

CHAPTER 87.

CHANGE OF COUNTY BOUNDARIES.

AN ACT defining the manner in which the boundaries of counties may be changed in certain cases, and providing for the disposition of existing liabilities.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That whenever the citizens of two or more counties, desire a change in the boundaries thereof, they may petition their respective Boards of Supervisors therefor, and each of said petitions shall designate the change desired, and shall be signed by none but legal voters of the county before whose Board the same is presented, and shall be signed by at least one-half of such legal voters, as shown by the last census, and be accompanied by the affidavits of at least two credible witnesses, that the signatures to the petition are genuine, and that the person signing the same are legal voters in said county: *Provided,* That before any petition shall be heard, satisfactory proof shall be made by affidavit to said Board, that at least three notices containing copies of such petition or petitions have been posted at least six weeks before the same shall be heard, in three public places in each township in the counties to be affected by such change of boundary, one of which shall be kept posted upon the door of the office of the Clerk of the District Court of said counties; which notices shall contain a copy of the petition, and shall show the time of hearing; and, provided further, that if an equal number shall sign the remonstrances in each county where the petition is to be heard, to the number signing the petitions, no election shall be held.

A majority of the legal voters may petition for a change of County boundaries — notice having been posted.

SEC. 2. That the petition of the voters of each of the counties interested in such change shall be presented to their respective Boards of Supervisors at the same regular session, and it shall be the duty of said Boards of Supervisors upon being so petitioned, to order that at the next general election holden thereafter, a vote shall be taken by the several counties interested, upon the proposed change: *Provided,* however, that no order shall be made conflicting with the provisions of section two, Article eleven, of the Constitution.

Where 2 or more counties are interested petition shall be presented to the Board of Supervisors in each county interested.

SEC. 3. The Boards of Supervisors of the respective counties, at the time they make the order for such election, shall make an order requiring their Clerk to give at least four weeks notice of such election, by causing

Notice given of an election setting forth the change.

a notice thereof to be published in some newspaper printed in their respective counties; if there be no newspaper published in either of said counties, then notice shall be given in the county having no newspaper, by posting up written or printed notices in one public place in each organized township in said county, for the same length of time, which notice shall be given at least four weeks prior to the day of election, and shall set forth the exact portion of the territory to be detached from one of the counties, and to what county the same is to be attached; and also, that at the next general election the question will be presented to the qualified electors of the counties, whether such change in the county boundaries shall be made.

Ballots must be printed or written and deposited in separate box. SEC. 4. At said election separate ballots shall be cast on the question of changing the boundary lines of said counties, which ballots shall have written or printed thereon the word —“ Changing county boundary—yes,” or “ Changing county boundary—no,” for which ballots a separate box shall be kept, and a return of said vote shall be made to the Board of County Canvassers, and canvassed as provided by law for other returns.

Clerk shall record in the minute book of the several counties, result of vote. SEC. 5. Should a majority of all the votes cast in the county to which the territory belonged, be in favor of the proposed change, the Clerk of the Board of Supervisors of said county shall notify the Clerk of the Board of Supervisors of the county or counties interested therein; and should it be found that a majority of the votes cast in each of the counties interested, are in favor of the proposed change, due record shall be made thereof in the Minute Book mentioned in section 318 of the Revision of 1860, in each of the counties interested.

If boundaries are changed, records shall be transferred SEC. 6. The county to which the territory shall be attached, shall cause to be transcribed from the records of the county to which said territory formerly belonged, all records pertaining to the real estate so attached, all taxes due and unpaid in said territory against the property or parties; also a transcript of all judgments in the District Court, or County Court, affecting any real estate in said attached territory, and all other records, papers and documents which properly belong to the county to which said territory is attached, which said records, papers or documents shall be transcribed or filed as the case may be, in the appropriate records and respective offices to which the same belong, and shall have the same force and effect, and be of the same validity in all cases and for all purposes as if the same originally belonged thereto, except as hereinafter provided.

All the costs attending the transfer of the above mentioned records, papers and documents, shall be paid by the county to which said territory is attached.

SEC. 7. On the first Monday of January next succeeding the said election, if the same shall have been determined in favor of the change, the change shall be deemed to have taken place, and all the officers whether township or district, residing in the territory so detached, shall be held and deemed as belonging to the county to which the same is attached, provided however, that in case the territory so attached does not constitute a civil township or townships, the officers of the township to which such portion is attached shall have jurisdiction therein; and such territory shall for all purposes except as herein otherwise provided, be deemed a part of such organized townships.

