

CHAPTER 50.

DALLAS COUNTY.

AN ACT for the organization of Dallas county.

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

SECTION 1. Organized. That the county of Dallas be, and it is hereby organized, from and after the first day of March next; and the inhabitants of said county shall be entitled to all the rights and privileges to which by law the inhabitants of other counties of this state are entitled.

SEC. 2. Special election. That there shall be a special election held, on the first [64] Monday in the month of April next, at which time the county officers of said county shall be elected; and also, such number of justices of the peace and constables for said county as may be ordered by the sheriff of said county.

SEC. 3. Duty of sheriff—proviso. That it shall be the duty of the sheriff of said county to give at least ten days' previous notice of the time and places of holding such special election in said county, grant certificates of election, and in all respects discharge the duties required by law to be performed by clerks of the boards of commissioners in relation to elections, until a clerk of the board of commissioners for said county may be elected and qualified: provided, that it shall not be necessary for said sheriff to take to his assistance two justices of the peace in opening the poll books and canvassing the votes polled at said special election.

SEC. 4. Terms of county officers. That the county officers elected under the provisions of this act shall hold their respective offices until the first Monday in the month of August, 1847, and until their successors may be elected and qualified.

SEC. 5. Terms of justices. That the justices of the peace and constables elected under the provisions of this act shall hold their offices until the first Monday in the month of April, 1848, and until their successors may be elected and qualified, and their jurisdiction shall be coextensive with the county.

SEC. 6. Sheriff—oath. That Eli Smithson be, and he is hereby appointed sheriff of said county of Dallas, and shall continue in office until the first Monday in the month of April next, and until his successor may be elected and qualified; and said sheriff shall be qualified to enter upon the discharge of the duties of his said office upon filing his oath of office in the clerk's office of the district court of Polk county, which oath of office may be administered by said clerk.

SEC. 7. Death of sheriff. In case of the death, resignation or other disqualification of said sheriff, it is hereby made the duty of the sheriff of Polk county to perform the duties required by this act to be performed by the sheriff of said Dallas county.

SEC. 8. Actions at law. That all actions at law or equity in the district court for the county of Polk, commenced prior to the organization of said county of Dallas, where the parties or either of them reside in said county of Dallas, shall be prosecuted to final judgment, order, or decree, as fully and effectually as if this act had not been passed.

SEC. 9. Duty of justices. That it shall be the duty of all justices of the peace, residing within said county of Dallas, to return all books and papers in their hands, pertaining to said office, to the next nearest justice of the peace who may be elected and qualified under the provisions of this act; and [65] all suits at law, or other official business, which may be in the hands of such justices of

the peace and unfinished, shall be prosecuted or completed by the justices of the peace to whom such business or papers may have been returned as aforesaid.

SEC. 10. Attached country. That the country west of the said county of Dallas be, and the same is hereby attached to said county for election, revenue and judicial purposes.

SEC. 11. Commissioners. That William Wear, of the county of Polk, William Canfield, of the county of Polk, and L. W. Babbitt, of the county of Marion, be, and they are hereby appointed commissioners to locate and establish the seat of justice of said county of Dallas.

SEC. 12. When to meet. That said commissioners, or a majority of them, shall meet at the town of Hickory, in said county, on the first Monday in the month of May next, or at such other time, not exceeding thirty days thereafter, as a majority of said commissioners may agree.

SEC. 13. Oath to be taken. Said commissioners shall first take and subscribe the following oath, to wit: "We solemnly swear (or affirm) that we have no personal interest, directly or indirectly, in the location of the seat of justice of the county of Dallas, and that we will faithfully and impartially locate the same according to the best interest of said county, taking into consideration the future as well as the present population of said county;" which oath may be administered by any officer authorized by law to administer oaths within said county; and the officer administering said oath shall certify and file the same in the office of the clerk of the district court of said county, whose duty it shall be to record the same.

SEC. 14. Duty of commissioners. Said commissioners, when met and qualified under the provisions of this act, shall proceed to locate the seat of justice of said county, and, as soon as they shall have come to a determination, the same shall be committed to writing, signed by said commissioners, and filed with the clerk of the district court of said county, whose duty it shall be to record the same and keep the same on file in his office; and the place thus designated shall be the seat of justice of said county.

SEC. 15. Compensation. Said commissioners shall each be entitled to receive the sum of two dollars per day while necessarily employed, and the sum of two dollars for every twenty miles' travel in the discharge of the duties enjoined upon them by this act, which shall be paid by said county out of the first funds arising from the sale of town lots in such seat of justice.

SEC. 16. District court where held. That the district court for said county shall be held at the town of Hickory, in said county, or at such other place as may be [66] designated by the board of county commissioners of said county, until the seat of justice of said county may be located.

SEC. 17. Take effect. This act to take effect and be in force from and after the first day of March next, previous to which time the same shall be published in the weekly newspapers of Iowa City.

Approved, February 16th, 1847.

Published in the Reporter Feb. 24th, and in the Standard March 10th, 1847.

CHAPTER 51.

DISTRICT JUDGES.

AN ACT regulating the election of district judges.

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

SECTION 1. Election of judges—vacancies. That a judge of the district court shall be elected in each judicial district, at the first regular township