

Discretion of judge, concerning costs, in certain cases.

SEC. 19. When any prosecution, instituted in the name of the United States or of individuals, for breaking any laws of this Territory, shall fail, the judge shall determine from the circumstances of the case whether the prosecutor, the county, or the Territory, shall pay the costs.

APPROVED, January 23, 1839.

COUNTIES AND COUNTY SEATS.

AN ACT to establish the boundaries of Louisa county, and to locate the seat of Justice of the said county, and for other purposes.

Boundaries.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the boundaries of Louisa county shall be as follows, to wit: beginning at the main channel of the Mississippi river on the line dividing township seventy-two and seventy three north, thence west on said township line to the line dividing Des Moines and Henry counties, thence north on said line to the line dividing township seventy-three and seventy-four north, thence west on said township line to the range line between five and six west, thence north with said line to the township line dividing townships seventy-six and seventy-seven north, thence east with said line to the line of Muscatine county, thence south with said county line to the line dividing townships seventy-five and seventy-six north, thence east on said township line to the Mississippi river, thence down the main channel of said river to the place of beginning.

Seat of justice to be permanently fixed by a vote of the citizens.

SEC. 2. That for the purpose of permanently establishing the seat of justice for said county of Louisa, a poll shall be opened at the usual places of election in said county, on the first Monday of March next, for the purpose of receiving ballots for such places as may be voted for as the seat of justice of said county, and said ballots shall be deposited in a separate box from the other ballots which may be received at said election, and separate poll books kept.

Persons entitled to vote.

SEC. 3. Any person shall be entitled to vote for the seat of justice of said county, at said election, who is a free white male citizen above the age of twenty-one years, and who has resided in the county at least thirty days next preceding the election.

SEC. 4. That returns of said election, with the ballots and poll lists, shall, within twenty days after the election, be made to the sheriff of the county of Louisa, to be by him canvassed and examined in presence of two justices of the peace of said county, and if upon examination it shall be found that any one of the places voted for has a majority of all the votes polled for a county seat, that place shall from thenceforward be the seat of justice for Louisa county; but if it should be found that no one of the places voted for has such a majority, then in that case a new election shall be held on the day of the next annual election thereafter, to be conducted in the same way, and by the same officers who may conduct said annual or general election in said Louisa county, at which said election the votes shall be confined to one or the other of the two points which may have received the highest number of votes at the first election.

Returns of election to be made to sheriff.

Place having majority of all the votes to be the seat of justice.

If not decided, new election to be held.

Places to which the votes shall be confined.

SEC. 5. It shall be the duty of the sheriff to give at least ten days notice of said second election by written or printed hand bills, put up at each precinct, specifying the two points to be voted for, and the day of holding such election.

Sheriff to give notice.

SEC. 6. Returns of the second election shall be made as is provided for in regard to the returns of the first election, and the place having the highest number of votes at said second election shall be the county seat of Louisa county: *Provided*, that the spring term of the district court of said county, for the year eighteen hundred and thirty-nine, shall be held at Lower Wapello.

Returns of election.

Spring term of district court at Lower Wapello.

SEC. 7. *And be it further enacted*, That on the said first Monday of March next there shall be three county commissioners elected in said county of Louisa, whose term of service and whose proceedings shall be governed by the law of this Territory organizing a board of county commissioners, &c: *Provided, however*, that the time from this special election until the time of the next general election shall be considered one year.

County com. to be elected.

APPROVED, January 12, 1839.

COUNTIES, &c.

AN ACT to organize the county of *Linn*, and establish the seat of Justice thereof.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the county of *Linn* be and the same is hereby organized from and after the first day of June next, and the inhabitants of said county be entitled to all the rights and privileges to which by law the inhabitants of other organized counties of this Territory are entitled, and the said county shall be a part of the third judicial district, and the district court shall be held at the seat of justice of said county, or such other place as may be provided until the seat of justice is established.

