

When inmates be returned.

SEC. 11. There is hereby appropriated out of any moneys in the treasury not otherwise appropriated the sum of three thousand (\$3,000) dollars, or so much thereof as may be necessary for furnishing the asylum, the same to be paid upon the order of the president of the board as it may be needed.

\$3,000 for furnishing.

SEC. 12. There is hereby appropriated the further sum of two thousand dollars for the next two years to aid in paying the salaries of officers and teachers, and for help, but no part of this shall be drawn unless the support fund is found insufficient, and then upon the order of the president of the board as the same may be necessary.

\$2,000 for salaries.

SEC. 13. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of one thousand dollars, or so much thereof as may be necessary, for the purpose of making such repairs of the said building and

\$1,000 for repairs.

grounds as may be needed, to be drawn upon the order of the president of the board of trustees. There is further appropriated the sum of two hundred dollars, or so much thereof as may be necessary for the purpose of purchasing school books and apparatus for said asylum to be drawn as aforesaid.

\$200 for books.  
Matron and steward.

SEC. 14. The superintendent may, under the direction of the board appoint a matron and a steward, and appoint such teachers and employ such help as may be needed.

"Feeble minded children" defined

SEC. 15. The term "feeble minded children" shall be construed to include idiot children between the ages of seven and eighteen.

To take effect.

SEC. 16. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Daily State Register and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 28, and in the *Iowa State Register*, March 30, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 153.

### RELATING TO STATEMENT MADE TO COUNTY AUDITORS BY THE EXECUTIVE COUNCIL SHOWING ASSESSED VALUATION OF RAILROADS.

H. F. 247.

AN ACT to amend [Section 1320,] chapter 5, title X, of the Code in relation to Railways.

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

Extending time for making such statement.

SECTION 1. That section 1320 of the Code be amended by striking therefrom the word "Fifteenth" and inserting in lieu thereof the "Twenty-fifth day of March."

To take effect.

SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication in the *Iowa State Register*, and *Iowa State Leader*, daily newspapers of the city of Des Moines.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 25, and in the *Iowa State Register*, March 29, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 154.

## RELATING TO PURCHASE OF CERTAIN LANDS BY THE AUDITOR OF STATE.

AN ACT Authorizing the Auditor of State to negotiate with and purchase from the Burlington & Missouri River railroad Co., the se  $\frac{1}{4}$  of sec. 13, the ne  $\frac{1}{4}$  of the ne  $\frac{1}{4}$  and the sw  $\frac{1}{4}$  of the ne  $\frac{1}{4}$  of sec. 23, tp. 70, r. 16, in Appanoose county, Iowa. S. F. 248.

WHEREAS, The following described tracts of land to-wit: Preamble. South half of section thirteen and north east quarter of section twenty three, township seventy, north range sixteen west of 5th p. m. were approved to the state of Iowa by the secretary of the interior on the 31st day of October A. D. 1855, as a part of the saline grant; and said approval to the state as saline lands, was revoked by the secretary of the interior on the 15th day of December A. D. 1855; and said tracts were certified and approved to the Burlington and Missouri River Railroad by the secretary of the interior on the 13th day of May 1869, and,

WHEREAS, The state has sold and conveyed under the saline grant the following tracts, south east quarter of section thirteen to Amos Norton for the sum of two hundred and sixty dollars, and issued patent therefor to said Amos Norton, on the thirteenth day of January, 1865; and the north east quarter of the north east quarter and the south west quarter of the north east quarter of section twenty-three, to William Scott, on the 23rd day of October, 1860, for the sum of one hundred and twenty dollars, and patent issued therefor to Joseph Underwood assignee of the said William Scott, on the 12th day of May, 1869, therefore,

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

SECTION 1. That in order to confirm the title to the grantees of the state, the auditor of state is authorized to negotiate with the Burlington & Missouri River railroad company for the purchase of the south east quarter of section thirteen (13) and north east quarter of the north east quarter, and south west quarter of the north east quarter of section twenty-three (23) in township seventy (70) north, range sixteen (16) west of the 5th principal meridian at a price not to exceed the amount for which said tracts were sold by the state together with ten per cent interest from the date of sale. Auditor authorized to purchase—  
Se  $\frac{1}{4}$  sec. 13.  
Ne  $\frac{1}{4}$  of ne  $\frac{1}{4}$   
and sw  $\frac{1}{4}$  of  
ne  $\frac{1}{4}$  of sec. 23.  
tp. 70, r. 16.

SEC. 2. When the Burlington & Missouri River railroad company shall have filed in the state land office a good and sufficient deed conveying to the state all right, title and interest vested in said company under the railroad grant, it shall be the duty of the auditor of state to issue, in favor of said company, a warrant on the general revenue fund of the state for the amount found due. When warrant shall issue.

Approved March 17, 1876.

## CHAPTER 155.

## RELATING TO ORGANIZATION OF DISTRICT TOWNSHIPS.

S. F. 259. AN ACT to Amend Sections 1815, 1816, 1817, 1818, 1819, and 820, Chapter 9, Title 12, of the Code of Iowa, and to Provide for the Organization of District Townships.

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

Code, § 1815-1820 amended. SECTION 1. That sections 1815, 1816, 1817, 1818, 1819, and 1820, of chapter 9, title 12, of the Code of Iowa, be, and are hereby amended to read as follows:

Ind. dists. may become dist. tp. SEC. 1815. The independent districts of a civil township may be constituted a district township in the manner hereinafter provided

Question of dist. tp. organization submitted to electors. SEC. 1816. At the written request of one-third of the legal voters residing in any civil township, which is divided into independent districts, the township trustees shall call a meeting of the qualified electors of such civil township at the usual place of holding the township election, by giving at least ten days notice thereof, by posting three written notices in each independent district in the township, and by publication in a newspaper, if one be published in such township, at which meeting the said electors shall vote by ballot for or against a district township organization.

When dist tp organization is agreed to. SEC. 1817. If a majority of the votes cast at such election be in favor of such district township organization, each independent district shall become a sub-district of the district township, and shall organize as such sub-district, on the first Monday in March following, by the election of a sub-director

Election of sub-directors. SEC. 1818. Each sub-district so formed shall hold a meeting on the first Monday in March for the election of a sub-director, five days notice of which meeting shall be given by the secretary of the old independent district, by posting written notices in three public places in each district, which notices shall state the hour and place of meeting.

Government of dist. townships. SEC. 1819. District townships organized under the provisions of the preceding four sections shall be governed and treated in all respects as other district townships: *provided*, that nothing in this act shall be construed to affect independent districts composed wholly or mainly of cities or incorporated towns.

Meeting of board of directors. SEC. 1820. When any district township is organized under the provisions of the preceding five sections, the sub-directors shall organize as a board of directors, on the third Monday in March, and make an equitable settlement of the then existing assets and liabilities of the several independent districts.

Approved March 17, 1876.

## CHAPTER 156.

IN RELATION TO SALARIES OF OFFICERS OF THE PENITENTIARY OF  
THE STATE.

AN ACT to Repeal Section 4783, of the Code. [Chapter 2, Title XXVI] H. F. 266.  
and Enact a Substitute therefor.

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

SECTION. 1. That section 4783 of the Code be, and the same Code, §4783  
is hereby repealed and the following enacted in lieu thereof: repealed.

SEC. 4783. There is hereby appropriated out of any moneys Appropriated  
in the treasury, not otherwise appropriated, so much as may be to salaries.  
necessary to pay monthly to the persons herein named, the fol-  
lowing sums, viz:

To the warden one hundred and twenty-five dollars, to the  
deputy warden one hundred dollars, to the clerk eighty-three  
and one-third dollars, to the chaplain who shall also act as  
teacher, one hundred dollars, to the surgeon fifty dollars, to each  
guard sixty dollars, to the hospital steward fifty dollars, to the  
turnkey sixty dollars.

SEC. 2. This act being deemed of immediate importance, shall To take effect.  
take effect from and after its publication in the Iowa State Reg-  
ister and the Iowa State Leader.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State  
Leader*, March 25, and in the *Iowa State Register*, March 29, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 157.

## IOWA REFORM SCHOOL.

AN ACT making Further Appropriation for the Iowa Reform School. H. F. 271.

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

SECTION 1. That there is hereby appropriated out of any \$45,000 appro-  
money in the treasury not otherwise appropriated, the following priated—  
sums for the purposes hereinafter named:

*First.* For the erection and furnishing of the main building, Erection of  
the sum of forty (40) thousand dollars, two thirds of said forty main build-  
(40) thousand dollars to be expended in the erection of said main ing;  
building in the year 1876, and the remaining one third in the  
year 1877.

*Second.* For steam boilers, laundry and kitchen apparatus, the sum of two thousand (\$2,000) [dollars.]

*Third.* For heating apparatus for two family buildings, each five hundred dollars (\$3,000.)

SEC. 2. The work contemplated in section one of this act shall be carried on under the direction of the board of trustees of the reform school, according to the provisions of this act, and said board is authorized to employ a competent person to superintend the same, and also to employ laborers and mechanics by the day or month, and to purchase all materials necessary to be used in the construction of the same, or to let by contract such portion or portions of the material to be furnished as shall seem to them for the best interest of the state, subject always to the following

Contracts.

restrictions: no contract shall be made which will bind the state for a greater sum than is herein appropriated by law and unexpended; nor shall any contract for more than five hundred dollars be made without advertising for three consecutive weeks in two newspapers published in the state, stating when bids will be received and opened and the kind and amount of material wanted; and all such contracts shall be let to the lowest bidder; *Provided*, he shall give satisfactory bond for the performance of the contract.

