

[Chap. 10.]

AN ACT to legalize the establishment of a Territorial Road from the ferry landing, opposite Oquawka, in Illinois, to Napoleon, in Johnson County.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That a certain Territorial Road, from the ferry landing opposite Oquawka, in Illinois, to Napoleon, in Johnson county, laid out and established by Daniel Brewer and Jacob S. Rinearson, of Louisa county, in the summer of 1829, shall be, and is hereby declared as good and valid in law in all respects as though the same had been located, and returns thereof made by the persons whose names appear as commissioners for that purpose in an act entitled an act establishing certain Territorial Roads, approved January 25, 1839. Legalizing survey of road.

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

APPROVED, July 24, 1840.

[Chap. 11.]

AN ACT relative to writs of scire facias upon judgments in the District Court.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That no writ of scire facias shall be necessary to revive any judgments heretofore or hereafter had in any of the District Courts of this Territory until after the lapse of five years from the rendition of the same, and execution may at any time be issued upon the same until said lapse of five years, unless said judgment be sooner satisfied. Writ of scire facias not necessary to revise judgment until.

APPROVED, July 24, 1840.

[Chap. 12.]

AN ACT to establish the County Seat of Lee County.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That at the next general election in the County of Lee, the qualified voters of said county shall be allowed to vote for the location of the seat of justice of said county. To vote for county seat.

May vote for any point.

SEC. 2. Every voter may vote for any point as the seat of justice, and the votes shall be returned to the office of the clerk of the board of county commissioners, and the result declared as in other cases, and the clerk thereupon shall cause to be entered upon the records of said board the whole number of votes given for each place named.

Majority of votes establishes seat.

SEC. 3. If at said election, any one point shall receive a majority of votes over all the other points, it shall be declared the seat of justice of said county.

Provides for a second election.

SEC. 4. If no one point receives a majority of all the votes cast at said election, then there shall be a second election held on the second Monday of November next, at which second election the two points receiving the highest number of votes at the first election shall be voted for, and none others, and the point for which the highest number of votes is cast shall be declared the seat of justice of said county.

Two points only to be voted for.

Judges to administer oath.

SEC. 5. That the judges of said election, or any one of them, shall have power, and on any person offering to vote, being challenged by any elector who has voted at such election, are hereby required to administer an oath to such person offering to vote, true answers to make to such questions touching his qualifications as a voter as shall be propounded to him, and shall examine such person as to his right to vote, and said judges shall not permit any person to vote for said county seat unless he be a qualified voter of said county.

Any one swearing falsely—how punished.

SEC. 6. That any person who may swear falsely, touching his qualifications as a voter, shall, upon indictment, if found guilty, suffer all the pains and penalties of wilful and corrupt perjury.

Duty of clerk of board of county commissioners.

SEC. 7. As soon as the votes cast at the first election are counted agreeably to law, if it shall appear that no one point has received a majority of all the votes cast at said first election, it shall be the duty of the clerk of the board of county commissioners to write three notices for each election precinct in said county, which notices shall set forth the two places receiving the highest number of votes at the first election, and which places are to be voted for at the second election, and also the day on which said second election is to be held, which notices shall be delivered to the Sheriff of said county, and

by him posted up in the following manner, to wit: one notice at the place of voting in each precinct and two others in two of the most public places in each precinct at least ten days before the time of holding said election.

SEC. 8. Said second election shall be conducted in all respects agreeably to the laws regulating general elections, and the point receiving the highest number of votes shall be declared the county seat. Second election, how conducted.

SEC. 9. That it shall be the duty of the county commissioners to receive any bond or bonds for the payment of money, or to receive any donation of land, or other property which shall be applied to aid in erecting public buildings for said county. Duty of county commissioners.

APPROVED, July 27, 1840.

[Chap. 13.]

AN ACT to establish a Territorial Road from the town of Lyons, in Clinton county, to Iowa city, in Johnson county.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa.* That Stephen Tripp, of Clinton county, James Ross, of Cedar county, and A. C. Sutliff, of Johnson county, be and they are hereby appointed commissioners to locate a Territorial Road from Lyons, in Clinton county, in a direction to Iowa city, on the nearest and best route, until it intersects a road to be established by an act of the last session of the legislature from Camanche to Iowa city. Commissioners appointed.

SEC. 2. That said commissioners, or a majority of them, shall meet at Lyons any time during the present year that they shall agree upon to discharge their duties. When to meet.

SEC. 3. That the commissioners aforesaid shall receive two dollars and fifty cents for every day they shall be necessarily employed in the discharge of their duties, the surveyor three dollars per day, and chain carriers and markers one dollar and fifty cents per day, to be paid according to the provisions of the fifth section of an act to provide for laying out and opening Territorial Roads. Pay of commissioners, surveyor, &c.

SEC. 4. That the fourth section of an act establishing certain Territorial Roads therein named, approved January fourteenth eighteen hundred and forty, is hereby so far amended as to make Samuel P. Higginson, of Cedar county, and John Wilson, Act amended. Other commissioners appointed.