County organized from 1st June next.

To be part of 3d judicial district.

Commissioners to locate seat of justice.

SEC. 2. That Richard Knott, Lyman Dillon, and Benjamin Nye, be and they are hereby appointed commissioners to locate the seat of justice in said county, and shall meet at the house of William Abby, on the first Monday of March next, in said county, and shall proceed forthwith to examine and locate a suitable place for the seat of justice of said county, having particular reference to the convenience of the county and healthfulness of the location.

Commissioners, within ten days, to certify to the governor.

SEC. 3. The commissioners, or a majority of them, shall, within ten days after their meeting at the aforesaid place, make out and certify to the governor of this Territory, under their hands and seals, a certificate containing a particular description of the situation of the location selected for the aforesaid county seat, and on the receipt of such certificate the governor shall issue his proclamation affirming and declaring the said location to be the seat of justice of said county of *Linn*.

Governor to issue his proclamation.

Oath to be taken by commissioners.

SEC. 4. The commissioners aforesaid shall, before they enter upon their duties, severally take and subscribe an oath before some person legally authorized to administer the same, viz: I ——— do solemnly swear (or affirm) that I am not, either directly or indirectly, interested in the location of the seat of justice of *Linn* county, nor do I own any property in lands, or any claims, within the said county of *Linn*. So help me God.

Signed,

A. B.
C. D. &c.

SEC. 5. If at any time within one year thereafter it shall be shown that the said commissioners, or any of them, received any present, gratuity, fee, or reward, in any form other than that allowed by law, or before the expiration of six months after the governor's proclamation declaring the said seat of justice permanent, become interested in said town, or any lands in its immediate vicinity, the commissioner or commissioners shall, upon conviction thereof, by indictment in the district court of the county in which he or they may reside, be guilty of a high misdemeanor, and be forever after disqualified to vote at any election, or to hold any office of trust or profit within this Territory.

Under what circumstances commissioners made liable to indictment.

SEC. 6. The commissioners aforesaid shall receive, upon making out their certificate of the location of the seat of justice of said county, each two dollars per day, and also three dollars for every twenty miles, going and returning from their respective homes.

Compensation to commissioners for their services.

APPROVED, January 15, 1839.

COUNTIES, &c.

AN ACT to divide the County of *Henry*, and establish the County of *Jefferson*.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That all that tract of country lying west and attached to the county of *Henry*, viz: beginning at the south-east corner of township number seventy-one north, range eight west, thence north with said line to the line dividing townships seventy-three and seventy-four, thence west with said line to the Indian boundary line, thence south with said line to the line dividing townships seventy and seventy-one, thence east with said line to the place of beginning, be and the same is hereby constituted a separate county to be called *Jefferson*.

Boundaries of the county to be called Jefferson.

SEC. 2. That the said county of *Jefferson* shall, to all intents and purposes, be and remain an organized county, and invested with full power and authority to do and transact all county business which any regularly organized county may of right do.

Invested with authority to transact county business.