Proviso.

But the board may reserve the right to reject all bids offered.

Contracts must be in writing.

All contracts for whatever sum shall be in writing, signed by the president of the board and by the contractor, and shall be kept on file by the trustees.

And may be cancelled.

In case any contractor shall fail, through inability or neglect, to perform his part of any contract made, or to be made, whereby the work contemplated will be seriously retarded, said board shall have authority to cancel such contract and settle with such contractor; *provided*, such settlement can be made without loss to the state.

Proviso.

How money shall be drawn.

SEC. 3. The money hereby appropriated shall be drawn from the state treasury upon the order of the trustees, and in such sums only as may be actually necessary to defray the expenses of carrying on the work as it progresses, and they shall at the close of each month present to the auditor of state, a certified exhibit of all amounts due for labor done or materials furnished during said month which exhibit shall contain the items thereof and the auditor shall thereupon deliver to them a warrant upon the state treasurer for the amount and no warrant shall issue except upon such exhibit, duly itemized, and they shall take vouchers in duplicate, for all money paid out by them, one of which shall be filed in the office of the auditor of state: *provided*, that no money shall be expended otherwise than for the specific purposes herein named, and any surplus, remaining in the treasury after the completion of such work shall be returned to the general fund; and, *provided further*, that the trustees shall not enter into any contract, bargain, or arrangement involving the expenditure of a greater amount of money than is hereby appropriated, nor shall they incur any debt otherwise than is contemplated in this act.

Proviso: how it shall be expended.

Proviso: no greater expenditure than appropriation.

To take effect.

SEC. 4. This act being deemed of immediate importance, shall be in force from and after its publication in the Daily State Reg-



ister, and Iowa State Leader, and Staats Anzeiger, newspapers published in Des Moines, Iowa,

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 23, *Iowa State Register*, March 25, and in the *Staats Anzeiger* March 30, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 158.

### LEGALIZING CERTAIN ASSESSMENTS IN WEBSTER COUNTY.

AN ACT to Legalize the Assessment of Property for Taxation in Wah- H. F. 283.  
konsa Township, Webster County, Iowa, for the years 1869 and 1870, and to Legalize the Levy of Taxes within said Township and within the Corporate Limits of the City of Fort Dodge in the Township, County and State aforesaid, for the Year A. D. 1870.

WHEREAS, Certain informalities occurred in the assessment of Preamble.  
the taxable property of the township of Wahkonsa, Webster county, Iowa, for the year 1869, and

WHEREAS, This informality is supposed to have affected the validity of taxes based upon said assessment, and

WHEREAS, This informality extended to property included within the limits of the city of Fort Dodge, organized in the year 1869, and subsequent to such assessment, and

WHEREAS, Certain other informalities occurred in the levy of the city tax of the city of Fort Dodge for the year 1870, and

WHEREAS, By reason of such informalities, doubts have been thrown upon the validity of taxes levied upon property in said Wahkonsa township for the years 1869 and 1870, and upon the taxes levied upon the property within the city of Fort Dodge for the year 1870; therefore,

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

SECTION 1. That the taxes so levied upon the property within said township of Wahkonsa, Webster county, Iowa, for the years 1869 and 1870, and the taxes so levied by the city of Fort Dodge upon taxable property within its limits for the year 1870, be and the same are hereby declared legal and valid, and where the same have not been paid the same may be collected as though such informalities had not occurred. Levy of taxes make valid.

*Provided*, That any person may be permitted to pay said tax without interest or penalty, Provide: no interest or penalty.

*Provided further*, That nothing in this act shall be construed so as to legalize the levy of any tax voted in aid of any railroad. Provide: railroad tax.

*Provided*, That the provisions of this act shall in no manner affect any suit now pending wherein the legality of said tax is put in issue. Provide: suits now pending.

**SEC. 2.** This act being deemed, by the general assembly, of immediate importance, shall take effect and be in force after its publication in the Fort Dodge Messenger and Iowa State Register, without expense to the state.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Fort Dodge Messenger* March 30, and in the *Iowa State Register*, April 5, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 159.

### IN RELATION TO REPORTS OF PUBLIC OFFICERS AND INSTITUTIONS.

**H. F. 366.** AN ACT in Relation to the Reports of Public Officers and Institutions, and to Provide for Printing and Distributing Public Documents, Amendatory of Chapter 9, Title II of the Code, Relating to the General Regulations of the Executive Department; also of Title VIII., Chapter 1, in Relation to the Militia; and also of Title XII., Chapter 3, Relating to the Agricultural College, [and Chapter 14, Relating to the State Library.]

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

**SECTION 1.** The register of the state land office, the adjutant-general, the boards of trustees of all the institutions except the state agricultural college and farm and the hospitals for the insane, the wardens of the penitentiaries, the visiting committee to the hospitals for the insane, the board of fish commissioners, and the board of curators of the state historical society shall, on or before the first day of November preceding each regular session of the general assembly, transmit to the governor of the state a report of the condition and needs of the offices, or institutions, severally intrusted to their care, as well as of all other matters upon which reports are now required of such officers and boards; and also a statement showing in detail the expenditure of all public moneys placed or coming into the hands of said boards, with each voucher or duplicate voucher for all expenditures they have made.

**SEC. 2.** The biennial fiscal term of the state shall end on the 30th day of September in 1877, and each odd-numbered year thereafter; and the succeeding term shall begin on the day following; and the reports of officers and institutions shall cover the period thus indicated, and shall show the condition of their offices and institutions, respectively on that day. *Provided*, that this section shall not apply to the state agricultural college and farm.

**SEC. 3.** The governor shall cause to be printed of the various public documents as follows:

Of the biennial message, ten thousand copies; of the governor's inaugural address five thousand copies; of the report of the auditor of state, seven thousand copies; of the report of the superintendent of public instruction, six thousand copies; of the report

To take effect.

What officers shall report;

By Nov. 1st preceding session of G. A.

Biennial fiscal term.

Proviso; ag. college.

Number to be printed of various documents.

of the state agricultural college, four thousand copies *each*; and of each of the other reports three thousand five hundred copies.

The secretary of state shall make distribution thereof as follows: to the members of the general assembly six thousand copies of the message, two thousand each of the inaugural address, the report of the auditor of state, and the report of the superintendent of public instruction; and one thousand copies of each of the other reports; one thousand copies of the message, and five hundred copies of each of the other documents, to remain with the state for the use of future general assemblies, and special calls therefor;—one thousand copies to be stitched and bound in boards in books containing a copy of each report, to be distributed as follows: one copy to each officer and member of the general assembly, one to each state officer, one to each state office to remain therein; one copy to each state institution to remain therein; one to each member of the several boards, and one to each officer of the institutions who is required by law to make report; one copy to each district judge, each circuit judge and each district attorney; one to the office of the county auditor in every county, to belong to said office; one copy to each newspaper in the state; eighty copies to the state historical society; a sufficient number to the secretary of state to enable that officer to make the distribution provided for in section 1898 of the Code; and the remainder to be placed under the control of the executive council, the remaining unbound copies of the documents shall be distributed to the officers and institutions respectively making report.

Distribution of same.

SEC. 4. The secretary of the senate and clerk of the house of representatives shall transcribe the journals of their respective houses, in books furnished for that purpose by the secretary of state, and after having certified to the correctness of the same shall deliver them to the secretary of state for preservation in his office.

Journals of house and senate.

SEC. 5. The secretary and clerk shall superintend the printing and indexing of their respective journals, and it shall be the duty of each to deliver a carefully prepared copy thereof to the state printer, written up in solid paragraphs, as nearly as practicable, within two months from the day of adjournment of the general assembly, and upon a failure to deliver within the time above prescribed, they shall be entitled to receive only one-half of the compensation hereinafter provided.

Same: duty of secretary and clerk.

SEC. 6. Within ninety days after the copy shall have been delivered to him, the state printer shall print fifteen hundred copies of the journal of each house, and the state binder shall complete the binding within sixty days after the sheets shall have been delivered to him.

Same: duty of state printer—

One thousand copies shall be bound in half-sheep, the remainder shall be in paper covers.

State binder.

Failure on the part of either the state printer or the state binder to complete the work required of him in this section within the time prescribed will work a forfeiture of one-half the usual compensation.

SEC. 7. The secretary and the clerk shall make distribution of the journals of their respective houses as follows:

Distribution of journals. The bound copies as provided for the bound documents in section three hereof, with an additional number of twenty-five copies to the secretary and clerk respectively, of the unbound copies, two to be sent to each member of the house to which such journal pertains, and one to be sent to each member of the other house, and one to each reporter and employe of the general assembly.

The undistributed number shall be placed under the control of the executive council.

Compensation to secretary and clerk. SEC. 8. As a compensation for the services herein required, the secretary and clerk shall each receive six hundred dollars to be paid out of the state treasury, one half of which shall be allowed and paid when the copy is furnished to the state printer, and the transcribed journal filed in the office of the secretary of state, and the remainder when the secretary and clerk shall have certified under oath, that they have distributed the journals according to the provisions of this act.

