

CHAPTER 67.

AN ACT to establish and locate a territorial road from Marion, in Linn county, to Bellview, via Edinburgh.

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

SECTION 1. Names of commissioners—route of road. That Joel Leverich, of Linn county, James L. Kirkpatrick, of Jackson county, Mahlon Lupton, of Jones county, be and they are hereby appointed commissioners to lay out and establish a territorial road from Marion, in Linn county, to Bellview, in Jackson county, running from Marion on the nearest and best route to the Wabesipinicon river, where the military road from Dubuque to Iowa City crosses the same; thence to Edinburgh, the county seat of Jones; and thence on the most practicable route to Bellview.

SEC. 2. When and where commissioners to meet—oath to be taken. The commissioners above appointed shall meet and commence the work at Marion, on the first day of May next, or at such other time as they may unite upon within three months thereafter; and shall, before entering upon the duties of the above appointment, take and subscribe, before some justice of the peace, the usual form of oath, to perform their duties as above specified, truly, faithfully, and impartially.

SEC. 3. Compensation of commissioners, etc. The commissioners shall each receive two dollars and fifty cents per day; the surveyor three dollars per day; chain carrier and marker, each, one dollar and fifty cents per day, for each day they may be actually and necessarily employed in laying out and establishing said road, to be paid in the usual manner by the county commissioners of the several counties through which it passes, in proportion to the time of service in each county.

SEC. 4. When to take effect. This act to take effect from and after its passage.

Approved January 14, 1841.

[59] CHAPTER 68.

AN ACT providing for the appointment of a superintendent of public buildings at Iowa City, and the appointment of a territorial agent, and for other purposes.

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

SECTION 1. Former act repealed—proviso. That so much of an act entitled "An act to locate the seat of government of the territory of Iowa and for other purposes," and so much of any and all other acts as relates to the creation and appointment of three commissioners to locate and establish the permanent seat of government of this territory, and to the appointment of one of the three to be acting commissioner to superintend the erection of the capitol, be and the same are hereby repealed; provided, that nothing in this act shall be so construed as to render invalid any acts which have been done by the commissioners aforesaid, in pursuance of law.

SEC. 2. Governor to appoint superintendent, etc. That in lieu of the commissioners above named, there shall be appointed by the governor, by and with the advice and consent of the council, some competent person as superintendent of public buildings at Iowa City, whose duty it shall be to super-

intend the erection of the capitol, and who shall hold his office for the term of one year, and until his successor be appointed.

SEC. 3. Duty of superintendent—proviso. That said superintendent shall proceed with the erection of the capitol, by making contracts for all such parts of the work as can be put under contract, consistently with the interests of the territory, and a vigorous prosecution of the work: provided, that all contracts shall be in writing.

SEC. 4. Pay-roll to be kept. And of all work that is not done by contract, the superintendent shall keep, or cause to be kept, a pay-roll, which shall show the time, rate, and amount, of all services rendered; and said superintendent shall keep a clear and specific account of all materials purchased by him for the capitol, and of all his proceedings in relation to his office.

SEC. 5. Discretion vested in superintendent. That in all contracts for materials, or for work on the capitol, there shall be reserved to the superintendent the discretionary power of annulling them, if not fulfilled to his satisfaction and acceptance.

SEC. 6. Of payments—proviso—ib. That payments shall be made on all contracts every thirty days, upon estimates made by the superintendent or some competent person under his direction: provided, that twenty-five per cent. of the amount of the estimates, according to contract prices, shall be withheld until the contract shall be completed, when the whole amount shall be paid: and provided further, that payments on pay-rolls, to the full amount, certified to by the superintendent, shall be made every thirty days.

SEC. 7. Oath to be taken by superintendent, etc.—bond in \$10,000—bond to be filed. That the said superintendent, before he enters upon his [60] office, shall take and subscribe an oath before some person authorized to administer oaths, faithfully to discharge the duties of his office, which oath, certified by the person administering the same, shall be filed in the office of the secretary of the territory; and shall also give bond to the territory, with securities to be approved by the governor, in the sum of ten thousand dollars, conditioned for the faithful discharge of the duties pertaining to his office; which bond shall also be filed in the office of the secretary of the territory.

SEC. 8. Agent to be appointed, etc. And be it further enacted, that there shall be appointed as aforesaid a territorial agent, who shall reside and keep his office at Iowa City, who shall hold his office for the term of one year, and until his successor be appointed, and whose duties shall be as hereinafter enumerated.

SEC. 9. Agent, etc., to re-value lots. The said territorial agent shall, in conjunction with two other persons, now residents of Iowa City, to be appointed by the governor, make, between the first and fifteenth days of April, eighteen hundred and forty-one, a re-valuation of all unsold lots of Iowa City, at an average minimum price of two hundred dollars; and shall make out two certified lists of the same, one to be recorded and kept in the office of said agent, and the other to be filed in the office of the secretary of the territory.

SEC. 10. Sale of lots—terms—proviso. That as soon after the said re-valuation as his excellency the governor shall deem it expedient, he shall order, by proclamation, the sale of as many of such unsold lots as he may think proper, upon the following terms, viz.: one-third paid down in cash, and the balance in two semi-annual instalments: provided, that no lot shall be sold for a less sum than the minimum price fixed thereon by such re-valuation.

