

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

an oath faithfully and impartially to discharge the duties of his office as such commissioner, before some person legally authorized to administer the same, which oath being certified on the back of such certificate, under the hand and seal of the person administering the same, shall be sufficient authority for such commissioner to take his seat with and act as a member of the board during the time for which he was elected.

SEC. 4. The county commissioners thus elected and qualified shall be considered a body corporate and politic, by and under the name and style of "The Board of Commissioners of the County of _____" (naming the county) and as such, by and under such name and style, may sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court either in law or equity, and do and transact all business on behalf of their respective counties that may be assigned them from time to time by law. And in all cases where their respective counties may have been injured, or may hereafter be injured, in their goods, chattels, lands, tenements, rights, credits, effects, or contracts, such commissioners shall and may, by and under their corporate name and style, without setting out their individual names, bring any suit or suits, action or actions, either in law or equity, which may be best calculated to obtain redress for any such injury, in the same way and manner that private individuals might or could do; and may in like way and manner, by and under their corporate name and style, be sued by any person or persons having any manner of claims against such county.

Their style or title.

May sue and be sued, &c. and transact all county business assigned them by law.

SEC. 5. The board of commissioners shall meet at the court house in each and every county, or at the usual place of holding the district court in such county, for the purpose aforesaid, on the first Mondays in April, July, October, and January, in each and every year, and may sit six days at each term if the business of the county shall require it: *Provided, however*, if the district court shall meet on any of the beforementioned days, the commissioners shall meet on the Monday preceding.

Regular sessions of the board, and where to be held.

SEC. 6. The said board of commissioners shall appoint a clerk, who shall attend the meeting of the board of commissioners and keep a record of their proceedings, and do such other business as he shall be required by law to do. And the sheriff of the

Comm'rs to appoint a clerk,

Sheriff to attend.

- county shall also, by himself or deputy, attend said board and execute their orders.
- Money advanced by clerk or other county officer to be first paid** **SEC. 7.** When money has been advanced by any clerk or other county officer for the use and benefit of his county, pursuant to the requisitions of law, the board of commissioners shall order such money so advanced to be first paid; and when there is any judgment or judgments against any county in the Territory, the board may in their discretion order when and in what manner such judgment shall be discharged, not inconsistent with the Constitution of the United States, any law to the contrary notwithstanding.
- Discretionary power in discharging judgments.** **SEC. 8.** When two only of the members shall be present at the meeting of the board, and a division shall take place on any question, it shall be continued until the next meeting before it shall be finally determined. When any vacancy shall happen in the office of commissioner, the clerk, being notified of the same, shall immediately direct the sheriff of the county, whose duty it shall be to order an election to be holden for the purpose of filling such vacancy, thirty days previous notice of such election being first given, either by publishing the same in the county newspaper, or putting up notices in three different public places in said county.
- In what case a question to be continued** **SEC. 9.** It shall be the duty of the board of commissioners, at their April session in each year, to receive and inspect the assessors books and levy a county tax according to law, and cause their clerk to make out a duplicate for collection accordingly.
- Elections to be held to fill vacancies.** **SEC. 10.** The commissioners of each county respectively shall have and use a common seal for the purpose of sealing their proceedings, and copies of the same, when signed and sealed by said commissioners and attested by their clerk, shall be good evidence of such proceedings on the trial of any cause in any court in this Territory. The commissioners aforesaid at their session in January, or when the district term prevents their meeting in January, then at their first meeting thereafter, in every year, shall make a fair and accurate statement of the receipts and expenditures of the preceding year, and have the same set up at the court house door and at two other public places in their county respectively, and published in some newspaper in their county, if there be any. And if the said commissioners, or either of them, after accepting their appointment, shall neglect of duty.
- When assessors books to be inspected and tax levied.**
- Common seal.**
- When board to publish statement of receipts and expenditures.**
- Comm'rs may be fined for neglect of duty.**

lect or refuse to do his or their duty in office, he or they so offending shall on conviction, by indictment before the district court of the proper county, be fined in any sum not exceeding two hundred dollars.

SEC. 11. The commissioners so elected and qualified shall each receive three dollars per day, for each and every day that they may necessarily be employed in transacting the county business; and said board of commissioners when organized shall possess the powers and authority heretofore given to the county board of supervisors.

Compensation to commiss'rs.

