

CHAPTER 100.

WAPELLO COUNTY.

AN ACT to organize the county of Wapello.

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

SECTION 1. Organization of, rights of inhabitants, part of 1st judicial district. That the county of Wapello be and the same is hereby organized, from and after the first day of March next; and [115] the inhabitants of said county shall be entitled to all the privileges to which, by law, the inhabitants of other organized counties of this territory are entitled; and the said county shall constitute a part of the first judicial district of this territory.

SEC. 2. First election, by whom ordered, number of officers to be chosen, when election to be held, notice of where to be held, judges how appointed. That for the purpose of organizing said county it is hereby made the duty of the clerk of the district court of said county, and in case there should be no such clerk appointed and qualified, or for any cause said office should become vacant, on or before the tenth day of March next, then it shall be the duty of the sheriff of said county, to proceed immediately after the tenth day of March, to order a special election in said county, 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 county recorder, and such number of justices of the peace and constables as may be directed by the officer ordering said election, the 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 said election shall appoint as many places of holding elections in said county as the convenience of the people may require, and shall appoint three judges of election for each place of holding election in said county, and issue certificates to said judges of their appointment; and the officer ordering said election shall give at least ten days notice of the time and place of holding such election, by at least three printed or written 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. Returns to whom made, certificates of election by whom granted; who to be clerk of board of county commissioners. 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 said county, under the provisions of this act.

SEC. 4. Election, how conducted. Said election shall, in all cases not provided for by this act, be conducted according to the laws of this territory regulating general elections.

SEC. 5. Term of office. 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 of officer ordering election, to whom and when returned. The officer ordering the election in said county shall return all

the books and papers which may come into his hands by virtue of this act to the clerk of the board of county commissioners of said county, forthwith, after said clerk shall be elected and qualified.

SEC. 7. Sheriff appointment of; his oath, bond, duties and fees. That James M. Peck be and he is hereby appointed to discharge the duties and functions of the office of sheriff of said county, 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 said county; and the said James M. Peck [116] 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 said county; and in case there should be no clerk of the district court for said county on the first day of March next, then it shall be the duty of the clerk of the district court of Jefferson county to approve the bond and administer the oath required by this act. And the said sheriff shall be allowed the same fees for services rendered by him, under the provisions of this act, that are allowed by law for similar services performed by the sheriffs in similar cases.

SEC. 8. Clerk of district court, by whom appointed and when to qualify. That the clerk of the district court for said county of Wapello, may be appointed by the judge of said district, and qualified at any time after the passage of this act; but shall not enter upon the discharge of the duties of said office prior to the first day of March.

SEC. 9. Suits in the district court of Jefferson county not affected. That all actions at law in the district court for the county of Jefferson, commenced prior to the organization of said county of Wapello, where the parties or either of them reside in said county of Wapello, shall be prosecuted to final judgment, order or decree, as fully and effectually as if this act had not been passed.

SEC. 10. Justices of the peace, to whom to return books and papers; not to affect suits pending before justices. That it shall be the duty of all justices of the peace residing within said county, to return all books and papers in their hands appertaining to said office, to the next nearest justice of the peace which may be elected and qualified for said county 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. County assessors, their powers and duties. That the county assessors elected under the provisions of this act for said county shall assess the said county in the same manner, and be under the same obligations and liabilities, as is now or may hereafter be provided by law in relation to township assessors.

SEC. 12. Commissioners to locate county seat; when and where to meet. That Joseph B. Davis, of Washington county, John H. Randolph, of the county of Henry, and Solomon Jackson, of the county of Lee, be and they are hereby appointed commissioners to locate and establish the seat of justice of said county of Wapello. Said commissioners, or any two of them, shall meet at the house of George Wilson, Esq., near the old Indian agency, in said county, on the first Monday in May next, or at such other time within the month of May as a majority of said commissioners shall agree upon, in pursuance of their duties under this act.

SEC. 13. Their oath, contents of; by whom administered, when filed and recorded. Said commissioners shall first take and subscribe the following oath, to-wit: "We do solemnly swear (or affirm) that we (or either of us)

have no personal interest either directly or indirectly in the location of the seat of justice for Wapello county, and that we will faithfully and impartially examine the situation of said county, taking into consideration the future as well as the present population of said county; also, to pay strict regard to the geographical centre of said county, and locate the seat of justice as near the centre as an eligible situation can be obtained;" which oath shall be administered by the [117] clerk of the district court, or justice of the peace of said county of Wapello; 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 said county, whose duty it shall be to record the same.

SEC. 14. Duty of commissioners; to commit their decision to writing and sign it; where filed, recorded, and kept; the place there designated to be county seat. Said commissioners, when met and qualified under the provisions of this act, shall proceed to locate the seat of justice of said county, and as soon as they shall have come to a determination, they shall commit to writing the place so selected, with a particular description thereof, signed by the said commissioners, and filed with the clerk of the board of county commissioners in which such seat of justice is located; 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 said county.

SEC. 15. Commissioners, compensation of; how 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 out of the first funds arising from the sales of town lots in said seat of justice.

SEC. 16. Kishkekosh and country west to be attached. That the county of Kishkekosh, and the territory west of said county, be and the same is hereby attached to the county of Wapello, for election, revenue and judicial purposes.

SEC. 17. Time of taking effect. This act to take effect and be in force from and after its passage.

Approved, 13th February, 1844.

CHAPTER 101.

DUBUQUE MINING COMPANY.

AN ACT to incorporate the Dubuque Mining Company.

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

SECTION 1. Organization of company; name, style and general powers of. That Timothy Fanning, George W. Cummins, William B. Smith, and their associates and successors, be and they are hereby created a body politic and corporate, under the [118] name of the "Dubuque Mining Company;" and by that name shall have perpetual succession, and shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in all courts of competent jurisdiction; may have and use a common seal, and be vested with all the powers and privileges necessary to the object of their incorporation, not contrary to law and the rights of other individuals.

SEC. 2. Right to hold and sell property; limitation of amount. That said company shall have power and be capable of holding, purchasing, improving, selling, leasing, renting and conveying estate, real, personal and mixed, for