Repealing clause. SEC. 9. Sections one hundred and twenty-five, one hundred and twenty-nine, one hundred and thirty, and eighteen hundred and ninety-eight, the last sentence of section sixteen hundred and ten, and all other sections, and parts of sections of the Code inconsistent herewith, are hereby repealed, and the words "annually on or before the first day of January," are stricken from the third sub-division of section one thousand and fifty-six of the Code.

Exchange of public documents. SEC. 10. Public documents, including reports of the supreme court, will be sent to the congressional library, the governments of the Dominion of Canada and Newfoundland, and any other governments which shall be found willing to reciprocate.

To take effect. SEC. 11. This act being deemed of immediate importance, shall take effect by publication in the Iowa State Register, and the Iowa Daily State Leader.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 29, and in the *Iowa State Leader*, March 29, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 160.

### COUNTY OF GRIMES.

H. F. 438.

AN ACT providing for the Organization of the county of Grimes.

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

SECTION 1. That the eastern boundary of the county of Potawattamie shall be the eastern boundary of townships seventy-

four, seventy-five, seventy-six, and seventy-seven, in range 41, west of the fifth principal meridian in the state of Iowa.

SEC. 2. That the territory now lying in Pottawattamie county and east of the eastern boundary thereof as provided in the first section of this act consisting of townships seventy-four, seventy-five, seventy-six, and seventy-seven, in ranges thirty-eight, thirty-nine, and forty, west of the fifth principal meridian in the state of Iowa, shall constitute the county of Grimes.

SEC. 3. The proposition to change the boundary of said county of Pottawattamie, as herein provided for, shall be submitted to the qualified electors of the county of Pottawattamie, as now established at the general election held therein in the year 1876. The proposition shall be so submitted that those approving of the proposed change of boundary shall have written or printed upon their ballots the words "for the new boundary," and those who disapprove of the proposed change shall have written or printed on their ballots the words "against the new boundary."

SEC. 4. The provisions of this act shall take effect when the governor shall issue his proclamation as hereinafter provided, declaring that said boundary has been submitted to the people of Pottawattamie county at a general election, and has been approved by a majority of the votes cast at said election for and against it.

SEC. 5. It shall be the duty of the board of supervisors of Pottawattamie county to canvass the votes on said proposition at the same time the votes cast at said general election are canvassed, and immediately thereafter the county auditor shall certify to the secretary of state the form of proposition submitted to the electors, and the number of votes cast for and against the same, which certificate shall be recorded in the records of the secretary of state. If a majority of all the votes cast for and against the proposition shall be in favor of said change of boundary, the governor shall issue his proclamation declaring the result of such election, and fixing a day for a special election in said county of Grimes for the election of three supervisors, a clerk of the district and circuit courts, sheriff, recorder, treasurer, auditor, county surveyor, superintendent of schools, coroner, and such township officers as are now or may be required by law.

SEC. 6. The officers elected at such special election shall hold their offices for the same terms respectively as if they had been elected at the general election in 1876. The board of supervisors of Pottawattamie county shall meet on the first Monday after such special election and canvass the votes cast thereat, and issue certificates of election to the officers so elected; and such officers shall qualify and enter upon the discharge of their duties on the first day of January, 1877.

SEC. 7. Until the officers elected at such special election enter upon the discharge of their duties, the county of Grimes shall be attached to the county of Pottawattamie for judicial and revenue purposes.

SEC. 8. The board of supervisors of Grimes county shall cause to be transcribed from the records of Pottawattamie county all

Eastern boundary of Pottawattamie county. Grimes county shall comprise tps: 74-77 in r. 32-40.

Proposition to change boundary to be submitted to electors of Pottawattamie county.

This act to take effect when.

Canvass of vote.

Governor's proclamation declaring result.

Terms of officers.

Judicial and revenue purposes.

Transcript of records affecting real estate.

records pertaining to real estate situated in the territory of the county of Grimes, and all taxes due and unpaid against persons or property therein; all judgments in the district, county, or circuit courts, affecting real estate in said territory, and all other records, papers and documents relating to any property in, or interest of the said county of Grimes, and the said transcripts shall have authority and be of the same validity as if the same belonged originally thereto. The costs of all transcripts provided for in this section shall be paid by the county of Grimes.

Debt of Pottawattamie county.

SEC. 9. The territory embraced in the said county of Grimes shall not be released from its just proportion of any indebtedness incurred by the county of Pottawattamie prior to its organization, and in order to carry out the provisions of this section, it is hereby made the duty of the boards of supervisors of Pottawattamie and Grimes counties to meet in joint session at Council Bluffs, in Pottawattamie county, on the first Monday of April after the organization and election of officers in said Grimes county, and then and there ascertain and determine the amount of indebtedness of said Pottawattamie county existing at the date of the organization of the said county of Grimes, and also to determine and fix the just proportion and amount of said indebtedness as between said counties, which each of said counties shall pay off and liquidate, and it shall be the duty of the board of supervisors of Pottawattamie county, whenever they shall levy any tax upon the property of said county for the purpose of paying in whole or in part any indebtedness of said county of Pottawattamie, existing at the date of the organization of the county of Grimes, to levy the same upon the entire territory and property of the original county of Pottawattamie; and for the purpose of making such levy, said board shall upon demand therefor, have the right to and the possession of the last prior assessment of the property in Grimes county, upon which to make such levy, and when the same is so made, cause the auditor thereof to certify under the county seal, the amount or rate of such levy and deliver the same to the auditor of said county of Grimes;

To adjust amount of indebtedness to be paid by each county.

proviso: on failure of board of supervisors to perform certain acts.

*Provided*, That if the board of supervisors or other officers of said county of Grimes shall in any particular fail to perform any of the duties hereinbefore prescribed in relation to furnishing such assessment, the making up of such tax list, and the collection and paying over of said taxes, then upon such failure the proper officers of the county of Pottawattamie shall proceed to collect such taxes, levied for such purpose, in the same manner as other taxes, with the same effect as if said county had never been divided.

proviso: suit may be brought to compel performance.

*And provided further*, that nothing herein contained shall prevent the county of Pottawattamie from enforcing, by proper proceedings in court, any of the duties imposed by this act upon the officers of said county of Grimes relating to the payment of the indebtedness of the county of Pottawattamie.

SEC. 10. All taxes levied and unpaid upon property in the county of Grimes, delinquent or otherwise, at the time of the organization of said county, shall be transcribed from the books of

the treasurer of Pottawattamie county in the manner in which said taxes stand upon said books, together with the warrants attached to the tax books. The treasurer of Pottawattamie county shall deliver said transcripts to the treasurer of said county of Grimes as soon as practicable, and pay over to each township clerk and to each district township treasurer all of the several funds to which each are entitled for the year 1876 and previous years, that have been collected and not paid on the real and personal property in the territory comprising said Grimes county, and taking their receipts therefor. And said transcript, with duplicate warrant attached thereto, shall be sufficient authority for said treasurer to proceed with the collection of said taxes, and the treasurer of said county of Grimes shall collect or cause to be collected such taxes, and account and be responsible therefor in the same manner as is or may be provided by law for the collection of county and state taxes, and said taxes shall be paid into the treasury of the county of Grimes to the credit of the fund to which they severally belong.

Transcript of taxes delinquent or otherwise, to be delivered to treas. of Grimes Co.

Treasurer authorized to collect taxes.

SEC. 11. Upon the taking effect of this act as hereinbefore specified, said county of Grimes shall be in and constitute a part of the same congressional, judicial, senatorial, and representative districts of which it is now a part, and it shall be the duty of the judges of the said judicial district, on the first Monday of January, 1877, to fix the times of holding the district and circuit courts in said county of Grimes, in the manner made and provided for by the statute, and make such changes in the times of holding the courts in other counties of said district as may become necessary to carry out the provisions of this section.

Congressional, judicial, senatorial, and representative districts. Duty of judges.

SEC. 12. The county seat of Grimes county shall be and remain at such place in the territory now embraced in the township of Center, in said Pottawattamie county, as shall be designated by a majority of the board of supervisors of the said Grimes county, until such county seat shall be re-located, as made and provided by statute. And said board of supervisors shall hold their first regular meeting at school house designated as No. One, in said Center township, and designate said place in said Center township as aforesaid.

County seat to be in township of Center.

First regular meeting of board.

Approved March 17, 1876.

CHAPTER 161.

REPRESENTATIVE APPORTIONMENT ACT.

AN ACT Apportioning the State into Representative Districts, and Declaring the Ratio of Representation. H. F. 450.

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

SECTION 1. That one representative for every fourteen thousand. Ratio 14,100.