When the change shall take place, and the effect of change on the township organization

SEC. 8. If the territory included in the change constitutes one or more civil townships, the bonds of all the officers therein, that are required to be filed, or approved by any county officer, shall be transmitted by copy duly certified by the officer having charge thereof, to the same office in the county to which the territory is attached, which said bonds shall be of the same effect and validity as if originally filed in such office.

Copies of bonds of township officers to be filed and have force.

SEC. 9. The detached territory shall not by reason of such change be released from the payment of its just and equitable proportion of any indebtedness incurred by the county to which it formerly belonged, prior to and existing at the time of such change or detachment, nor shall such territory so detached be subject to the payment of any portion of indebtedness, either principal or interest, incurred or contracted by the county to which it becomes attached, prior to the date of such change or attachment.

Liability for debts.

SEC. 10. In order to fully carry out the provisions of Section 9 of this Act, it is hereby made the duty of the Board of Supervisors of the County to which said territory formerly belonged, when they shall have levied a tax upon the property of their county (which tax must be uniform throughout their county,) for the purpose of raising funds to pay off in whole or in part, either principal or interest, any indebtedness existing against said county at the time of such change and detachment, to cause the Clerk of their Board to certify under the seal of their Board a statement of the amount of such levy, and transmit the same to the Clerk of the Board of Supervisors of the County to which said territory has become attached, and it shall be the duty of such Clerk at the time he receives such statement to levy a tax to

Manner of levying and collecting the portion of liability of the detached territory for pre-existing debts of the County from which detached.

the amount therein stated upon the taxable property included within the limits of such detached territory according to the last assessed value thereof, and it shall be the duty of such Clerk at the time he completes the tax list required in Section 746 of Chapter 45, of the Revision of 1860, to carry out said tax against such taxable property included in such detached territory, in a column by itself, and the same shall be delivered and charged to the Treasurer, collected and treated in all other respects in the same manner as now or hereafter to be provided by law for the collection of other County taxes; and it shall be the duty of said Treasurer to pay the same over from time to time as the same is collected to the County Treasurer of the County to which the same belongs, taking his receipt therefor, which receipt shall be his voucher on settlement therefor, *Provided*, however, the said Treasurer shall retain therefrom the sum of five per centum on said amount so collected, which shall be placed by him in the County Treasury of his County as a full compensation to said County for trouble and expenses incurred in the collection of said tax; and it shall be the duty of the Board of Supervisors of the County to which said territory is attached, at the time or times they levy any tax in their county for the purpose of raising funds to pay in whole or in part, either principal or interest, any indebtedness existing against said County at the time of such change and attachment, to exempt from such levy and tax the property included within the limits of such attached territory.

Delinquent tax, how collected from detached territory.

SEC. 11. The taxes levied and unpaid in said detached territory, delinquent or otherwise, at the time of such change, shall be transcribed from the books in the hands of the Treasurer of the County to which said territory formerly belonged, in the manner in which said tax stands upon said books, together with the Warrant attached to said Tax Book, and pass the same over to the Treasurer of the County to which said territory is attached, taking his receipt therefor, which transcript with the duplicate warrant thereto attached shall be sufficient authority to authorize said Treasurer to proceed to collect said tax, and shall collect, or cause the same to be collected and account and be responsible therefor in the same manner, and to the same extent as now or hereafter provided by law for the collection of other County or State taxes, and said tax shall be used in that portion of the County upon which the same was levied, except that raised for State and County purposes, which

shall be paid over by said Treasurer to the County Treasurer from which said territory was detached from time to time as the same is collected.

SEC. 12. 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 Des Moines Times.

Approved, April 2, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times, April 12th, 1862, and in the Des Moines Register April 16, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 88.

SPECIAL ELECTIONS.

AN ACT to define the manner of canvassing votes cast at special elections.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That in all cases where special elections are held to fill vacancies occurring in the offices of Senator or Representative, in the General Assembly, Member of the Board of Education, or Representative in Congress, ordered by the Governor in pursuance of section six hundred and seventy-two of the Revision of 1860, it shall be the duty of the Board of County Canvassers to meet at 12 o'clock, M. on the second day after said election, unless the second day be Sunday, in which case they shall meet on the following Monday, to canvass the votes cast at such elections, for which they shall receive one dollar per day and ten cents per mile, counting one way.

SEC. 2. If the District is composed of more than one District county, it shall be the duty of the District canvassers to meet at the place of canvassing votes at a general election, in said district at 12 o'clock M., on the 6th day after said election, unless that day be Sunday, in which case they shall meet on the following Monday to canvass the votes cast at such special election, and said District canvassers shall receive one dollar and fifty cents per day, and ten cents per mile counting one way.

SEC. 3. The State Board of Canvassers shall canvass