Powers.

SEC. 12. All suits, pleas, complaints, prosecutions, and proceedings which may be pending in any court, to be tried for or against any board of county commissioners, previous to the taking effect of this act, shall be prosecuted to final judgment and execution in the same name and manner as the same might have been done had this law not been passed; and all contracts, either written or verbal, made by such board of county commissioners previous to the taking effect of this act, shall remain valid in law and equity, and suit may be thereupon brought in the same way and manner as the same might have been, had this act not been passed.

What suits shall not be affected by the passage of this act.

What contracts shall remain valid.

SEC. 13. It shall be the duty of the clerks of the several boards of commissioners to keep fair books wherein shall be kept the accounts of the county, to attest all orders issued by the board for the payment of money, and enter the same in numerical order in a book to be kept for that purpose, and shall copy into their said books the reports of the treasurer of the receipts and disbursements of their respective counties, and whenever the duplicate shall be put into the hands of the collector it shall be the duty of the said clerks to send a statement of the sum, wherewith such collector stands charged, to the county treasurer.

Duties of the clerks of the several boards of commissioners.

SEC. 14. When the holder of an attested county order in his own name of a larger amount than his county tax, is desirous of appropriating a part of such order to the payment of such tax, he is hereby authorized to apply to the clerk of the board of commissioners, whose duty it shall be to give to the holder of such order, and in exchange therefor, two or more attested county orders, making together the same amount with the original order which shall be thereupon cancelled. And such clerk shall insert in every such order that the same with others were

County orders, and the payment of taxes.

so given in exchange to (naming the person) for such original order, together with the number and amount of such original order, one of which orders shall be for the amount of his tax and shall appear on its face to have been intended for the payment thereof.

Collectors to receive county orders.

SEC. 15. Every collector of county taxes is hereby required to receive any regularly attested county order made by the board of commissioners, when the same may be tendered to him by any person in payment of such person's taxes due such county.

Certain officers not to purchase or receive county orders, &c., for less than the sum therein expressed.

SEC. 16. No collector or other person doing county business shall, either directly or indirectly, purchase or receive in payment, exchange, or in any way whatever, any demand against his county, or any county order for a claim allowed by the board of commissioners, at any time during the period for which he may be elected, for a less amount than that expressed on the face of such order or demand against the county; and every person elected or appointed to do county business, before entering upon the duties of his office, shall take an oath not to violate the provisions of this section. And any collector, or other person doing county business, offending against the provisions of this section, on conviction thereof, upon indictment or presentment, shall be fined for every such offence in any sum not exceeding five hundred dollars.

Oath.
Penalty for infringing provisions of this section.

Compensation to the clerk and sheriff.

SEC. 17. The boards of commissioners shall annually allow their clerk such compensation per day as they may deem reasonable, not to exceed three dollars, while in session, and likewise to the sheriff one dollar and fifty cents per day for his attendance upon the board, and further that the board of commissioners may allow the clerk and sheriff such amount as is actually then due for extra services at each regular meeting of the board, by said clerk or sheriff filing a bill of items which shall be regulated by the act concerning costs and fees.

Persons aggrieved may appeal to the district court.

SEC. 18. From all decisions of the several boards of commissioners there shall be allowed an appeal to the district court by any person or persons aggrieved, and the person or persons appealing shall take the same within thirty days after such decision by giving bond, with security to the acceptance of the clerk of said board, conditioned for the faithful prosecution of such appeal, and the payment of costs already accrued and which may thereafter accrue if the same

shall be adjudged by the said court to be paid by such appellant, and the clerk shall record such appeal with the cases pending in the district court within twenty days after the taking of such appeal.

SEC. 19. In any county where there is no court house provided, it shall be the duty of the board of commissioners to provide suitable rooms for the holding of the district court of said county. Board to provide rooms for district court.

SEC. 20. It shall be the duty of the board of commissioners to provide all books and stationary necessary for the use of said board, all books and stationary necessary for the use of the register of deeds, and all books and stationary necessary for the use of the clerk of the district court, the probate court, and treasurer. Books and stationary to be provided.

SEC. 21. The said board of commissioners are hereby authorized to hold extra sessions in case they may think the business of the county requires the same, and notice from any two of the said commissioners to the third shall be considered a sufficient call for said extra session, due notice thereof being given, and that no such extra session shall exceed three days. Authority to hold extra sessions.