- sand one hundred inhabitants in each representative district is hereby declared and constituted the ratio of apportionment.
- 2—33914. SEC. 2. Lee county shall be the first district, and entitled to two representatives.
- Lee, 2 representatives.
- 2—35106. SEC. 3. Des Moines county shall be the second district, and entitled to two representatives.
- Des Moines, 2.
- 2—21594. SEC. 4. Henry county shall be the third district and entitled to two representatives.
- Henry, 2.
- 1—17127. SEC. 5. Jefferson county shall be the fourth district and entitled to one representative.
- Jefferson.
- 1—16980. SEC. 6. Van Buren county shall be the fifth district and entitled to one representative.
- Van Buren.
- 2—23865. SEC. 7. Wapello county shall be the sixth district and entitled to two representatives.
- Wapello, 2.
- 1—15757. SEC. 8. Davis county shall be the seventh district and entitled to one representative.
- Davis.
- 1—12711. SEC. 9. Monroe county shall be the eighth district and entitled to one representative.
- Monroe.
- 1—17405. SEC. 10. Appanoose county shall be the ninth district and entitled to one representative.
- Appanoose.
- 1—11725. SEC. 11. Lucas county shall be the tenth district and entitled to one representative.
- Lucas.
- 1—13978. SEC. 12. Wayne county shall be the eleventh district and entitled to one representative.
- Wayne.
- 1—10118. SEC. 13. Clarke county shall be the twelfth district and entitled to one representative.
- Clarke.
- 1—13249. SEC. 14. Decatur county shall be the thirteenth district and entitled to one representative.
- Decatur.
- 1—8827. SEC. 15. Union county shall be the fourteenth district, and entitled to one representative.
- Union.
- 1—7546. SEC. 16. Ringgold county shall be the fifteenth district, and entitled to one representative.
- Ringgold.
- 1—7772. SEC. 17. Adams county shall be the sixteenth district, and entitled to one representative.
- Adams.
- 1—10418. SEC. 18. Taylor county shall be the seventeenth district, and entitled to one representative.
- Taylor.
- 1—10839. SEC. 19. Montgomery county shall be the eighteenth district, and entitled to one representative.
- Montgomery.
- 1—14274. SEC. 20. Page county shall be the nineteenth district, and entitled to one representative.
- Page.
- 1—10555. SEC. 21. Mills county shall be the twentieth district, and entitled to one representative.
- Mills.
- 1—13719. SEC. 22. Fremont county shall be the twenty-first district, and entitled to one representative.
- Fremont.
- 2—21665. SEC. 23. Pottawattamie county shall be the twenty-second district, and entitled to two representatives.
- Pottawattamie, 2.
- 1—10552. SEC. 24. Cass county shall be the twenty-third district, and entitled to one representative.
- Cass.
- 1—16030. SEC. 25. Madison county shall be the twenty-fourth district, and entitled to one representative.
- Madison.
- 1—18528. SEC. 26. Warren county shall be the twenty-fifth district, and entitled to one representative.
- Warren.



- 2—24094. SEC. 27. Marion county shall be the twenty-sixth Marion, 2. district, and entitled to two representatives.
- 2—23718. SEC. 28. Mahaska county shall be the twenty-Mahaska, 2. seventh district, and entitled to two representatives.
- 1—20488. SEC. 29. Keokuk county shall be the twenty-eighth Keokuk. district, and entitled to one representative.
- 1—19269. SEC. 30. Washington county shall be the twenty-Washington. ninth district, and entitled to one representative.
- 1—12499. SEC. 31. Louisa county shall be the thirtieth dis-Louisa. trict, and entitled to one representative.
- 2—21623. SEC. 32. Muscatine county shall be the thirty-first Muscatine, 2. district, and entitled to two representatives.
- 3—39736. SEC. 33. Scott county shall be the thirty-second Scott, 3. district, and entitled to three representatives.
- 1—17879. SEC. 34. Cedar county shall be the thirty-third Cedar. district, and entitled to one representative.
- 2—24654. SEC. 35. Johnson county shall be the thirty-fourth Johnson, 2. district, and entitled to two representatives.
- 1—17456. SEC. 36. Iowa county shall be the thirty-fifth dis-Iowa. trict, and entitled to one representative.
- 1—16482. SEC. 37. Poweshiek county shall be the thirty-Poweshiek. sixth district, and entitled to one representative.
- 2—24128. SEC. 38. Jasper county shall be the thirty-seventh Jasper, 2. district, and entitled to two representatives.
- 2—31558. SEC. 39. Polk county shall be the thirty-eight dis-Polk, 2. trict, and entitled to two representatives.
- 1—14386. SEC. 40. Dallas county shall be the thirty-ninth Dallas. district, and entitled to one representative.
- 1—9638. SEC. 41. Guthrie county shall be the fortieth dis-Guthrie. trict, and entitled to one representative.
- 1—11818. SEC. 42. Harrison county shall be the forty-first Harrison. district, and entitled to one representative.
- 1—17351. SEC. 43. Boone county shall be the forty-second Boone. district, and entitled to one representative.
- 1—13311. SEC. 44. Story county shall be the forty-third dis-Story. trict, and entitled to one representative.
- 1—19629. SEC. 45. Marshall county shall be the forty-fourth Marshall. district, and entitled to one representative.
- 1—18771. SEC. 46. Tama county shall be the forty-fifth dis-Tama. trict, and entitled to one representative.
- 2—22807. SEC. 47. Benton county shall be the forty-sixth Benton, 2. district and entitled to two representatives.
- 2—31815. SEC. 48. Linn county shall be the forty-seventh Linn, 2. district and entitled to two representatives.
- 1—19166. SEC. 49. Jones county shall be the forty-eighth Jones. district and entitled to one representative.
- 2—34295. SEC. 50. Clinton county shall be the forty-ninth Clinton, 2. district and entitled to two representatives.
- 2—23062. SEC. 51. Jackson county shall be the fiftieth dis-Jackson, 2. trict and entitled to two representatives.
- 3—43845. SEC. 52. Dubuque county shall be the fifty-first Dubuque, 3. district and entitled to three representatives.

- 1—16890. SEC. 53. Delaware county shall be the fifty-second district and entitled to one representative.
- Delaware.
- 1—17315. SEC. 54. Buchanan county shall be the fifty-third district and entitled to one representative.
- Buchanan.
- 2—22913. SEC. 55. Black Hawk county shall be the fifty-fourth district and entitled to two representatives.
- Black Hawk,  
2.
- 1—8134. SEC. 56. Grundy county shall be the fifty-fifth district and entitled to one representative.
- Grundy.
- 1—15010. SEC. 57. Hardin county shall be the fifty-sixth district and entitled to one representative.
- Hardin.
- 1—7701. SEC. 58. Hamilton county shall be the fifty-seventh district and entitled to one representative.
- Hamilton.
- 1—13114. SEC. 59. Webster county shall be the fifty-eighth district and entitled to one representative.
- Webster.
- 1—8568. SEC. 60. Woodbury county shall be the fifty-ninth district and entitled to one representative.
- Woodbury.
- 1—11734. SEC. 61. Butler county shall be the sixtieth district and entitled to one representative.
- Butler.
- 1—13220. SEC. 62. Bremer county shall be the sixty-first district and entitled to one representative.
- Bremer.
- 1—20518. SEC. 63. Fayette county shall be the sixty-second district, and entitled to one representative.
- Fayette.
- 2—27184. SEC. 64. Clayton county shall be the sixty-third district, and entitled to two representatives.
- Clayton, 2.
- 1—19168. SEC. 65. Allamakee county shall be the sixty-fourth district, and entitled to one representative.
- Allamakee.
- 2—24233. SEC. 66. Winneshiek county shall be the sixty-fifth district, and entitled to two representatives.
- Winneshiek,  
2.
- 1—7875. SEC. 67. Howard county shall be the sixty-sixth district, and entitled to one representative.
- Howard.
- 1—11400. SEC. 68. Chickasaw county shall be the sixty-seventh district, and entitled to one representative.
- Chickasaw.
- 1—11523. SEC. 69. Mitchell county shall be the sixty-eighth district, and entitled to one representative.
- Mitchell.
- 1—13100. SEC. 70. Floyd county shall be the sixty-ninth district and entitled to one representative.
- Floyd.
- 1—9734. SEC. 71. Plymouth, Sioux, and Lyon counties shall be the seventieth district, and entitled to one representative. Plymouth, 5282; Sioux, 3220; Lyon, 1232.
- Plymouth,  
Sioux, and  
Lyon.
- 1—12799. SEC. 72. Monona, Crawford and Ida counties shall be the seventy-first district, and entitled to one representative. Monona, 5967; Crawford, 6038; Ida, 794.
- Monona,  
Crawford,  
and Ida.
- 1—12924. SEC. 73. Cherokee, Buena Vista, Pocahontas, and Sac counties shall be the seventy-second district, and entitled to one representative. Cherokee, 4245; Buena Vista, 3561; Pocahontas, 2245; Sac, 2873.
- Cherokee,  
Buena Vista,  
Pocahontas,  
and Sac.
- 1—15973. SEC. 74. Green[e], Carroll and Calhoun counties shall be the seventy-third district, and entitled to one representative. Green[e], 7028; Carroll, 5760; Calhoun, 3185.
- Greene,  
Carroll, and  
Calhoun.
- 1—15079. SEC. 75. Adair, Audubon, and Shelby counties shall be the seventy-fourth district, and entitled to one representative. Adair, 7045; Audubon, 2370; Shelby, 5664.
- Adair, Audubon,  
and  
Shelby.

1—9444. SEC. 76. Clay, Osceola, O'Brien, and Dickinson counties shall be the seventy-fifth district and entitled to one representative. Clay 3569; Osceola 1778; O'Brien 2349; Dickinson 1748. Clay, Osceola, O'Brien, and Dickinson.

1—11391. SEC. 77. Emmett, Palo Alto, Kossuth, and Humboldt counties shall be the seventy-sixth district and entitled to one representative. Emmet 1436; Palo Alto 2735; Kossuth 3765; Humboldt 3455. Emmet, Palo Alto, Kossuth, and Humboldt.

