

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

election after the passage of this act, and at the several annual township elections in every fifth year thereafter, unless a vacancy or vacancies shall occur; and upon the happening of such a vacancy or vacancies, the governor shall issue his proclamation, giving at least forty days notice of the time when an election will be held to fill the same; which proclamation he shall cause to be published in all the newspapers in such district or districts, and such election shall be conducted according to the provisions of this act.

SEC. 2. Sheriffs to give notice. Whenever an election for judge is to be held in either district, either to fill a vacancy or otherwise, the sheriff of each and every county therein shall give notice thereof, by putting up written or printed notices, in three public places in each township within their respective counties, at least ten days before the time of holding the same.

SEC. 3. Judges of election—commissioners' clerks—duty of governor. The judges of election shall deposit the votes for judges in a separate box, and make separate returns thereof to the clerk of the board of commissioners of their respective counties, on or before the first Thursday after the election; and the said clerks, on the first Friday after the election, or sooner if all the returns are sooner received, shall, in the presence of two justices of the peace, open the returns and make an abstract thereof, exhibiting the number of votes given in each township for each person voted for therein, and, except in the counties in this section hereafter named, shall enclose and seal up a duplicate of such abstract, sealed with the official seal and signed by himself and the two justices aforesaid, and deliver the same, on or before the first Monday after the election, to the clerk of the board of commissioners [67] of the county in his district in this section hereafter named, to wit: The county of Des Moines, in the first district; the county of Jackson, in the second district; the county of Wapello, in the third district; and the county of Johnson, in the fourth district. And the said clerks of the above named counties, on the second Tuesday after the election, or sooner, if all the abstracts are received, shall, in presence of two or more commissioners' clerks of his district, or of two justices of the peace, open the said abstracts and make a summary thereof, exhibiting the number of votes given in each county for each person voted for therein, and the whole number of votes given in the district for each person voted for therein, and shall immediately deposit with the secretary of state a duplicate thereof under his official seal, signed by himself and the said clerks or justices of the peace; and thereupon the governor shall commission the person having the highest number of votes to hold the said office during the term of five years from the day of the election, and until his successor is elected and qualified.

SEC. 4. Judges to take oath—how certified. The judge elect, on receiving his commission, shall swear or affirm, before some officer authorized to administer oaths, that he will support the constitution of the United States and the constitution of the state of Iowa, and that he will faithfully and impartially discharge the duties of his office to the best of his knowledge and ability; which being certified on his commission, he shall be deemed duly installed into office.

SEC. 5. First election. To prevent delay in holding the first district courts, under the state organization, the judges to be chosen at the first election under this act shall be deemed duly qualified on receiving certificates of their election from the clerks of the boards of commissioners in their districts, respectively named in the third section of this act, and taking the oath or affirmation required by the fourth section, which shall be certified on the certificate of election.

SEC. 6. Neglect to take the oath. If any judge elect shall neglect or refuse to take the official oath within ten days after the receipt of his commission, or

of actual notice that it is ready to be delivered to him, he shall be deemed to have resigned the office, and the governor shall order a new election.

SEC. 7. General election laws applicable. All statutory enactments relating to general elections which shall be in force at the time of holding any election under this act, shall be applied to the election of district judges, so far as the same may be applicable and consistent with the provisions of this act.

SEC. 8. Contested elections—duty of governor. In contesting an election of district judge, the depositions and documents shall be transmitted to a judge of the supreme court, who shall notify his fellow judges and the parties of the time and place of hearing; and the said supreme judges, or any two of them, [68] shall hear and determine the matter, and certify their decision to the governor, who shall cause the same to be carried into execution by commissioning the successful party, or by proclaiming a new election, or otherwise, as the case may require; but no person commissioned and qualified as district judge, shall be ousted of his office except by impeachment, or by judgment of the supreme court in a proceeding by information in the nature of a quo warranto.

SEC. 9. Take effect. This act shall take effect from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 16th, 1847.

Published in the Reporter and Standard February 24th, 1847.

CHAPTER 52.

DISTRICT COURT OF BENTON COUNTY.

AN ACT to provide for holding the district court for the county of Benton at such place as the county commissioners may direct.

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

SECTION 1. Where district court to be held. That the district court in and for the county of Benton shall be held at such place within said county as the county commissioners of said county may direct.

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

Approved, February 17th, 1847.

CHAPTER 53.

REAL ESTATE.

AN ACT to authorize H. H. Ritchie, Thomas T. Botts and Andrew Jones to convey certain real estate therein named.

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

SECTION 1. Trustees authorized to sell estate. That H. H. Ritchie, Thomas T. Botts and Andrew Jones, trustees of the Christian church in West Point, in Lee county, be, and they are hereby authorized and empowered to sell and