SEC. 22. Nothing in this act contained shall be so construed as to vitiate or vacate the elections already held for commissioners, but they shall continue in office until the next general election to be holden in each of the organized counties. This act not to vitiate the late elections.

APPROVED, December 14th, 1838.

COUNTY COMMISSIONERS.

AN ACT to district the several Counties in this Territory for the Election of County Commissioners.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the counties of Des Moines and Lee shall be divided into three districts each, for the purpose of electing county commissioners. Des Moines and Lee three districts each.

SEC. 2. That part of the county of Des Moines lying south of Flint creek shall form the first district; that portion of said county north of Flint creek shall form the second; and the city of Burlington shall compose the third district. Limits of the several districts in Des Moines.

SEC. 3. At the next annual election there shall be elected one county commissioner from each district; and at the next annual election thereafter there shall Special provisions for the election of commissioners.

be elected one county commissioner from the said first district, resident therein, by the qualified voters of the county; at the next annual election thereafter there shall be elected by the qualified voters of said county one commissioner, resident in the second district; and at the next annual election thereafter there shall be elected by the qualified voters of said county one county commissioner, resident in the third district; and so on, alternately, so long as this act shall remain in force.

Limits of the several districts in Lee.

Special provisions for the election of comm'rs.

Van Buren co. to be divided into 3 districts by county commissioners.

Numbers and boundaries to be published.

Special provisions touching the election and term of service.

SEC. 4. That part of Lee county, lying east of the range line dividing ranges four and five, shall form the first district; the Half-Breed Tract shall form the second district; and the balance of the county shall form the third district.

SEC. 5. At the next annual election there shall be elected one county commissioner from each district; and at the next annual election thereafter there shall be elected one county commissioner from the said first district, resident therein, by the qualified voters in said county; at the next annual election thereafter there shall be elected one county commissioner, resident in the second district; and at the next annual election thereafter there shall be elected one county commissioner resident in the third district; and so on alternately, so long as this act shall remain in force.

SEC. 6. *Be it further enacted*, that the county commissioners of Van Buren county shall, at least three months previous to the next annual election, divide the said county into three districts, dividing the population as near as the nature of the case will admit, and shall number the said districts and publish the same, together with the boundaries of each district, in some newspaper printed within the Territory, or by posting up printed or written notices at three of the most public places in each of the several districts, at least one month previous to the next annual election.

SEC. 7. And there shall be elected by the qualified voters of each district one commissioner, who shall be a resident therein, and who shall hold their office as follows, to wit: the one elected in the first district, three years; the one elected in the second, two years; and the one elected in the third district, one year; and thereafter to be elected in their several districts as their terms of office shall expire.

APPROVED, January 25, 1839.

COUNTY COMMISSIONERS.

AN ACT to legalize the acts of County Commissioners.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That all the Acts of county commissioners within this territory, heretofore done or performed, shall be deemed legal and valid in law, so far as the same were not done in violation of some prohibitory law of this Territory, or of the Congress of the United States. Acts of county commissioners heretofore performed to be valid. Proviso.

SEC. 2. That a transcript from the records or books of said board of county commissioners, signed by the clerk of their board, with the seal of the said board of commissioners to the same annexed, shall be legal evidence of the action of the respective boards of commissioners in any court of record or before any judicial tribunal in this Territory. Transcripts from their records to be evidence in the courts.

APPROVED, January 25, 1839.

COURTS.

AN ACT to fix the time for the first session of the Supreme Court of the Territory of Iowa, and for other purposes.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the first session of the supreme court of the Territory shall be held at the city of Burlington, on the twenty-eighth day of November one thousand eight hundred and thirty-eight. First session of the supreme court.

SEC. 2. *Be it enacted by the authority aforesaid,* that all and every such attorneys and counsellors at law as are or may be duly and regularly admitted to practice law in the several district courts within this Territory, shall be and are hereby authorized to do and perform all and every such act or acts as are or may be necessary in law, to commence and carry on any proceeding within the jurisdiction of the supreme court of the Territory of Iowa: *Provided,* Attorneys of district courts authorized to practice in supreme court. Proviso. *nevertheless,* that every such attorney shall, before he shall be allowed to appear in person to do and perform the office of an attorney or counsellor at law in open court, during the sessions of the same,