1—12621. SEC. 78. Wright, Winnebago, Hancock, and Worth counties shall be the seventy-seventh district and entitled to one representative. Wright 3244; Winnebago 2987; Hancock 1482; Worth 4908. Wright, Winnebago, Hancock, and Worth.

1—13243. SEC. 79. Cerro Gordo and Franklin counties shall be the seventy-eighth district and entitled to one representative. Cerro Gordo 6685; Franklin 6558. Cerro Gordo, and Franklin.

Approved March 17, 1876.

CHAPTER 162.

SENATORIAL APPORTIONMENT ACT.

AN ACT Apportioning the State of Iowa into Senatorial Districts. S. F. 374.

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

SECTION 1. That one senator to forty thousand inhabitants, or fraction thereof equal to one half, in each senatorial district, is hereby constituted the ratio of apportionment. Ratio, 40,000.

	POPULATION.	
SEC. 2. Lee county shall be the first district, and entitled to one senator.....	33,914	Lee.
SEC. 3. Van Buren, and Davis counties shall be the second district, and entitled to one senator .....	32,737	Van Buren and Davis.
SEC. 4. Appanoose county shall be the third district, and entitled to one senator.....	17,405	Appanoose.
SEC. 5. Monroe, and Wayne counties shall be the fourth district, and entitled to one senator.....	26,689	Monroe and Wayne.
SEC. 6. Union, Clark [e] and Lucas counties shall be the fifth district, and entitled to one senator.....	30,670	Union, &c.
SEC. 7. Decatur, Ringgold and Taylor counties shall be the sixth district, and entitled to one senator.....	31,213	Decatur, &c.
SEC. 8. Fremont and Page counties shall be the seventh district, and entitled to one senator.....	27,993	Fremont, &c.
SEC. 9. Mills, Montgomery, and Adams counties shall be the eighth district, and entitled to one senator.....	29,166	Mills, &c.
SEC. 10. Des Moines county shall be the ninth district, and entitled to one senator.....	35,106	Des Moines.
SEC. 11. Henry county shall be the tenth district, and entitled to one senator.....	21,594	Henry.

	POPULATION.
Jefferson.	SEC. 12. Jefferson county shall be the eleventh district, and entitled to one senator..... 17,127
Keokuk.	SEC. 13. Keokuk county shall be the twelfth district, and entitled to one senator..... 20,488
Wapello.	SEC. 14. Wapello county shall be the thirteenth district, and entitled to one senator..... 23,865
Washington and Louisa.	SEC. 15. Washington and Louisa counties shall be the fourteenth district, and entitled to one senator..... 31,768
Mahaska.	SEC. 16. Mahaska county shall be the fifteenth district and entitled to one senator..... 23,718
Marion.	SEC. 17. Marion county shall be the sixteenth district, and entitled to one senator..... 24,094
Warren.	SEC. 18. Warren county shall be the seventeenth district, and entitled to one senator..... 18,528
Madison, Adair, and Cass.	SEC. 19. Madison, Adair, and Cass counties shall be the eighteenth district, and entitled to one senator..... 33,627
Pottawattamie.	SEC. 20. Pottawattamie county shall be the nineteenth district, and entitled to one senator..... 21,665
Muscatine.	SEC. 21. Muscatine county shall be the twentieth district, and entitled to one senator..... 21,623
Scott.	SEC. 22. Scott county shall be the twenty-first district, and entitled to one senator..... 39,736
Clinton.	SEC. 23. Clinton county shall be the twenty-second district, and entitled to one senator..... 34,295
Cedar and Jones.	SEC. 24. Cedar and Jones counties shall be the twenty-third district, and entitled to one senator..... 37,045
Jackson.	SEC. 25. Jackson county shall be the twenty-fourth district, and entitled to one senator..... 23,062
Johnson.	SEC. 26. Johnson county shall be the twenty-fifth district, and entitled to one senator..... 24,654
Iowa.	SEC. 27. Iowa county shall be the twenty-sixth district, and entitled to one senator..... 17,456
Linn.	SEC. 28. Linn county shall be the twenty-seventh district, and entitled to one senator..... 31,815
Benton.	SEC. 29. Benton county shall be the twenty-eighth district, and entitled to one senator..... 22,807
Jasper.	SEC. 30. Jasper county shall be the twenty-ninth district, and entitled to one senator..... 24,128
Polk.	SEC. 31. Polk county shall be the thirtieth district, and entitled to one senator..... 31,588
Dallas, Guthrie, Audubon, and Shelby.	SEC. 32. Dallas, Guthrie, Audubon, and Shelby counties shall be the thirty-first district, and entitled to one senator..... 32,098
Marshall and Grundy.	SEC. 33. Marshall and Grundy counties shall be the thirty-second district, and entitled to one senator..... 27,763
Story and Boone.	SEC. 34. Story and Boone counties shall be the thirty-third district, and entitled to one senator..... 27,490
Harrison, Monona, Crawford, Sac, and Ida.	SEC. 35. Harrison, <i>Monroe</i> [Monona], Crawford, Sac, and Ida counties shall be the thirty-fourth district, and entitled to one senator..... 21,490
Dubuque.	SEC. 36. Dubuque county shall be the thirty-fifth district, and entitled to one senator..... 43,845

	POPULATION.	
SEC. 37. Delaware county shall be the thirty-sixth district, and entitled to one senator.....	16,890	Delaware.
SEC. 38. Hardin and Hamilton [counties] shall be the thirty-seventh district, and entitled to one senator.....	22,711	Hardin and Hamilton.
SEC. 39. Black Hawk county shall be the thirty-eighth district, and entitled to one senator.....	22,913	Black Hawk.
SEC. 40. Buchanan county shall be the thirty-ninth district, and entitled to one senator.....	17,315	Buchanan.
SEC. 41. Clayton county shall be the fortieth district, and entitled to one senator.....	27,184	Clayton.
SEC. 42. Allamakee county shall be the forty-first district, and entitled to one senator.....	19,168	Allamakee.
SEC. 43. Winneshiek county shall be the forty-second district, and entitled to one senator.....	34,233	Winneshiek.
SEC. 44. Fayette county shall be the forty-third district, and entitled to one senator.....	20,578	Fayette.
SEC. 45. Bremer, Chickasaw and Howard counties shall be the forty fourth district, and entitled to one senator.....	32,495	Bremer, Chickasaw, and Howard.
SEC. 46. Poweshiek and Tama counties shall be the forty-fifth district, and entitled to one senator.....	33,253	Poweshiek and Tama.
SEC. 47. Butler, Floyd and Mitchell counties shall be forty-sixth district, and entitled to one senator.....	36,367	Butler, Floyd, and Mitchell.
SEC. 48. Winnebago, Worth, Cerro Gordo, Wright, Franklin, and Hancock counties shall be the forty-seventh district, and entitled to one senator.....	25,864	Winnebago, Worth, &c.
SEC. 49. Webster, Greene, Calhoun and Carroll counties shall be the forty-eighth district, and entitled to one senator.....	29,087	Webster, Greene, &c.
SEC. 50. Kossuth, Humboldt, Emmet, Dickinson, Clay, Palo Alto, Pocahontas, O'Brien, and Osceola counties shall be the forty-ninth district, and entitled to one senator.....	23,084	Kossuth, Humboldt, Emmet, &c.
SEC. 51. Woodbury, Plymouth, Sioux, Lyon, Cherokee, and Buena Vista counties shall be the fiftieth district, and entitled to one senator.....	26,108	Woodbury, Sioux, &c.

Approved March 17, 1876.

CHAPTER 163.

RELATING TO TAXATION OF MUTUAL LOAN AND BUILDING ASSOCIATIONS.

AN ACT Providing for the taxation of Mutual Loan and Building Associations. H. F. 498.

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

SECTION 1. That the shares of stock of mutual loan and build-

Shares of  
stock assessed  
at cash value.

ing associations, shall be assessed at their cash value but that only the unredeemed shares of such stock shall be taxed and such unredeemed shares shall be listed to the individual owners thereof.  
Approved March 17, 1876.

## CHAPTER 164.

### RELATING TO INSURANCE COMPANIES.

H. F. 497. AN ACT to Repeal Section 1158, [Chapter 4, Title IX: "Of Insurance Companies."] of the Code, and Enact the following in lieu thereof:

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

Code, §1158  
repealed.

SECTION 1. That section eleven hundred and fifty-eight be and the same is hereby repealed and the following enacted in lieu thereof:

Auditor to  
make and  
publish insur-  
ance report.

SEC. 1158. The auditor of state shall cause the information contained in the statements required of the companies organized or doing business in this state to be arranged in a tabular form and prepare the same in a single document for printing, which report shall be made on or before the first day of May of each year, and three thousand copies shall be printed for the use of the auditor who shall furnish a copy to each member of the general assembly, and one to each newspaper printed in the state.

To take effect.

SEC. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Iowa State Register, and Iowa State Leader, newspapers published in Des Moines, Iowa.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 25, and in the *Iowa State Register*, March 29, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 165.

### IOWA REFORM SCHOOL.

H. F. 496. AN ACT to make an Appropriation to Liquidate an Indebtedness of Iowa Reform School.

Preamble.

