

CHAPTER 86.

AN ACT to amend an act relative to wills and testaments, etc., approved January 25, A. D., 1839.

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

SECTION 1. **Money of deceased may be used to enter lands—proviso.** That administrators may, with the consent of the judge of probate of the proper county, use money belonging to the estate on which he is administering to enter lands claimed by the deceased at time of his death: provided, that such entry shall be in the name of the "heirs" of the deceased person.

SEC. 2. **Administrators required to convey to heirs, etc.** That where administrators have used money as provided in section preceding, and entered the lands in their own name, they are hereby authorized and required to convey the same in fee to the heirs of the person on whose estate they are administering; and that the judge of probate make such allowance for expenses in such cases as he shall deem reasonable.

SEC. 3. **Of claims against estate, etc.** That any person having a claim against an estate, may, if he first makes affidavit that he knows of no person by whom he can prove such claim, be allowed to testify as a witness in relation [96] thereto, proper notice being given to the administrator or executor of such estate.

SEC. 4. **When to take effect.** This act to take effect and be in force from and after its passage.

Approved January 15, 1841.

CHAPTER 87.

AN ACT to re-locate a part of the territorial road leading from Blackhawk, in Louisa county, via Mount Pleasant in Henry county, via Bentonsport, in Van Buren county, in a direction to the Missouri line.

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

SECTION 1. **Names of commissioners—route of road—meeting of commissioners.** That Silvester Henry, John B. Smith and James A. Brown, of Van Buren county, are hereby appointed commissioners to re-locate so much of the territorial road commencing at Blackhawk, in Louisa county, via Mount Pleasant in Henry county, via Bentonsport, in Van Buren county, in a direction to the Missouri line, as lays between Bentonsport and the residence of James Robbs, in Van Buren county. Said commissioners shall meet at Bentonsport, in Van Buren county, on the first Monday in June next, and proceed to re-locate so much of said road as above described according to law.

Approved January 15, 1841.

CHAPTER 88.

AN ACT for the relief of the sheriff of Jefferson county.

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

SECTION 1. **Time of sheriff extended for settlement with county commissioners.** That the sheriff of Jefferson county may have until the first Monday

of July next to make final settlement with the commissioners of said county, for the revenue due said county for the year eighteen hundred and forty.

SEC. 2. How this act to be construed. That nothing in this act shall be so construed as to authorize the said sheriff to withhold from said commissioners any money collected by him and belonging to said county.

Approved January 15, 1841.

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CHAPTER 89.

AN ACT to incorporate Iowa City.

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

SECTION 1. Boundaries of city—name. That section ten, and the northwest quarter of section fifteen, in township seventy-nine, range six west, of fifth principal meridian, in which is embraced the town of Iowa City, be and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of "Iowa City."

SEC. 2. Electors—time of meeting—officers to be elected, etc.—proviso. It shall be lawful for the free male inhabitants of said town having the qualifications of electors, to meet at some convenient place in Iowa City on the first Monday of March next, and on the first Monday of May annually thereafter, and then and there proceed by plurality of votes to elect a president, recorder, and five trustees, who shall hold their offices one year and until their successors are elected and qualified; and any five of them shall be a board for the transaction of business, but a less number may adjourn from time to time: provided, that if an election of president, recorder and trustees, shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election at any time thereafter pursuant to public notice to be given in the manner hereinafter prescribed.

SEC. 3. Officers of election, etc.—opening of polls—duty of clerk—notice of election. At the first election to be held under this act, there shall be chosen viva voce by the electors present, two judges and a clerk of said election, and at all subsequent elections the trustees or any two of them shall be judges, and the recorder shall be clerk of the election; and at all elections to be held under this act the polls shall be opened between the hours of nine and ten o'clock, A. M., and close at five o'clock, P. M., of said day; and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall make a true record thereof; and within five days after such election, the said clerk shall give notice to the persons elected of their election; and it shall be the duty of the said town council, at least five days before any annual election, to give notice of the same, by posting up notices in three of the most public places in said town.

SEC. 4. Duty of president—duty of recorder—deputy to recorder. It shall be the duty of the president to preside at all meetings of the town council, and it shall be the duty of the recorder to attend all such meetings, and to keep a fair and accurate record of all their proceedings; and the said recorder is authorized, under his hand and seal, to appoint some competent person as his deputy, who in his absence shall do and perform all and singular the duties