- Commissioners to locate seat of justice of Jefferson county.** SEC. 3. That Samuel Hutton of the county of Henry, and Joshua Owens of the county of Lee, and Roger N. Crissup of the county of Van Buren, are hereby appointed commissioners to locate and establish the seat of justice of Jefferson county. The said commissioners shall meet in the town of Lockridge, on the first Monday in March next, to proceed to the duties required of them, or may meet on any other day they may agree on within one month thereafter, being first sworn by any judge or justice of the peace faithfully and impartially to examine the situation of said county, taking into consideration the future as well as the present population of said county, also to pay strict regard to the geographical centre, and to locate the seat of justice as near the centre as an eligible situation can be obtained; and so soon as they have come to a determination of the place where they shall locate it, it shall be the duty of said commissioners to name the place, so located by them, by such name as they may think proper, and shall commit the same to writing, signed by the commissioners, and filed with the clerk of the district court of the present county of *Henry*, whose duty it shall be to record the same, and deliver over the same to the clerk of the county of *Jefferson* whenever he shall be appointed, whose duty it shall be to record the same and forever keep it on file in his office, and the place thus designated shall be considered the seat of justice of said county.
- Oath to be taken.**
- Commissioners to name the place.**
- Location to be recorded by clerk of Henry county. Also by clerk of Jefferson co. when appointed.**
- In what case the temporary seat of justice may be at Sylvanus Harrington's.** SEC. 4. Provided, that in the event of said commissioners being prevented from any cause whatever from performing the duties required of them, or if a majority of said commissioners shall not be able to agree upon any place for the establishment of said seat of justice, then in that case the seat of justice is temporarily established at the house of Sylvanus Harrington.
- Compensation to comm'rs.** SEC. 5. That the said commissioners shall receive, as a compensation for performing the duties required of them, the sum of three dollars per day, to be paid out of the first moneys that may come into the treasury of said county of *Jefferson*.
- Election for county officers.** SEC. 6. That there shall be an election held on the first Monday in April next, for the purpose of electing all county officers that may be elective, the same as in other organized counties.
- Sheriff to give notice.** SEC. 7. That it shall be the duty of the sheriff of said county to cause written notices to be put up at

three of the most public places in each of the old precincts in said county of *Jefferson*, stating the time, place, and officers to be elected.

SEC. 8. That the county of *Jefferson* shall remain attached to the original county of *Henry* for judicial purposes until its officers are appointed and elected, and until said county is properly organized according to law in such cases made and provided.

SEC. 9. That this act shall be in force from and after its passage.

APPROVED, January 21, 1839.

COUNTIES, &c.

AN ACT to establish the boundaries of Lee county.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That the boundaries of the county of Lee shall be as follows, to wit: beginning at the main channel of the Mississippi river, due east from the entrance of Skunk river into the same, thence up the main channel of the said Skunk river to where the township line, dividing township sixty-nine and seventy north, crosses the same, thence west with said township line to the range line between ranges seven and eight west, thence south with said line to the Des Moines river, thence down the main channel of said river to the middle of the main channel of the Mississippi river, thence up the main channel of the same to the place of beginning; and all that part of Lee county, lying north of Skunk river, is hereby attached to and shall form a part of the county of Des Moines.

SEC. 2. *And be it further enacted*, That it shall be lawful for the sheriff of Des Moines county to collect the tax due for the year eighteen hundred and thirty-eight, from all persons detached from the county of Des Moines, and attached to the county of Lee, by the provisions of this act; and all laws, coming within the purview and meaning of this law, be and the same are hereby repealed.

APPROVED, January 23, 1839.

COUNTIES, &c.

AN ACT to organize the County of *Jones*, and establish the seat of justice thereof.

Jones co. organized from 1st June next. **To be part of 3d judicial district.**

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That the county of *Jones* be, and the same is, hereby organized, from and after the first day of June next, and the inhabitants of said county be entitled to all the rights and privileges to which by law the inhabitants of other organized counties of this Territory are entitled; and the said county shall be a part of the third judicial district, and the district court shall be held at the seat of justice of said county, or such other place as may be provided until the seat of justice is established.

Comm'rs to locate seat of justice.

SEC. 2. That Simeon Gardner of Clinton county, Israel Mitchell of Linn county, and William H. Whitesides of Du Buque county, be and they are hereby appointed commissioners to locate the seat of justice in said county, and shall meet at the house of Thomas Dixon, on the second Monday of March next, in said county, and shall proceed forthwith to examine and locate a suitable place for the seat of justice of said county, having particular reference to the convenience of the county and healthfulness of the location.

Commissioners to certify to the governor. **Governor to issue his proclamation.**

SEC. 3. The commissioners, or a majority of them, shall, within ten days after their meeting at the aforesaid place, make out and certify to the governor of this Territory, under their hands and seals, a certificate containing a particular description of the location selected for the aforesaid county seat; and, on the receipt of such certificate, the governor shall issue his proclamation affirming and declaring the said location to be the seat of justice of said county of *Jones*.

