

propelled by either steam or horse power, for the safe and speedy transportation of passengers and property across said river.

SEC. 2. That said ferry shall be subject to any <sup>Subject to</sup> general law fixing the rates of toll and prescribing <sup>General law.</sup> the manner in which licensed ferries shall be kept and regulated: *Provided*, That nothing in this act shall be so construed as to affect the rights of individuals on this side of said river, or to conflict with the act of congress relative to Du Buque, Fort Madison, &c., approved the third July, A. D. eighteen hundred thirty six.

SEC. 3. Provided that nothing in the foregoing <sup>Not to conflict with former charter.</sup> parts of this act shall be so construed as to conflict with the act heretofore passed granting a charter for a ferry, to T. Fanning and his heirs and assigns, across the Mississippi river at said town of Dubuque, and an act to incorporate the city of Dubuque.

Approved January 17, 1840.

[Chap. 93.]

AN ACT to locate the Seat of Justice in and for the county of Jones.

SECTION I. *Be it enacted by the Council and* <sup>Commissioners.</sup> *House of Representatives of the Territory of Iowa,* That John G. M'Donald of Jackson county, and Franklin Moffatt of Delaware county, and Thomas M. Isett of Muscatine county, be and they are hereby appointed commissioners to locate and establish the seat of justice in and for the county of Jones.

SEC. 2. The said commissioners shall, before they <sup>Oath.</sup> enter upon their duties as commissioners, take and subscribe before some district judge or justice of the peace, the following oath, to wit: "I, one of the commissioners appointed to locate the seat of justice in and for the county of Jones, do hereby solemnly swear (or affirm) that I will perform the duties imposed on me by said appointment honestly and faithfully, according to the best of my abilities, and according to the law relative to locating said county seat. And I do further swear (or affirm) that I am not directly or indirectly interested in said location; but that in locating said county seat, I will be actuated only by a desire to the best interests of said county, without the slightest partiality towards any person or persons, and without bias from fear, favor or recompense, or the hope of any gain or advantage to myself in any respect whatever."

- To select.** SEC. 3. That said commissioners, or a majority of them, shall meet at the house of Thomas Dixon, on or before the second Monday in April, A. D. eighteen hundred and forty, and shall forthwith proceed to examine into and determine upon the most eligible point for the seat of justice of said county, having due reference to a central and healthful location, convenience to timber and water, and to the accommodation to the people of said county.
- And locate.** SEC. 4. So soon as said commissioners shall have determined upon the place where said seat of justice shall be located, it shall be their duty to proceed forthwith to lay out one quarter section of land into lots, outlots, streets and squares, and to determine upon the lots or places upon which the public buildings shall be erected, and to name said seat of justice by such name as they may think proper, and forthwith commit their proceedings to writing and sign the same, and file them with the clerk of the district court of said county, whose duty it shall be to record the same in the proper book, and the place thus selected shall be the future and permanent seat of justice of said county.
- Record.**
- Compensation.** SEC. 5. Said commissioners shall receive three dollars per diem for the time they shall be actually engaged in the discharge of their duties as above provided, not exceeding twenty days, and three dollars for every twenty-five miles going from their respective residence to and returning from such seat of justice, to be paid out of the treasury of the county of Jones.
- Vacancies.** SEC. 6. *Be it further enacted,* That in case of vacancy by death or otherwise in said board of commissioners, it shall be the duty of the county commissioners in the county where such vacancies may occur, to appoint some suitable person who shall be duly authorized to fill said vacancy by subscribing to and taking the oath provided in this act.
- To enter land.** SEC. 7. That it shall be the duty of the county commissioners of said county of Jones, within thirty days after the seat of justice of said county shall have been located and the site laid out in lots as aforesaid, to borrow a sum of money sufficient to enter at the land office the quarter section of land on which said seat of justice is located, in accordance with the act of congress approved May twenty-six, eighteen hundred and twenty-four, entitled "An act granting to counties or parishes of each state and

territory of the United States, in which public lands are situated, the right of pre-emption to one quarter section of land, for seats of justice within the same;" and to pay interest for the same not exceeding forty per cent, and forthwith to enter the said quarter section of land at the land office at Du Buque.

SEC. 8. That it shall be the duty of said county <sup>To sell lots.</sup> commissioners, within ninety days after said quarter section shall have been entered as above provided, to proceed to sell at public auction, for cash, a sufficient number of lots in said seat of justice, to refund the money borrowed to enter said quarter section, together with the interest accruing thereon.

SEC. 9. That it shall be the duty of said county <sup>Notice.</sup> commissioners to give notice of said sale by publishing the same in the "Iowa News," at Dubuque, and by posting up written notices in four of the most public places in said county, at least sixty days preceding said sale.

Approved January 17, 1840.

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[Chap. 94.]

AN ACT allowing and confirming the compensation of printers of the last legislative assembly, and for other purposes.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That there shall be paid out of any money now or hereafter to be appropriated by congress to defray the expenses of the last session of the legislative assembly, to James Clarke and company, for printing bills, slips, rules, blank certificates, yeas and nays, &c. for both houses, two thousand two hundred and eighty-five dollars and seventy-five cents; to James G. Edwards, for printing bills for the House of Representatives, nine hundred and seventeen dollars and thirty-six cents; to James G. Edwards, for printing memorials and furnishing newspapers, eighty-four dollars; to James Clarke and company, for furnishing the members of the legislative assembly with twenty copies each of the Iowa Territorial Gazette, during the session of the legislature, seven hundred and eighty dollars; to committee appointed to investigate the affairs of the Miners' bank of Du Buque, three hundred dollars; to Mortimer Bainbridge, for services as attorney and clerk during the investigation of the affairs of the Miners' bank of