

Knapp, deceased, and shall be dealt with in all cases as if the same had regularly descended from the said Knapp, deceased, to his heirs.

Approved January 16, 1840.

[Chap. 69.]

AN ACT to remove and relocate the county seat of Lee county.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That George Gallaher, of Des Moines county, and James L. Scott, of Jefferson county, and Samuel C. Reed, of Van Buren county, are hereby appointed commissioners to relocate the county seat of the county of Lee, whose duty it shall be to meet at Fort Madison, in said county, on the first Monday of March next, and they or a majority of them shall proceed forthwith to select a suitable place for said county seat, as near the geographical centre as a suitable site can be obtained.

SEC. 2. Said commissioners, or a majority of them, immediately after they have selected a suitable place for the same, shall commit their proceedings to writing, describing the place they have selected, together with the quarter section, township and range, together with any deed or deeds for any lands, and also any bond or bonds for the payment of money or for the building of any public buildings, and shall send them all to the clerk of the district court of said county.

SEC. 3. Said commissioners shall each of them take and subscribe the following oath, before some person authorized to administer the same, viz: I, A. B. do solemnly swear (or affirm) that I am not either directly or indirectly interested in the relocation or removal of the county seat of Lee county, and that I have no property, either in claims or lands, in said county, and that I will proceed to select a suitable place for the same according to my abilities and the law for relocating the same, so help me God.

SEC. 4. If it shall be shown at any time within two years that either of said commissioners were interested, or received any gratuity or reward, or any promise of anything, such commissioner or commissioners shall be liable to indictment for perjury, and be liable to the penalty for said crime.

To file deeds,
&c. with clerk
of district
court.

SEC. 5. It shall be the duty of said commissioners to receive any deed or deeds of land or bond for the payment of money which may be made to the county commissioners of said county, and deposit the same with any bond for building any public buildings for said county with the clerk of the district court.

SEC. 6. Said commissioners shall each receive three dollars per day for every day they are necessarily employed in locating said county seat, and three dollars each for every twenty miles travel to and from said county seat. The district court for said county, at its first term after the passage of this act, and until the public buildings are erected at the county seat, shall be held at the town of Fort Madison, and thereafter at the place selected by them for said county seat. And the treasurer of said county is hereby authorized and required to pay said commissioners the respective sums allowed by this act, out of any moneys in the treasury of said county not otherwise appropriated.

Approved January 16, 1840.

[Chap. 70.]

AN ACT relative to habeas corpus.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa, [That]* every person imprisoned or otherwise restrained of his liberty, may prosecute a writ of habeas corpus according to the provisions of this act, to obtain relief from such imprisonment or restraint, if it shall prove to be unlawful.

Application
to be by
petition.

SEC. 2. Application for such writ shall be made by petition signed either by the party for whose relief it is intended, or by some person in his behalf, as follows: To any judge of the supreme or district courts, or any supreme court commissioner, being within the county where the prisoner is detained, or if there be no such officer within such county, or if he be absent, or for any cause be incapable of acting, or have refused to grant such writ, then to some officer having such authority residing in any adjoining county.

Application
to officer out
of county.

SEC. 3. Whenever application for any such writ shall be made to any officer not residing within the county where the prisoner shall be detained, he