Oath to be taken and subscribed by commissioners.

SEC. 4. The commissioners aforesaid shall, before they enter upon their duties, severally take and subscribe an oath before some person legally authorized to administer the same, viz:

I, A. B. do solemnly swear (or affirm) that I am not, either directly or indirectly, interested in the location of the seat of justice of *Jones* county, nor do I own any property in lands, or any claims, within the said county of *Jones*. So help me God.

Signed,

A. B.

SEC. 5. If at any time within one year thereafter it shall be shown that the said commissioners, or any of them, received any present, gratuity, fee, or reward, in any form other than that allowed by law, or before the expiration of six months after the governor's proclamation declaring the said seat of justice permanent, become interested in said town, or any lands in its immediate vicinity, the commissioner or commissioners shall, upon conviction thereof, by indictment in the district court of the county in which he or they may reside, be guilty of a high misdemeanor, and be forever after disqualified to vote at any election, or to hold any office of trust or profit within this Territory.

Under what circumstances commissioners made liable to indictment.

SEC. 6. The commissioners aforesaid shall receive, upon making out their certificate of the location of the seat of justice of said county, each three dollars per day, and also three dollars for every twenty miles, going to and returning from their respective homes.

Compensation to comm'rs for their services.

SEC. 7. Upon presentation of the certificate aforesaid to the treasurer of Jones county, the treasurer is hereby authorized and required to pay the respective sums allowed by this act, out of any monies in the treasury not otherwise appropriated.

To be paid by the treasurer of Jones county.

APPROVED, January 24, 1839.

COUNTIES, &c.

AN ACT to re-locate the county seat of Van Buren county, and for other purposes.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That Benjamin F. Chastain of Jefferson county, Michael H. Walker of Lee county, and Stephen Gearhart of Des Moines county, be and they are hereby appointed commissioners to re-locate the county seat of Van Buren county, whose duty it shall be to meet (or a majority of them) at the town of Keosauqua, in said county, on the first Monday of May next, and proceed forthwith to locate a suitable place for the seat of justice of said county, having reference to the geographical centre, convenience, and welfare of said county.

Commissioners appointed to relocate seat of justice.

SEC. 2. The commissioners, or a majority of them, shall, within ten days after their meeting at the aforesaid place, make out and certify to the clerk of the county commissioners for the county of Van Buren,

To certify to the clerk of the board of com. for Van Buren co.

under their hands and seals, a certificate containing a particular description of the situation of the location selected for the aforesaid county seat, together with the deed or deeds of any grant of land or lands, or bond or bonds for the payment of money, that may have been made by any individual or individuals for the benefit of the county.

With any deed or bond for the benefit of the co.

Oath to be taken by the comm'rs.

SEC. 3. The commissioners aforesaid shall, before they enter upon their duties, severally take and subscribe an oath before some person legally authorized to administer the same, viz: I, A. B. do solemnly swear (or affirm) that I am not, either directly or indirectly, interested in the location of the seat of justice of Van Buren county, nor do I own any property in lands or claims within the said county of Van Buren. So help me God.

[Signed.]

A. B.

Under what circumstances commiss'rs made liable to indictment.

SEC. 4. If it shall be shown at any time within one year that the said commissioners, or any of them, received any present, gratuity, fee, or reward, in any form other than that allowed by law, or, before the expiration of six months from the time said location was made, becomes interested in said town, or in any lands in its immediate vicinity, the commissioner or commissioners shall, upon conviction thereof, by indictment in the district court of the county in which he or they may reside, be guilty of a high misdemeanor, and be forever after disqualified to vote at any election, or of holding any office of profit or trust within this Territory.

Commissioners to receive any bond or deed in relation to public buildings.

