

SEC. 6. Further duty of clerk—duty of county commissioners—proviso—loan authorized—limit of interest. It shall be the duty of the clerk of the board of county commissioners, on opening the poll books and determining which place has the greatest number of legal votes, to make a record of the same, and to notify the board of county commissioners thereof, whose duty it shall be to proceed forthwith to lay out (provided the place above located by said commissioners be selected) one quarter section of land, or so much thereof as they may think proper, into lots, out lots, streets, alleys and squares, and to determine upon the lots or squares upon which the public buildings shall be erected: provided, however, that said board of county commissioners shall, before surveying said seat of justice, borrow a sum of money sufficient to enter said quarter section of land according to an act of congress, approved May twenty-sixth, eighteen hundred and twenty-four, entitled "An act granting to counties or parishes of each state and territory of the United States in which public lands are situa-[85]-ted, the right of pre-emption to one quarter section of land for seats of justice within the same," and to pay interest for said money not exceeding forty per cent., and forthwith enter said quarter section.

SEC. 7. Lots to be sold, etc.—proviso. It shall be the duty of said county commissioners, within sixty days after surveying said seat of justice, to proceed to sell, at public auction, for cash, or on such terms as they may think proper, a sufficient number of lots in said seat of justice, to build public buildings for the county, and refund the money borrowed to enter the same, together with the interest thereon: provided, the county and district courts shall be held at Bellview until said public building be erected.

SEC. 8. Notice of sale to be given. That it shall be the duty of said county commissioners to give notice of said sale, by publishing the same in the two nearest newspapers, and also by posting up written notices in four of the most public places in the county, at least forty days before the sale.

SEC. 9. Compensation to A. Beard. That the said board of county commissioners are hereby authorized and directed to pay Abner Beard, one of the commissioners appointed under the act to which this is amendatory, a reasonable compensation for his services in repairing to Bellview to perform the duties assigned him in said act.

Approved January 15, 1841.

CHAPTER 74.

AN ACT to incorporate the Presbyterian Church of Dubuque.

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

SECTION 1. Names of corporators—name and style—may be sued, etc. That Henry L. Stout, John W. Finley, Isaac E. Norris, Lewis L. Wood, James H. Warren, and E. Lockwood, their associates and successors, be and they are hereby created a body politic and corporate, by the name and style of the "Presbyterian Church of Dubuque;" and by that name may have succession, and shall be able in law and equity to sue and be sued, and to hold personal and real estate, to the amount of ten thousand dollars.

SEC. 2. Of president, and his powers. It shall be lawful for said trustees to elect one of their number president, who shall be authorized in the name of the president and trustees of the Presbyterian church to convey and receive conveyances of any property which does or may belong to them.

SEC. 3. By-laws, etc. The said trustees may make and ordain such by-laws, rules and regulations, in relation to the election of their successors, and the management of the affairs of the church, as they may deem expedient.

Approved January 15, 1841.

[86] CHAPTER 75.

AN ACT to amend an act incorporating the city of Burlington.

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

SECTION 1. Authority to pay mayor and aldermen—proviso—ib. That the act incorporating the city of Burlington be so amended as to authorize the mayor and aldermen of said city to receive pay not exceeding one dollar and fifty cents each, per day, for each regular session: provided, that there shall not be more than one regular session in each month: and provided further, that no regular session shall continue longer than two days.

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

Approved January 15, 1841.

CHAPTER 76.

AN ACT to provide for the election of additional justices of the peace.

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

SECTION 1. Day of election—precincts—term of office. That there shall be an election held on the first Monday of March next, for the election of additional justice of the peace and constable in the following precincts, to-wit: at the towns of Montrose and Keokuk, in the county of Lee; at the town of Jefferson, in the county of Henry; at the town of Salem, in the county of Henry; and the town of Philadelphia, in the county of Van Buren, who shall hold their offices until the annual election of eighteen hundred and forty-two.

SEC. 2. Conducting of election. Said elections shall be conducted in all respects according to the law regulating elections.

SEC. 3. Duty of clerk of commissioners. It shall be the duty of the clerks of the board of commissioners of each of the aforesaid counties, to give twenty days notice of such election, time, place, etc., by causing notices to be posted up at three of the most public places in each of said precincts.

Approved January 15, 1841.

[87] CHAPTER 77.

AN ACT to amend an act relative to practice in the district courts of this territory.

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

SECTION 1. Duty of clerk of district court in certain cases. That hereafter, when any action is pending in any of the district courts of this territory, it