WHEREAS, There was a debt of eighteen hundred dollars (1800) unavoidably incurred by the board of trustees of the Iowa reform school, consequent upon the removal of the boy's depart-

ment of said school from Salem, Henry county, to Eldora, Hardin county, Iowa, and

WHEREAS, Said sum is now unpaid and is carried over from year to year by drafts upon the support fund of said school, therefore

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

SECTION 1. That there is hereby appropriated out of any funds not otherwise appropriated, the sum of eighteen hundred dollars, to be drawn out by order of said board upon the warrant of the auditor of State, to be used by said board in liquidating said indebtedness named in the preamble to this act. \$1,800 appropriated to pay debt.

SEC. 2. This act being deemed of immediate importance, shall take effect on and after its publication in the Iowa State Register, and the Iowa State Leader, newspapers published at Des Moines, Iowa. To take effect.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 25, and in the *Iowa State Register*, March 29, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 166.

### AUTHORIZING THE AUDITOR OF STATE TO SETTLE CERTAIN ACCOUNTS.

AN ACT to amend An Act entitled "An Act Authorizing the Auditor of State to settle and adjust Revenue, Insane, Law, and other accounts," Approved March 3, 1876. H. F. 404.

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

[SECTION 1.] That section 3 of "an act authorizing the auditor of state to settle and adjust revenue, insane, law, and other accounts with the several county officers," approved March 3, 1876, be and the same is hereby amended by striking out the figures "30" in the fourth line of said section, and inserting in lieu thereof the words "thirty-four." §3, chap. 27,  
16th G. A.  
amended.

Approved March 17, 1876.

## CHAPTER 167.

## RELATING TO ROAD SUPERVISORS.

H. F. 470. AN ACT to Amend Section 978 [Chapter 2, Title VII: "Of Working Highways."] of the Code Relating to the Appointment of Road Supervisors.

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

Code, §978  
amended.

SECTION 1. That section 978 of the Code be and is hereby amended by striking out the word "trustees," and insert in lieu thereof the word "clerk" in the 7th line, and strike out all after the word "appointment" in the 8th line of said section, so that it shall read as follows:

Supervisor  
shall give  
bond.

Section 978. Each supervisor shall be required to give bond in such sum and with such security as the township clerk may deem requisite, and conditioned that he will faithfully 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, and in case of a vacancy occurring in any highway district within a township, the township clerk shall fill such vacancy by appointment.

Vacancy.

To take effect.

SEC. 2. This act being deemed of immediate importance, shall take effect from and after its publication in the Iowa State Register, and Iowa State Leader, and shall take effect from day of last publication, section 33 of the Code to the contrary notwithstanding.

Approved March 17, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 25, and in the *Iowa State Register*, March 29, 1876.  
JOSIAH T. YOUNG, *Secretary of State.*

## CHAPTER 168.

## APPROPRIATION FOR STATE UNIVERSITY.

S. F. 108. AN ACT Appropriating Money for the Aid and Maintenance of the State University.

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

\$47,457 appro-  
priated for aid  
and main-  
tenance.

SECTION 1. That there be, and is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of forty-seven thousand four hundred and fifty-seven dollars (\$47,457.00) to aid in the present support of the state university



in all its chairs and departments, and the expenditures incident to the maintenance of said institution for the ensuing biennial period; which sum may be drawn from the state treasury in eight equal quarterly installments, commencing on and with the first day of July 1876, or as soon after such quarterly periods as the money in the state treasury may allow; the said sums to be drawn by the treasurer of said state university on the order of the executive committee appointed by the board of regents of said institution, countersigned by the secretary thereof under the university seal.

SEC. 2. The board of regents of said university are hereby authorized and directed to establish a department of homeopathy in connection with the medical department of said university as soon as practicable to consist of two chairs, and may appropriate the sum of four thousand *and* one hundred dollars (\$4,100) for the payment of two professors, and the necessary appurtenances to the said medical chairs; and three thousand two hundred [dollars] (\$3,200) to employ curator Woodman as recommended by board of regents, provided, that the money hereby appropriated for the support of two medical chairs in homeopathy shall not be used for any other purpose.

SEC. 3. The board of regents of said state university may order the expenditure of such portion of said appropriation as may not be necessary to the ordinary support and incidental expenses of said university, and for the support of the department of homeopathy provided for in section two (2) of this act, for the making of such repairs and additions to the buildings as they may deem expedient, and for the promotion of the means of instruction in the said institution in such manner as said board may deem for the best interests of the institution.

SEC. 4. The regents of the state university may, in their discretion make the law and medical departments self-supporting, by fixing the fees of students in those departments, at such sums as will defray all the expenses of those departments.

Approved March 17, 1876.

How drawn.

To establish department of homeopathy.

\$4,000 appropriated.

\$3,200 appropriated to pay curator.

For repairs and additions.

Law and medical dept's may be made self-supporting.

## JOINT RESOLUTIONS

PASSED BY THE SIXTEENTH GENERAL ASSEMBLY.

## NUMBER 1.

## FOX AND WISCONSIN RIVERS.

MEMORIAL AND JOINT RESOLUTION in reference to securing a Commercial Highway by Water between the Mississippi River and Lake Michigan via the Valleys of the Fox and Wisconsin Rivers.

WHEREAS, The general government has entered upon the task of opening up a commercial highway from the valley of the Mississippi river to Lake Michigan via the valleys of the Fox and Wisconsin rivers; and

WHEREAS, The people of the western states especially feel an absorbing interest in the speedy and successful accomplishment of this desirable result and that the money appropriated by congress for this purpose may be wisely and faithfully applied and not be wasted in extravagance and folly; therefore,

*Be it resolved*, That our senators in congress be instructed and our representatives be requested to give this subject their careful and diligent attention, and to secure if possible such legislation in congress as will answer the just expectations of the people, and will enable the commerce of the central states of the continent to pass unfettered and unvexed to the markets of the world.

*Resolved*, That the secretary of state be directed to forward a copy of this resolution to the president of the United States Senate, and to the speaker of the house of representatives, with a request that the same may be laid before each house of congress, and that a copy be sent to each senator and member of congress from this state.

Approved January 27, 1876.

## NUMBER 2.

## IMPROVEMENT OF MISSISSIPPI.

MEMORIAL AND JOINT RESOLUTION in Reference to the Improvement of the Navigation of the Upper Mississippi River.

WHEREAS, The Mississippi river and its tributaries afford to the people who dwell in their valleys the most available means to escape exacting and

oppressive tariffs on the transportation of their products to the markets of the world, and

**WHEREAS**, In order to make this great national highway answer the full measure of its usefulness in affording greater facilities and safer passage for vessels of larger tonnage, it is of the utmost importance that the work on the rapids of the upper and lower Mississippi should be speedily completed.

*Be it therefore resolved*, that our senators in congress be instructed and our representatives be requested to advocate and vote for in congress such measures as will most speedily and successfully secure this result.

*Resolved*, That the secretary of state be directed to forward copies of this preamble and resolution to the president of the senate of the United States and to the speaker of the house of representatives with a request that they may be laid before each house of congress and that copies be sent to each senator and member of congress from this state.

Approved January 28, 1876.

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### N U M B E R 3 .

#### DES MOINES RIVER LANDS.

#### JOINT RESOLUTION.

**WHEREAS**, The title to the lands known as lands of the Des Moines River grant, up and along the Des Moines river above the mouth of the Raccoon Fork, after long years of litigation are still unsettled,

*THEREFORE, Resolved, by the General Assembly of the State of Iowa:*

That our senators in congress be instructed, and our representatives requested to use their utmost influence, and so vote for such congressional legislation, as will as far as just and practicable, secure the settlers on the lands of said grant, titles to their homes, and forever settle the title to and ownership of the lands of this grant.

*Resolved*, That the secretary of state be and is hereby instructed to forward a duly certified copy of the foregoing preamble and joint resolution to each of our senators and representatives in congress.

Approved February 3, 1876.

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### N U M B E R 4 .

#### GIVING CREDIT FOR FUNDS STOLEN FROM BREMER COUNTY TREASURY.

#### JOINT RESOLUTION.

*Be it resolved by the General Assembly of the State of Iowa:*

**WHEREAS**, On the 2d day of January, 1862, the sum of \$2,086.73, belong-

ing to the general revenue of the state of Iowa, was robbed from the treasury of Bremer county, Iowa; and

WHEREAS, Proof has been furnished to the auditor of the state of Iowa, by evidence in writing, that said county of Bremer had at the date aforesaid a suitable safe for the safe keeping of said funds and in which at the time of the robbery or theft the same were deposited, and that the proper officers had used due care for the protection of said funds, and have used due diligence for the recovery of the money aforesaid, and the arrest of the criminals; and that notwithstanding the said sum remains irrecoverable, and charged against said county, and that said county ought to be discharged from liability therefor;

Therefore, the auditor of state is hereby authorized and directed to give the said county of Bremer credit for \$1,835.05-100, the amount still charged against said county, which said amount was robbed from the treasury of said county as aforesaid.

*Provided*, That if all or any part of said amount of money shall at any time be recovered the same shall be accounted for and paid into the state treasury.

Approved February 24, 1876.

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## NUMBER 5.

### HOMESTEAD LAW.

JOINT RESOLUTION in Relation to a Modification of the Homestead Law.

WHEREAS, The United States land offices as at present established in this state, are remote from a large portion of the lands now held under homestead claims, and

WHEREAS, The homestead laws as construed by the commissioner of the general land office, require the settler to appear at the land office of his district in person to submit his final homestead proof, and

WHEREAS, Said requirement causes great and unnecessary expense to the settlers and subserves no good purpose, therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

That our senators in congress be instructed and our representatives be requested to vote for and use their influence to secure such an amendment to the homestead laws as shall allow the homestead settler to make his final proof before the clerk of the court of the county in which the land is located.