SEC. 5. It shall be the duty of the commissioners aforesaid to receive, in the name of the board of county commissioners for the county of Van Buren, for the use of the county, any bond for the payment of money, or deed of land that may be made by any individual or individuals for the purpose of building public buildings at the said seat of justice. And they shall receive the sum of three dollars per day for their services during the time they may be necessarily employed in making said location, and also the sum of three dollars for every twenty miles, going from and returning to their respective homes.

Compensation to comm'rs.

Where district court to be held.

SEC. 6. The district court of the county of Van Buren shall be held, for the first term after the passage of this act, at the town of Keosauqua, but forever thereafter at the place selected as the seat of justice for said county by the provisions of this act.

SEC. 7. The commissioners created by this act shall receive pay for their services, upon a presentation of a certificate to the county commissioners of their services, signed by said commissioners, out of any money in the county treasury not otherwise appropriated. Comm'rs to be paid out of co. treasury.

SEC. 8. *Be it further enacted,* That if the proprietors of the town of Keosauqua shall, on or before the first day of April next, enter into good and sufficient bonds, with security to be approved of by the county commissioners, to the county treasurer, for the benefit of the said county, for the sum of five thousand dollars, payable in town lots in said town of Keosauqua, or other real estate, at a fair cash value, or cash, or such other materials as the county commissioners may deem proper to receive, for the purpose of carrying on or completing the public buildings in said county. Bonds by proprietors of Keosauqua.

SEC. 9. The payments to be divided into three equal parts, and paid annually in one, two, and three years. When payments to be made.

SEC. 10. *Be it further enacted,* That if the said proprietors shall enter into bonds, as provided for in the eighth section of this act, then this act to be null and void, otherwise to remain in full force and value. If said proprietors enter into bonds, this act to be void.

APPROVED, January 25, 1839.

COUNTIES, &c.

AN ACT to provide for the sale of land located upon by the County Commissioners of Henry county, for the benefit of said county in erecting public buildings.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That all the right and title that has accrued, or may hereafter accrue, to the quarter section of land located upon by the county commissioners of Henry county, and for the use of said county, and which may hereafter be pre-empted by virtue of an act of Congress entitled "An act granting to the counties and parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to a quarter section of land, the proceeds of the sale of which to be applied to the erection of public buildings in said county, approved May the The right of the county to a certain tract of land to be sold.

20th, 1824," shall be sold and conveyed by a county agent as hereinafter described.

County agent
to be elected.

SEC. 2. There shall be elected on the first Monday of May next, if necessary, a county agent, and thereafter at the annual election annually as long as the county commissioners shall deem such agent useful.

Power to sell
and convey.

SEC. 3. The county agent, elected as aforesaid, is hereby authorized and empowered to sell, dispose of, and convey all the right, title, and interest said county may have in said quarter section of land, by deed, under his hand and seal, to any purchaser or purchasers.

SEC. 4. Said agent may sell and dispose of said quarter section in any manner that will best promote the interest of said county.

Proceeds of
sale.

SEC. 5. All moneys arising from the sale of said quarter section shall be deposited in the county treasury, and be appropriated by the board of county commissioners of said county for the erection of county buildings.

Agent to enter
into bonds.

SEC. 6. When any person shall be elected as aforesaid, he shall enter into bonds of ten thousand dollars, with good and sufficient security, to be approved by the board of county commissioners, payable to the treasurer of said county, conditioned to pay over all moneys, by him received from the sale or disposal of said quarter section of land, to the county treasurer.

Agent's com-
pensation.

SEC. 7. The county agent shall receive for his services the sum of two dollars per day, for every day he may be employed in selling and disposing of said quarter section of land, to be paid by the treasurer of said county, and shall, before he enters upon the duties of his office, take the following oath before the clerk of the district court: I do solemnly swear, or affirm, (as the case may be) that I will, to the best of my abilities, discharge the duties of county agent, without favor, fear, affection, or reward, and that I am not now, nor will be hereafter, interested in the sale or disposal of the quarter section of land, further than a citizen of said county.