SEC. 11. Bond to be given to purchaser, etc—of failure to pay installments. That it shall be the duty of said agent to execute a bond to each of the purchasers, conditioned that upon the payment to the territory of the instal-

ments as they become due, the holder or obligee shall be entitled to a deed of conveyance in fee simple to the lot or lots therein named, as soon as a title is obtained from the government of the United States; and upon failure to pay any instalment within thirty days after it becomes due, the lot or lots shall revert to the territory, and all sums of money paid thereon shall be forfeited.

SEC. 12. Agent to keep moneys, notes, etc.—pay on estimates—further duties of agent. That said agent shall receive and keep on file all notes given for lots; shall receive, collect, and safely keep, all moneys due the territory, or hereafter becoming due; and shall pay out seventy-five per cent upon estimates certified by the superintendent for work done, or materials furnished under contract for the capitol, and the balance when the contract or contracts are completed to the satisfaction of the superintendent; and shall pay the full amount of incidental expenses on certified bills of the superintendent, and also the full amount of all pay-rolls, certified by the superintendent, paying to each man the amount called for by the pay-roll, and taking his receipt therefor, which receipt shall be his signature opposite the amount on the right hand margin; which pay-roll, thus re-[61]-ceived, shall be a competent voucher for the agent in his settlement with the territory.

SEC. 13. Agent to give bond in \$40,000—bond to be filed—to take oath. That the said territorial agent, before he enters upon his office, shall give bond to the territory, with good securities, to be approved by the governor, in the sum of forty thousand dollars, conditioned for the faithful discharge and performance of the duties of his office, which shall be filed in the office of the secretary of the territory; and shall also take and subscribe an oath, that he will faithfully, and to the best of his judgment and ability, discharge the duties of his office, which shall be filed as aforesaid.

SEC. 14. Oath to be taken by others, etc. That the persons required to be appointed by the governor in the ninth section of this act, to act in conjunction with the said territorial agent, in making a re-valuation of the unsold lots in Iowa City, shall be sworn to discharge their duties to the best of their judgment, and shall receive three dollars per day for their services, while actually employed.

SEC. 15. Superintendent and agent to make annual report. That the superintendent of public buildings at Iowa City, shall make a report annually to the legislative assembly, and oftener, when required; and the territorial agent shall report to the governor once in three months, and annually to the legislative assembly.

SEC. 16. Duty of acting commissioner—records to be delivered over—statement, etc., to be made out. That it shall be the duty of the acting commissioner forthwith to deliver up to the territorial agent all notes, books, records, maps, and papers, of every kind and description pertaining to his office, and to the board of commissioners appointed to locate and establish the permanent seat of government of this territory; and all property of every kind and description in his or their possession, or under his or their control, which belongs to the territory; and to deliver up to the superintendent all plans and drawings of every description pertaining to the capitol; and the acting commissioner is also required to make out a clear and accurate statement of all contracts made by him which have not been completed, and deliver the same to the superintendent of public buildings; and to furnish him with all necessary information in relation to the capitol, and to the situation of the materials on hand, and all other information which may be required.

SEC. 17. Further duties of agent. That the duties required to be performed by the acting commissioner in the third section of an act entitled, "An act to provide for the execution of title deeds to lots in Iowa City, and for other

purposes," shall hereafter be performed by the territorial agent, and the purchase money of all lots or out lots in Iowa City, and all sums becoming due upon any promissory notes or obligations for the purchase of any of said lots, shall be paid to the said territorial agent, or his successor in office.

SEC. 18. **Of vacancies.** Should a vacancy happen in either of the aforesaid offices of superintendent of public buildings at Iowa City, or territorial agent, during the recess of the legislative assembly, such vacancy shall be filled by the governor.

SEC. 19. **Salaries of superintendent and agent.** That the said superintendent shall receive, as a compensation for his services, an annual salary of one thousand dollars, and [62] the said territorial agent the sum of seven hundred dollars per annum.

SEC. 20. **Repealing section.** That all acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

SEC. 21. **When to take effect.** This act to take effect and be in force from and after its passage.

Approved January 14, 1841.

CHAPTER 69.

AN ACT to locate the county seat of Lee county.

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

SECTION 1. **Election to be held for county seat.** That on the second Monday of March next, the qualified voters of Lee 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.** Every voter may vote for any point as the seat of justice; and 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. 3. **Second election provided 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 in April next, at which second election the two points receiving the highest number of votes at the first election shall be voted for, and none other; and the point for which the highest number of votes is cast, shall be declared the seat of justice of said county.

SEC. 4. **Judges, etc.—judges and clerks to take oath.** That the same persons who served as judges or managers at the several precincts in said county, at the last general election, shall be judges or managers of the elections directed by this act; and in case of failure of any of them to attend at the hour for opening the polls, their places shall be supplied in the manner directed by the law regulating general elections; and the said judges of each precinct shall appoint two suitable persons, having the qualifications of electors, to act as clerks of said elections; and the said judges and clerks, before entering upon the discharge of their duties, shall take an oath before some person authorized to administer the same, honestly, faithfully and impartially to perform the duties required of them by this act; and the person administering said oaths or affirmations shall cause an entry thereof to be made and subscribed by him, and prefixed to the poll book, which shall be returned to the clerk of the district court as hereafter provided.