*Resolved*, That the secretary of state be instructed to forward as soon as *practicably* [practicable] a copy of this resolution to each of our senators and representatives in congress.

Approved February 24, 1876.

## NUMBER 6.

## CANAL FROM MISSISSIPPI RIVER TO HENNEPIN.

**JOINT RESOLUTION** in relation to Proposed Canal from some point between the Mouth of the Rock River and Clinton, Iowa, on the Mississippi River, to the Illinois River, at Hennepin.

**WHEREAS**, The question of cheap transportation for the surplus products of the Mississippi valley to a profitable market, is at the present time the paramount question; and

**WHEREAS**, We believe that the construction of a canal from some point between the mouth of the Rock river and Clinton, Iowa, to Hennepin, in the state of Illinois would open an unbroken water-communication to the eastern markets from the largest agricultural region tributary to any single artificial waterway which has been proposed; and

**WHEREAS**, This line has been surveyed by authority of congress and has been found to be practicable, to be a distance of only sixty miles, and to be capable of construction at small cost in comparison with other projects of this character; therefore,

*Be it resolved by the General Assembly of the State of Iowa:*

That our senators in congress be instructed, and our representatives therein be requested, to vote for, and to use their active influence to secure such legislation by the national legislature as will insure the construction of this canal at an early day.

*Resolved*, That the secretary of state be, and he is hereby instructed to transmit a copy hereof to each of our senators and representatives in congress.

Approved February 24, 1876.

## NUMBER 7.

## WILSON'S PATENT ON FEED-MOTION.

**JOINT RESOLUTION** Instructing our Senators and Requesting our Representatives in Congress to Prevent an Extension of Patents on "Wilson's Patent on Feed-motion," and Similar Patents on Sewing Machines.

**WHEREAS**, Parties are asking congress for a third term of seven years extension of the patent on what is known as "Wilson's patent on feed-motion," used by Wheeler and Wilson, Singer and other manufacturers of sewing machines, the grant of which will place an oppressive monopoly of the same in the hands of such parties and maintain the high prices of such machines unnecessarily, therefore

*Be it resolved, by the Senate and House of Representatives of the State of Iowa:*

That our senators be instructed and our representatives be requested to oppose and use all honorable means to prevent the extension of such patents and all other similar patents on such machines so far as the same may be done in justice to inventors and for the best interests of the people.

Approved March 4, 1876.

N U M B E R 8.

PUBLICATION OF SCHOOL LAWS.

JOINT RESOLUTION Relative to Publication of School Laws.

*Resolved by the General Assembly of the State of Iowa:*

That the superintendent of public instruction cause to be printed and bound in the usual manner and distributed after adjournment of the sixteenth general assembly, a sufficient number of copies of the school laws of Iowa, not to exceed 12,000, to furnish during the next two years one copy thereof to each school district and school officer in the state not already supplied with a copy of the school laws.

Approved March 17, 1876.

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N U M B E R 9.

IOWA HOME OF THE FRIENDLESS.

JOINT RESOLUTION.

WHEREAS, The citizens of Dubuque, actuated by the purest spirit of humanity and the most unselfish benevolence, have established an institution known as the Iowa Home of the Friendless; therefore

*Resolved by the Senate and House of Representatives,* that the said "Iowa Home of the Friendless" is an honor and credit to the state, a noble instance of the devotion and enthusiastic charity of her people, and should elicit the sympathy, interest, and support of the people of the state.

Approved March 17, 1876.

## CERTIFICATE.

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STATE OF IOWA, }  
OFFICE SECRETARY OF STATE. }

I, Josiah T. Young, Secretary of State of the State of Iowa, hereby certify "that the acts, resolutions, and memorials," herein contained are "truly copied from the original rolls" on file in this office and that the same are true and correct, except that the words inclosed in brackets [thus] have been inserted where it was evident an omission had occurred. Words in *italics* (except the enacting clause, and the word "*Provided,*" etc.,) indicate that such words are either superfluous or erroneous; in the latter case the word or words supposed to be correct follow in brackets.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the great seal of the State.



Done at Des Moines, the Capital of the State, this 10th day of  
May A. D. 1876.

JOSIAH T. YOUNG,  
*Secretary of State.*





## FINANCIAL STATEMENT.

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STATE OF IOWA, AUDITOR'S OFFICE. }  
DES MOINES, MAY 1st, 1876. }

HON. JOSIAH T. YOUNG, *Secretary of State*:

SIR: In pursuance of the requirements of Section 18, Article 3, Constitution of Iowa, I have the honor to submit, for publication with the laws of the Sixteenth General Assembly, the following statement of the receipts and expenditures of the public money, for the two fiscal years commencing November 2nd, 1873, and ending October 30th, 1875, both days inclusive.

BUREN R. SHERMAN,  
*Auditor of State.*



# AUDITOR'S STATEMENT.

## CONDITION OF STATE TREASURY.

The balance remaining in the State Treasury at the close of the fiscal year, November 1st, 1873, was \$57,228.04, and was distributed among the several funds as follows:

General Revenue.....	\$31,217.66
Coupon Fund.....	1,155.85
Swamp Land Fund.....	3,476.84
Des Moines River Land Claims, (special fund).....	61.88
Agricultural College Endowment Fund .....	11,382.13
Permanent School Fund.....	9,835.68
Temporary School Fund.....	98.00
Total.....	\$57,228.04

There has been received into the State Treasury during the past two fiscal years the sum of \$2,118,642.43, which amount added to the above balance on hand makes the sum of \$2,175,870.47, and disbursements by the State Treasurer during the same period amounted to \$2,117,344.70, leaving in the State Treasury, October 30, 1875, a balance of \$58,525.77, which was distributed among the several funds as follows:

General Revenue.....	\$ 3,114.66
Coupon Fund.....	606.35
Swamp Land Fund.....	8,932.67
Agricultural College Endowment Fund.....	44,305.42
Permanent School Fund.....	1,566.67
Total.....	\$58,525.77

### 1st.—GENERAL STATEMENT OF RECEIPTS AND EXPENDITURES.

#### RECEIPTS.

The receipts were derived from the following sources:

General Revenue—	
From State tax levy.....	\$1,494,289.86
From interest on delinquent taxes.....	60,032.36
From insane dues from counties.....	218,340.64
From Peddlers' licenses.....	1,164.53
From sale of laws, Revisions, and Codes.....	10,598.57
From insurance companies for taxes.....	105,908.17
From insurance companies for fees, by Auditor.....	32,872.59
From Register of State Land Office for fees.....	566.25
From Secretary of State for fees.....	3,366.40
From United States on War and Defense Fund.....	262.17
From sale of real estate, (payments on Dyer property).....	1,230.40
From sale of rejected stone.....	1,081.25
From sale of Rankin property.....	9,283.70
From sale of Orwig property.....	7,150.20
From sale of arms, accoutrements, waste paper, etc.....	1,338.64
	\$1,947,412.24

Other sources—	
Coupon Fund—transferred from General Revenue.....	42,000 00
Swamp Land Fund—from United States.....	46,002.81
Agricultural College Endowment Fund—from sale of lands.....	32,923.29
Permanent School Fund—5-per cent. fund from United States and Eads' loans.....	6,520.66
Temporary School Fund—from interest on State bonds and Eads' loans.....	43,783.43
Total receipts for two years.....	\$2,118,642.43
Balance in the treasury November 1, 1873.....	57,228.04
Total.....	\$2,175,870.47

## DISBURSEMENTS.

Disbursements were for the following purposes:

General Revenue—	
Redemption of Auditor's warrants.....	\$1,974,360.91
Interest allowed on same.....	1,154 33
Total.....	\$1,975,515.24
Other purposes—	
Des Moines River Land Claims, (special fund).....	61.88
Swamp Land Fund—paid to counties.....	40,546.98
Coupon Fund—redemption of coupons.....	42,549.50
Permanent School Fund—apportioned to counties.....	14,789.67
Temporary School Fund—apportioned to counties.....	43,881.43
Total disbursements for two years.....	\$2,117,344.70
Balance in treasury October 30, 1875.....	58,525.77
Total .....	\$2,175,870.47

## 2d.—STATE INDEBTEDNESS.

War and Defense Fund, 7 per cent. bonds issued under chapter 16, acts of extra session of 1861, due July 1, 1881..... \$ 300,000.00

The Revenue Fund has also become responsible to the School Fund for the following bonds:

Bond No. 1, issued to the Permanent School Fund of the State, dated November 12, 1864, interest payable on the first days of January and July in each year, at 8 per cent, for.....	\$ 122,295.75
Bond No. 2, issued to the Permanent School Fund of the State, dated March 2, 1868, interest payable on the first days of January and July in each year, at 8 per cent., for .....	122,202.26
Bond No. 3, issued to the Permanent School Fund of the State, dated November 1, 1871, interest payable on the first days of January and July in each year, at 8 per cent., for.....	8,558.14
[This last bond (No. 3) was issued for losses to Permanent School Fund, in accordance with article 7, section 3 of the new constitution, and of section 2, chapter 134, acts of 1864.]	
Total bonded indebtedness.....	\$ 543,056.15

## 3D.—STATEMENT,

Showing the amount of warrants issued, and to what account charged, and other expenditures of general revenue during the two fiscal years ending October 30, 1875.

