

void, unless such double insurance subsist with the consent of the directors, signified by endorsement on the back of the policy, signed by the president and secretary.

SEC. 11. Repeal power reserved; time of taking effect. That it shall be in the power of the legislative assembly of this territory, or the future state of Iowa, at any time, to annul, vacate, and make void, this charter. This act to take effect from and after the first day of August next.

Approved, 5th February, 1844.

CHAPTER 68.

NEW COUNTIES.

AN ACT to organize the counties of Keokuk and Mahaska.

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

[86] **SECTION 1. Organization of from 1st of March next, rights of citizens, to be part of 2d judicial district.** That the counties of Keokuk and Mahaska be, and they are hereby, organized, from and after the first day of March next; and the inhabitants of said counties shall be entitled to all the rights and privileges to which by law the inhabitants of other organized counties of this territory are entitled to; and the said counties shall constitute a part of the second judicial district of this territory.

SEC. 2. First election in, by whom ordered, number of officers to be elected for each, when election to be held, place and judges of election, by whom appointed; notice of, how given. That for the purpose of organizing said counties, it is hereby made the duty of the clerk of the district court of each of said counties, and in case there should be no such clerk appointed and qualified, or for any cause, said offices or either of them should become vacant on or before the tenth day of March next, then it shall be the duty of the sheriff of such county, to proceed immediately after the tenth day of March next to order a special election in their respective counties, for the purpose of electing three county commissioners, one judge of probate, one county treasurer, one clerk of the board of county commissioners, one county surveyor, one county assessor, one sheriff, one coroner, one recorder of deeds, and such number of justices of the peace and constables for each of said counties as may be directed by the officer ordering said elections, (the said officer having due regard to the convenience of the people,) which special election shall be on the first Monday in the month of April next; and that the officer ordering such elections shall appoint as many places of holding elections in said counties as the convenience of the people may require, and shall appoint three judges of election for each place of holding election in said counties, and issue certificates to said judges of their appointment; and the officers ordering such election shall give at least ten days previous notice of the time and place of holding such election, by at least three written or printed advertisements, which shall be posted up at three or more of the most public places in the neighborhood where each of the polls shall be opened as aforesaid.

SEC. 3. To whom returns to be made; by whom certificates of election granted; duty of clerk of board of commissioners, by whom discharged and how long. That the officer ordering each of the elections aforesaid shall receive and canvass the polls, and grant certificates to the persons elected to fill the several offices mentioned in this act; and in all cases not provided for by this act, the officer ordering each of said elections shall discharge the duties

of a clerk of the board of county commissioners until there shall be a clerk of the board of county commissioners elected and qualified for each of said counties, under the provisions of this act.

SEC. 4. How election to be conducted. Said election shall in all cases not provided for by this act [87] be conducted according to the laws of this territory regulating general elections.

SEC. 5. Persons elected, term of office of. The officers elected under the provisions of this act shall hold their offices until the next general election, and until their successors are elected and qualified.

SEC. 6. Books and papers, to whom returned. The officer ordering the election in each of said counties shall return all the books and papers which may come into their hands by virtue of this act to the clerk of the board of commissioners of their respective counties, forthwith, after such clerks shall have been elected and qualified.

SEC. 7. Appointment of sheriffs in; oath; bond, how approved; duties. That Harvey Stevens be and he is hereby appointed to discharge the duties and functions of the office of sheriff for the county of Keokuk, and William Edmonson be and he is hereby appointed to discharge the duties and functions of the office of sheriff for the county of Mahaska, who shall exercise the duties and functions of said office until the first Monday in the month of April next, and until there shall be a sheriff elected and qualified for each of their respective counties; and the said Harvey Stevens and William Edmonson shall give bond and security, and shall take the same oath of office that is required to be taken by sheriffs, which bond shall be approved and the necessary oath of office administered by the clerk of the district court of their respective counties; and in case there should be no such clerk of the district court for said counties, or any one of them, on the first day of March next, then it shall be the duty of the clerk of the district court of Washington county to approve the bond and administer the oath required by this act.

SEC. 8. Clerks of district court in, how appointed, when to commence duties. That clerks of the district court for each of the said counties of Keokuk and Mahaska may be appointed by the court, and qualified at any time after the passage of this act, but shall not enter upon the discharge of the duties of their respective offices prior to the first day of March next.

