

CHAPTER 74.

CLAYTON COUNTY.

AN ACT to relocate the county seat of Clayton county.

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

SECTION 1. Names of commissioners—time and place of meeting—to select a place for a seat of justice—restriction in doing so. That Hardin Nowlin of Dubuque county, [73] William Jonas of Jackson county and David Mowland of Delaware county, are hereby appointed commissioners to relocate the seat of justice for Clayton county, and it shall be their duty to meet at Prairie La Porte, in said county, on the first Monday in April next, and they, or a majority of them, shall proceed forthwith to select a suitable place for said seat of justice; and in such selection they shall not be restricted more than to do equal justice to all the inhabitants of said county as near as possible.

SEC. 2. Oath to be taken by commissioners, and form. That the commissioners aforesaid shall each before entering upon their duties aforesaid, take and subscribe before some person authorized to administer the same, the following oath, to-wit: I, A. B., do solemnly swear or affirm that I am not directly or indirectly interested in the relocation or removal of the seat of justice of Clayton county, and that I will faithfully and impartially perform the duty imposed on me by the law by which I am appointed, according to the best of my abilities, without partiality, favor or affection, or without bias from fear or reward, or the hope of reward, or of any advantage to me in any respect.

SEC. 3. Proceedings to be committed to writing—to be recorded by the clerk of the board of county commissioners. That said commissioners, or a majority of them, immediately after they have selected the place for the seat of justice of said Clayton county, shall commit their proceedings to writing, describing the place they have selected, together with the quarter section or such part or parts of sections, township and range, and also name the place, and shall deliver the same, with any donations of any kind, deed or deeds for land which they may receive, to the clerk of the board of county commissioners of Clayton county, whose duty it shall be to receive and record the same in the order book of the proceedings of said board, and to notify said board thereof immediately.

SEC. 4. Penalty for commissioners receiving any gratuity or reward other than this act allows. If it shall be shown at any time, that either of said commissioners named in the first section of this act, were interested in said location or received any gratuity or reward, or any promise thereof other than what is by this act allowed, such commissioners shall be liable to indictment for perjury and be liable to the penalty for said crime.

SEC. 5. Place selected to be permanent seat of justice. That the place so selected shall be and remain the seat of justice for Clayton county.

SEC. 6. Courts to be held at Prairie La Porte for the time being—new court house to be erected and notice of its completion given. That the courts shall be held at Prairie La Porte, until a sufficient house shall be furnished by the county or some person or persons, to hold the courts in at the seat of justice, and so soon as such house shall be furnished it shall be the duty of the board of county commissioners of said county, to give notice thereof by public advertise-[74]-ment posted in the different precincts at places where the elections are held, and from that time the courts shall be held at the seat of justice.

SEC. 7. Provision against failure of commissioners to meet. That if said commissioners by this act appointed to relocate the aforesaid seat of justice for Clayton county, shall fail or refuse to meet at the time and place named in the first section of this act, and perform the duties enjoined on them, it shall be lawful, and it is hereby made their duty, to meet at said place at any time within one month after said time as aforesaid appointed, that they or a majority of them may agree upon, and then and there perform the duties by this act enjoined.

SEC. 8. Per diem and mileage of commissioners. The said commissioners shall receive three dollars per day for the time they shall be necessarily employed in the relocation of said seat of justice, and three dollars for every twenty miles travel, on the usual travelled route, in going and returning from said place of meeting, to be paid out of the county treasury of Clayton county.

SEC. 9. Seat of justice may be fixed at Prairie La Porte—choice of location to be made by vote of citizens of county—time and manner of holding election—returns of election to be filed with county commissioners and recorded by the clerk of the board. Nothing in this act shall prevent the commissioners aforesaid from fixing the seat of justice at Prairie La Porte, if they think that the public interest requires it to be located at that place: provided, that if the legal voters of said county shall wish to decide between the place selected as the seat of justice and Prairie La Porte, and shall make the same known to the board of county commissioners of said county, by petition, signed by a majority of the legal voters of said county, it shall be the duty of said board to cause an election to be held on the first Monday in June next; said election to be conducted in the same manner as is prescribed by the law regulating general elections.

At the election aforesaid, the electors shall proceed to vote by ballot, those in favor of Prairie La Porte remaining the seat of justice shall vote Prairie La Porte on the ticket, those in favor of the selection made by the commissioners appointed by this act, shall vote the name of said place on their ticket. The votes thus given shall be returned and canvassed according to the law governing general elections; and the place receiving the greatest number of votes shall be and remain the seat of justice of said county. It shall be the duty of the clerk of the board of county commissioners to file the returns of the election aforesaid, in his office, and also to record the same in the record book of said county.

SEC. 10. This act to be in force from and after its passage.

Approved, 15th February, 1843.

[75] CHAPTER 75.

IOWA CITY COLLEGE.

AN ACT to incorporate the Iowa City College.

Whereas, it has been represented to the council and house of representatives of the territory of Iowa, that the quarterly meeting conference of the Methodist Episcopal Church, at Iowa City, have determined to establish a college institution in Iowa City, to the support of which they are pledged to use their efforts, and which college is forever to be conducted on the most liberal principles; accessible to all religious denominations, and designed for the benefit of our citizens in general. And, whereas, the convenience of Iowa City for a public institu- [76]- tion, the eligibility and healthfulness of its location, render it an appropriate place, and if conducted upon free and enlight-