<i>Accounts.</i>	<i>Amount Expended.</i>
Adjutant-General's salary.....	\$ 4,166.50
Adjutant-General's Clerk's fund, and Q. M. General's expenses.....	2,124.87
Attorney-General's salary, and <i>per diem</i> .....	4,515.00
Auditor of State's salary.....	4,398.99
Auditor of State's Deputy's salary.....	2,410.00
Auditor of State's Clerk's fund.....	3,747.00
Circuit Judge's salary, 1st District.....	4,216.59
Circuit Judge's salary, 2d District.....	4,216.61
Circuit Judge's salary, 3d District.....	4,399.93
Circuit Judge's salary, 4th District.....	4,391.79
Circuit Judge's salary, 5th District.....	4,268.59
Circuit Judge's salary, 6th District.....	4,216.60
Circuit Judge's salary, 7th District.....	4,399.93
Circuit Judge's salary, 8th District.....	4,217.00
Circuit Judge's salary, 9th District.....	4,949.94
Circuit Judge's salary, 10th District.....	4,033.31
Circuit Judge's salary, 11th District.....	4,583.26
Circuit Judge's salary, 12th District.....	4,399.92
Circuit Judge's salary, 13th District.....	4,216.61
District Judge's salary, 1st District.....	5,316.64
District Judge's salary, 2d District.....	4,399.92
District Judge's salary, 3d District.....	4,399.92
District Judge's salary, 4th District.....	4,399.92
District Judge's salary, 5th District.....	4,583.27
District Judge's salary, 6th District.....	4,766.63
District Judge's salary, 7th District.....	4,382.12
District Judge's salary, 8th District.....	4,216.60
District Judge's salary, 9th District.....	4,399.92
District Judge's salary, 10th District.....	4,399.92
District Judge's salary, 11th District.....	5,319.57
District Judge's salary, 12th District.....	4,399.92
District Judge's salary, 13th District.....	4,216.59
District Attorney's salary, 1st District.....	1,200.00
District Attorney's salary, 2d District.....	1,000.00
District Attorney's salary, 3d District.....	1,340.00
District Attorney's salary, 4th District.....	1,200.00
District Attorney's salary, 5th District.....	1,100.00
District Attorney's salary, 6th District.....	1,100.00
District Attorney's salary, 7th District.....	1,150.00
District Attorney's salary, 8th District.....	1,200.00
District Attorney's salary, 9th District.....	1,400.00
District Attorney's salary, 10th District.....	1,250.00
District Attorney's salary, 11th District.....	1,250.00
District Attorney's salary, 12th District.....	1,400.00
District Attorney's salary, 13th District.....	1,200.00
Governor's salary and house rent.....	7,200.00
Governor's contingent fund.....	2,298.99
Governor's Private Secretary's salary.....	2,350.00
Janitor and Night Watch.....	7,652.00
Register of State Land Office's salary.....	4,399.30
Register of State Land Office's Deputy's salary.....	2,400.00
Register of State Land Office's Clerk's fund.....	2,096.01
Secretary of State's salary.....	4,430.22
Secretary of State's Deputy's salary.....	2,300.00
Secretary of State's clerk's fund.....	1,692.00

<i>Accounts.</i>	<i>Amount Expended.</i>
State Fish Commissioner's salary.....	\$ 900.00
State Librarian's salary.....	2,400.00
State Treasurer's salary.....	4,430.55
State Treasurer's Deputy's salary.....	2,416.67
State Treasurer's Clerk's fund.....	889.67
State Superintendent of Weights and Measures' salary.....	100.00
Superintendent of Public Instruction's salary.....	4,400.00
Superintendent of Public Instruction's Deputy's salary.....	2,400.00
Superintendent of Public Instruction's contingent expenses.....	1,033.00
Superintendent of Public Instruction's clerk's fund.....	1,771.08
Supreme Judge's salary, Hon. J. M. Beck.....	7,550.00
Supreme Judge's salary, Hon. C. C. Cole.....	6,080.00
Supreme Judge's salary, Hon. J. G. Day.....	6,000.00
Supreme Judge's salary, Hon. W. E. Miller.....	6,000.00
Supreme Court Contingent Fund.....	8,579.90
Adjusting Permanent School Fund account.....	174.80
Agricultural College, improvements and repairs.....	28,350.00
Agricultural College, Trustees' mileage.....	2,720.50
Agricultural Societies.....	34,310.75
Accountant, Board of Capital Commissioners.....	450.00
Arrest of Fugitives.....	8,153.15
Blind Institution (clothing account).....	1,538.57
Blind Institution, for improvements.....	49,800.00
Blind Institution, for support and pupilage.....	47,120.00
Commissioner to Washington (Cleghorn).....	1,455.55
Commissioners of Immigration (support).....	532.95
Condemned Property.....	967.15
Des Moines River Land litigation.....	1,500.00
Des Moines River Land Commissioners.....	3,871.52
Deaf and Dumb Institution (clothing account).....	348.66
Deaf and Dumb Institution (building and improvement account).....	22,310.86
Deaf and Dumb Institution (support and pupilage).....	65,720.00
Distributing laws.....	765.83
Expenses of Executive Council assessing railroad property.....	80.25
Fifteenth General Assembly (mileage and salary).....	100,127.60
Fifteenth General Assembly (special appropriations).....	16,726.19
First Iowa Cavalry claims.....	481.87
General Contingent Fund.....	11,007.89
Gray Uniform claims.....	240.60
Hospital for Insane, Independence (building and furnishing).....	92,616.22
Hospital for Insane, Independence (trustees' expenses).....	1,852.32
Hospital for Insane, Independence (County dues).....	92,780.00
Hospital for Insane, Mt. Pleasant (County dues).....	206,000.00
Hospital for Insane, Mt. Pleasant (State dues).....	2,382.54
Hospital for Insane, Mt. Pleasant (improvements).....	7,894.66
Hospital for Insane, Mt. Pleasant (Trustees' expenses).....	1,876.50
Interest on School Fund Loans.....	41,541.16
Interest on War Bonds.....	42,000.00
Iowa Soldiers' Orphans' Home (improvements).....	8,850.00
Iowa Soldiers' Orphans' Home (support).....	103,380.00
Iowa Soldier's Orphans' Home (Trustees' mileage).....	1,842.40
Miscellaneous expenditures.....	11,659.95
New Capitol Building.....	356,224.77
Northwestern Relief Fund.....	50,000.00
Penitentiary, Anamosa, (Building).....	14,576.08
Penitentiary, Anamosa, (Indebtedness).....	9,593.98
Penitentiary, Anamosa, (Reward for escaped convicts).....	100.00
Penitentiary, Anamosa, (Support).....	9,449.93
Penitentiary, Anamosa, (Warden's salary).....	2,500.00
Penitentiary, Anamosa, (Clerk's salary).....	1,250.00
Penitentiary, Anamosa, (Guard's pay).....	9,688.32
Penitentiary, Anamosa, (Gift to discharged convicts).....	152.45

<i>Accounts.</i>	<i>Amount Expended.</i>
Penitentiary, Ft. Madison, (Improvements).....	\$ 8,600.00
Penitentiary, Ft. Madison, (Visitors) .....	131.60
Penitentiary, Ft. Madison, (Support).....	12,489.02
Penitentiary, Ft. Madison, (Warden's salary).....	2,375.00
Penitentiary, Ft. Madison, (Deputy Warden's salary).....	1,583.27
Penitentiary, Ft. Madison, (Clerk's salary).....	1,541.61
Penitentiary, Ft. Madison, (Chaplain and Teachers' salary).....	1,700.00
Penitentiary, Ft. Madison, (Physician's salary).....	950.00
Penitentiary, Ft. Madison, (Guard's pay).....	23,485.00
Propagation of Fish.....	2,999.15
Publishing Laws.....	299.84
Relief of Metz.....	300.00
Railroad prosecutions.....	2,000.00
School Journal.....	297.00
State Binding.....	34,203.91
State Historical Society, (Support).....	1,000.00
State Historical Society, (Support).....	2,000.00
State Library.....	2,386.88
State Printing.....	26,349.26
State Reform School, (Building and Improvements).....	21,264.29
State Reform School, (Support).....	42,050.00
State Reform School, (Trustees' mileage) .....	3,260.50
State University, (Support).....	40,250.00
State University, (Trustees' mileage).....	1,494.00
Stationery.....	12,261.22
Supreme Court Reports.....	10,000.00
Teachers' Institutes.....	10,250.00
War and Defense Fund, (Revenue).....	7.80
Total amount of Warrants issued during the two years.....	\$1,998,451.44
Interest paid on Revenue Warrants redeemed.....	1,154.33
Mileage paid to County Treasurers and Banks.....	3,614.42
Total Expenditures.....	\$2,003,202.91





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## APPENDIX.

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No evidence has been received of the publication of the acts cited below in the papers named. Hence no certificate further than is already presented in the foregoing pages can be given.

Chapter 67, page 55: "Iowa State Register."

Chapter 78, page 64: "Iowa State Register."

Chapter 102, page 91: "Council Bluffs Daily Nonpareil."

The following certificate will take the place of the one on page 12:

I hereby certify that the foregoing act was published in the *Iowa State Leader*, February 26, *Iowa State Register*, February 29, and in the *Staats Anzeiger*, March 2, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