SEC. 9. Not to affect actions pending in the district court of Washington county. That all actions at law in the district court for the county of Washington, commenced prior to the organization of the said counties of Keokuk and Mahaska, where the parties or either of them reside in either of the aforesaid counties of Keokuk and Mahaska, shall be prosecuted to final judgment, order or decree, as fully and effectually as if this act had not been passed.

SEC. 10. Books and papers of justices, to whom returned; not to interfere with unfinished business. That it shall be the duty of all justices of the peace residing within said counties to return all books and papers in their hands, pertaining to said office, to the next nearest justice of the peace which may be elected and qualified for their respective counties, under the provisions of this act; and all suits at law, or other official business which may be in the hands of such justices of the peace and unfinished, shall be completed or prosecuted to final judgment by the justices of the peace to whom such business or papers may have been returned as aforesaid.

SEC. 11. Assessors in, their duty. That the county assessors elected under the provisions of this act for the counties of Keokuk and Mahaska, shall assess their respective counties in the manner and be under the same obligations and liabilities as is now or may hereafter be provided by law in relation to township assessors.

[88] **SEC. 12. County seat of Keokuk, commissioners to locate; time and place of meeting.** That John Stuart and George H. Stone, of Washington county, and Samuel Shuffleton, of Jefferson county, be and they are hereby appointed commissioners to locate and establish the seat of justice of the county of Keokuk. Said commissioners, or any two of them, shall meet at the house of William Grimsley, in said county, on the first Monday in the month of May next, or at such other time within the month of May next as a majority of said commissioners shall agree, in pursuance of their duties under this act.

SEC. 13. County seat of Mahaska, commissioners to locate; time and place of meeting. That Jesse Williams, of Johnson county, Ebenezer Perkins of Washington county, and Thomas Henderson, of Keokuk county, be and they are hereby appointed commissioners to locate and establish the seat of justice of the county of Mahaska. Said commissioners, or any two of them, shall meet at the house of Mathew D. Springer, in said county, on the first Monday in the month of May next, or at such other time within the month of May next as a majority of said commissioners shall agree, in pursuance of their duties under this act.

SEC. 14. Oath of commissioners, by whom administered, how certified, when filed, and by whom recorded. Said commissioners shall first take and subscribe the following oath, to wit: "We do solemnly swear (or affirm) that we have no personal interest directly or indirectly in the location of the seat of justice of the county of Keokuk, (or Mahaska, as the case may be,) and that we will faithfully and impartially locate the same according to the best interest of said county, taking into consideration the future as well as the present population of the said county;" which oath shall be administered by the clerk of the district court, notary public, or some justice of the peace in the county for whose seat of justice said commissioners are appointed to locate; and the officer administering the same shall certify and file the same in the office of the clerk of the board of county commissioners of such county, whose duty it shall be to record the same.

SEC. 15. Commissioners, duty of; certificate of location with whom filed, by whom recorded and preserved. Said commissioners, when met and qualified under the provisions of this act, shall proceed to locate the seat of justice of the respective counties for which they have been appointed, and as soon as they shall have come to a determination, the same shall be committed to writing, signed by the said commissioners, and filed with the clerk of the board of county commissioners of the county in which such seat of justice is situated, whose duty it shall be to record the same and forever keep it on file in his office; and the place thus designated shall be the seat of justice of such county.

SEC. 16. Commissioners' compensation, by whom paid. Said commissioners shall each receive the sum of two dollars per day while necessarily employed in the duties enjoined upon them by this act, which shall be paid by the county for which such location shall be made out of the funds arising from the sales of town lots in such seat of justice.

SEC. 17. Territory attached to Mahaska. That the territory of country west of the county of Mahaska, be and the same is hereby attached to said county for election, revenue and judicial purposes.

SEC. 18. County of Poweshiek and territory west attached to Mahaska. That the county of Poweshiek and the territory west of said county, be and the same is hereby attached to the county of Mahaska, for election, revenue and judicial purposes.

[89] **SEC. 19. Time of taking effect.** This act to take effect and be in force from and after its passage.

Approved, 5th February, 1844.