

swear (or affirm) that I will, to the best of my abilities; discharge the duties of county agent without favor, fear or partiality; and will pay over all moneys to the treasurer of Linn county as soon as received by me for lots sold—so help me God.”

**SEC. 4. Powers of agent, etc.** The county agent appointed and qualified as aforesaid is hereby authorized and empowered to sell, dispose of and convey, all the right, title, claim and interest, the county of Linn may have, or hereafter have, in lots in said town of Marion; and he is hereby empowered to give bonds for deeds, and deeds in fee simple, absolute for said lots, which shall be deemed good and valid in law, to all intents and purposes, when witnessed by the seal of the board of commissioners of said county, and acknowledged by at least two of the county commissioners.

**SEC. 5. Agent restricted to certain lots, etc.** The county agent shall in no case dispose of any lot but such as have been previously appraised and submitted to him for sale by said commissioners, and shall sell no lot for less than the appraised value.

Approved January 13, 1841.

[48] CHAPTER 60.

AN ACT to establish the county seat of Delaware county.

*Be it enacted by the Council and House of Representatives of the Territory of Iowa:*

**SECTION 1. Qualified voters to locate county seat.** That at the next general election in the county of Delaware, the qualified voters of said county shall be allowed to vote for the location of the seat of justice of said county.

**SEC. 2. All points may be voted for, etc.—duty of clerk of Dubuque county.** Every voter may vote for any point as the seat of justice, and the votes shall be returned to the office of the clerk of the board of commissioners of Dubuque county, and the result declared as in other cases; and the clerk, thereupon, shall cause to be entered upon the record of said board the whole number of votes given for each place named.

**SEC. 3. Majority of votes necessary to locate.** If, at said election, any one point shall receive a majority of votes over all the other points, it shall be declared the seat of justice of said county.

**SEC. 4. Second election—highest points to be voted for.** If no one point receives a majority of all the votes cast at said election, then there shall be a second election held on the third Monday of August, eighteen hundred and forty-one, at which second election the two points receiving the highest number of votes at the first election shall be voted for, and none others; and the point for which the highest number of votes is cast shall be declared the seat of justice of said county.

**SEC. 5. Notice to be given of election, etc.—duty of sheriff.** As soon as the votes cast at the first election are counted agreeably to law, if it shall appear that no one point has received a majority of all votes cast at said first election, it shall be the duty of the clerk of the board of county commissioners to write three notices for each election precinct in said county, which notices shall set forth the two places receiving the highest number of votes at the first election, and which places are to be voted for at the second election; and also, the day on which said election is to be held; which notices shall be delivered to the sheriff of said county, and shall be posted up by him in the following manner, to-wit: one notice at the place of voting in each

precinct, and two others in two of the most public places in each of the precincts, at least ten days before the term of holding said election.

**SEC. 6. Mode of conducting election.** Said election shall be conducted in all respects agreeably to the laws regulating general elections.

Approved January 13, 1841.

[49] CHAPTER 61.

AN ACT for the benefit of insane persons.

*Be it enacted by the Council and House of Representatives of the Territory of Iowa:*

**SECTION 1. Probate courts to appoint guardians, etc.** That the several probate courts in their respective counties in this territory, shall have power to appoint guardians to take the care, custody and management, of all insane persons who are incapable of conducting their own affairs, and their estates, real and personal, and to provide for the safe keeping of such persons, the maintenance of themselves and families, and the education of their children.

**SEC. 2. Court to examine into insanity.** That if any person shall give information in writing, under his hand, to the judge of said court, that any person in their county is or has become insane, and pray that an inquiry thereof be had, such court, if satisfied that there is good cause for the exercise of his jurisdiction, shall cause the said person to be brought before such court, and inquire into the facts by a jury, if the facts be doubtful.

**SEC. 3. Duty of court.** If it be found by the jury that the person so brought before the court is of unsound mind, and incapable of managing his own affairs, the court shall appoint a guardian for the person, and of the estate, of such insane person.

**SEC. 4. Costs, how to be paid.** When any person shall be found to be insane, or coming within the provisions of this act, the cost of the proceeding shall be paid out of his estate; or if that be insufficient, by the county.

**SEC. 5. Of costs in certain cases.** If the person alleged to be insane shall be discharged, and it shall be thought by the court or jury (if a jury be called) that there was no grounds for such impression of insanity, then the cost shall be paid by the person at whose instance the proceeding was had, and an execution may issue for the same.

**SEC. 6. Guardian to enter into bonds—bonds to be filed.** Every such guardian so appointed, shall, before entering upon the duties assigned him, enter into bond to the board of county commissioners, in such sum, and with such security, as the court shall approve, conditioned that he will take proper care of such insane person, and manage and administer his effects to the best advantage, according to law; and that he will faithfully discharge all duties as such guardian which may by law, or by the order, sentence, or decree of any court of competent jurisdiction, devolve upon him; which bond shall be filed in the office of the probate court, and a copy thereof, duly certified, shall be evidence in all respects as the original.

**SEC. 7. Duty of guardian.** It shall be the duty of every such guardian, within twenty days after his appointment, to cause a notice thereof to be published in some newspaper printed in this territory, or otherwise publish such notice at such time and place, and in said manner, as the court shall direct.

**SEC. 8. Guardian, how to act in certain cases.** Every such guardian shall take charge of the person of such lunatic; and if it be thought necessary for