Oath to be
taken.

Election and
returns, &c.

SEC. 8. The election or elections, mentioned in the preceding sections of this act, shall be regulated and conducted in every respect according to the law concerning and regulating general elections, returns made, and votes canvassed in the same manner.

APPROVED, January 25, 1839.

COUNTIES, &c.

AN ACT to establish the boundary lines of Washington county, and for other purposes.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the county heretofore known and designated as the county of *Slaughter*, shall hereafter be called the county of *Washington* and that the boundary lines of said county are hereby established as follows: Beginning on the range line between ranges five and six west, where the township line dividing townships seventy-three and seventy-four north intersects said line, thence west with said township line to the line dividing ranges nine and ten west, thence north on the said line to the line dividing townships seventy-seven and seventy-eight north, thence east with said line to the range line between ranges five and six west, thence south with said line to the place of beginning.

Name changed from Slaughter to Washington.

Boundary lines.

SEC. 2. That the said county of Washington shall, to all intents and purposes, be and remain an organized county, and invested with full power and authority to do and transact all county business which any regularly organized county may of right do.

Power to transact county business.

SEC. 3. That John Gilleland of the county of Louisa, and Thomas Richey of the county of Henry, and William Chambers of the county of Muscatine, are hereby appointed commissioners to locate and establish the seat of justice of said county of Washington, being first sworn by any judge or justice of the peace faithfully and impartially to locate the seat of justice of said county, taking into consideration the future as well as the present population of said county.

Commiss'rs appointed to establish seat of justice.

Oath to be taken.

SEC. 4. The said commissioners, or a majority of them, shall meet at the town of Astoria, on the first day of June next, in pursuance of their duties under this act, and proceed as soon thereafter as may be to locate said seat of justice, and so soon as they have come to a determination, the same shall be committed to writing, signed by the commissioners, and filed with the clerk of the district court of said county, whose duty it shall be to record the same and forever keep it on file in his office, and the place thus designated shall be the seat of justice of said

Duties of commissioners.

Astoria temporary seat of justice.

county: *Provided*, that the seat of justice of said county is hereby temporarily established at the town of Astoria, until the said commissioners shall have located the seat of justice agreeably to the provisions of this act.

Compensation to comm'rs.

SEC. 5. That the said commissioners shall receive, as a compensation for their services, the sum of three dollars per day, to be paid out of the treasury of said county of Washington.

Territory attached to Washington.

SEC. 6. That the territory west of the county of Washington is hereby attached to said county for judicial purposes.

SEC. 7. This act to take effect and be in force from and after its passage.

APPROVED, January 25, 1839.

COUNTY COMMISSIONERS.

AN ACT organizing a Board of County Commissioners in each county in the Territory of Iowa.

Board of county commiss'rs established in each county.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That there shall be and hereby is organized in each county in this Territory, a board of county commissioners for transacting county business, to consist of three qualified electors, any two of whom shall be competent to do business, to be elected by the qualified electors of the several counties respectively. The election shall be at the time and places of the general election of each county.

Terms of service of the persons first elected.

SEC. 2. At the first election in pursuance of this act, the person having the highest number of votes shall serve three years, the person having the next highest number of votes shall serve two years, and the person having the next highest number of votes shall serve one year, and thereafter annually one commissioner shall be elected, who shall serve three years, and each commissioner elected according to the provisions of this act shall continue in office until his successor is elected and qualified. But if two or more persons shall have an equal number of votes as above, their grade shall be determined by lot, by the clerk, in the presence and under the direction of the sheriff of their respective counties.

One comm'r to be elected annually.

In what case grade to be determined by lot.

Oath to be taken by commissioners.

SEC. 3. Each person elected as a commissioner shall, on receiving a certificate of his election, take