

locate and establish the seat of justice of said county of Davis. Said commissioners, or any two of them, shall meet at the house of Noble C. Barron, in said county of Davis, on the first Monday of April, 1844, or on such other day during the said month of April as they or a majority of them may agree, and proceed to locate and establish the seat of justice of said county as near the geographical centre of said county as said commissioners may deem proper, paying due regard to the present as well as future population of said county; and as soon as they have come to a determination, the same shall be committed to writing, signed by the said commissioners or a majority of them, and filed in the office of the clerk of the board of commissioners of said county of Davis, who shall record the same and forever keep it on file in his office; and the place so selected shall be the seat of justice of Davis county.

SEC. 10. **Oath of commissioners.** Said commissioners shall, previous to entering upon their duties as aforesaid, take and subscribe before some magistrate or other person authorized to administer oaths, the following oath or affirmation 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 Davis, and that we will faithfully and impartially locate the same according to the best interests of said county, taking into consideration the future as well as the present population of said county;" and the person so administering such oath shall certify and file the same in the office of the clerk of the board of county commissioners of said county of Davis, whose duty it shall be to record and keep the same on file in his office.

SEC. 11. **Davis county, boundaries of; a part of the act 17th February, 1843, repealed.** That said county of Davis shall be bounded as follows, to wit: beginning at the north-east corner of township seventy north, range twelve west; thence west on the township line dividing townships 70 and 71, to range sixteen west; thence south on said range line to the Missouri state line, thence east on said state line to the south-west corner of Van Buren county; thence north with the west line of said county of Van Buren, to the place of beginning; and that so much of the first section of an act entitled "An act to establish new counties and define their boundaries," etc., approved 17th February, 1843, as conflicts with this section, be and is hereby repealed.

SEC. 12. **Compensation to commissioners to be paid by Davis county.** That the commissioners to locate said seat of justice shall each receive the sum of two dollars per day while necessarily employed in the duties enjoined upon them by this act, to be paid by said county of Davis.

SEC. 13. **County of Appanoose attached to Davis.** That the county of Appanoose, and the territory west of said county, be and the same is hereby attached to the county of Davis, for election, revenue and judicial purposes.

SEC. 14. **Time of taking effect.** This act to be in force from and after its passage.

Approved, 15th February, 1844.

[140] CHAPTER 123.

WABESIPINICON BRIDGE COMPANY.

AN ACT to incorporate the Wabesipinicon Bridge Company.

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

SECTION 1. **Incorporation of; name, style, and general powers.** That Daniel M. Peet and Caleb C. Walworth, with their associates, successors and assigns, are hereby created a corporation, by the name of the "Wabesipini-

con Bridge Company," and by that name may sue and be sued, have and use a common seal; and shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real or personal, and shall have power to do all other acts necessary to the consummation of the objects of this incorporation.

**SEC. 2. Right to construct a bridge; where to be located.** The said Daniel M. Peet and Caleb C. Walworth be and they are hereby authorized to construct a bridge across the Wabesipinicon river, at or near the place where the military road crosses said river, in Jones county.

**SEC. 3. How bridge to be constructed.** Said bridge shall be constructed of good materials, of sufficient height from the water, and of convenient width for the passage of teams, carriages and passengers.

**SEC. 4. First meeting, how called; may enact by-laws, etc.** That any member of said company may, at any time within one year from the passage of this act, by giving ten days notice, call a meeting of its members, and may proceed to enact such rules, by-laws and regulations for its government, and for the management and conduct of its business, as a majority of them may deem right and proper: provided, the same do not conflict with the laws of the United States and of this territory.

**SEC. 5. Capital stock and shares.** The capital stock of said company may be divided into shares of one hundred dollars each, and as many such shares may be created as the company may direct: provided, they do not, in the aggregate, exceed the sum of three thousand dollars. Each share shall be entitled to one vote in the government and direction of the affairs and business of said company.

**SEC. 6. Subsequent meetings of company how called, notice of how given.** Any two persons may, from time to time, call meetings of said company, by posting up notices of the time, place and purpose of said meetings, in two of the most public places in the township where [141] said bridge is to be erected, at least ten days before the time of said meeting.

**SEC. 7. Rates of toll allowed to company.** A toll is hereby granted and established for the benefit of said corporation, not to exceed the rates following, to wit: for each horse and rider, eighteen and three-quarter cents; for each sleigh, sled, cart, wagon, or other vehicle drawn by one beast, the sum of twenty-five cents; for each sleigh, sled, cart, wagon or other vehicle drawn by two beasts, the sum of thirty-seven and a half cents; for each additional beast of burden beyond two, in any sleigh, sled, cart, wagon or other vehicle, the sum of twelve and a half cents; for each foot passenger, the sum of six and a quarter cents; for droves of neat cattle, mules, horses and asses, the sum of six and a quarter cents each; for sheep and swine, two cents each: provided, said corporation may permit persons who may contribute to the building of said bridge to cross free of toll.

**SEC. 8. Rates of toll to be exhibited at bridge to public view.** At the place of collecting tolls, said corporation shall keep exposed to view a board or sign, upon which shall be plainly printed or marked the rates of toll aforesaid; and said toll shall commence on the day when said bridge is first opened for passengers.

**SEC. 9. Company to keep an account of cost of; when company fully reimbursed, bridge to become free.** Said corporation shall keep, or cause to be kept, a correct account of all moneys expended, labor performed, and materials furnished, in the erection of said bridge; and the cost of such bridge, thus ascertained, shall be recorded in a book, in which book shall also be recorded a correct account of all tolls received by said company; and when said tolls shall amount to a sum sufficient to refund to said company an amount equal to the amount expended in erecting said bridge, together

with interest thereon, after deducting from such tolls so received one-half, as a compensation to said company for tending and keeping in repair said bridge, then said bridge shall become the property of the public, and shall forever remain a free bridge, and shall be open to the passage of all persons free of toll.

**SEC. 10. Toll gatherer to take oath.** Said corporation shall cause such person as they may employ as a toll gatherer, to take and subscribe an oath before some justice of the peace in the township where said bridge shall be situated, to keep a correct account of all moneys and tolls received by him, and to record the same in the proper book kept for that purpose.

**SEC. 11. Injury to, how redressed; penalty for.** That if any person shall wilfully or maliciously destroy or injure said bridge, such person shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damages the owners may have sustained, and be imprisoned at the discretion of the court, not less than six months nor more than ten years.

**SEC. 12. To be completed in two years.** Said bridge shall be completed within two years from the date of the passage of this act, and a failure of its completion shall be deemed a violation of this incorporation.

**SEC. 13. Power of repeal reserved.** Any future legislature may alter, amend, or repeal this act, in case the corporation shall abuse or misuse its privileges: provided, such alteration, amendment or repeal, shall not impair the title of said bridge, nor change the tolls by this act established.

Approved, 15th February, 1844.

## [142] CHAPTER 124.

### MADISON COUNTY.

#### AN ACT for the formation of the county of Madison.

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

**SECTION 1. Boundaries and name of.** That all that part of the county of Lee known as the Half Breed Tract, bounded as follows, to wit: Beginning in the middle of the main channel of the Mississippi river at the lower mouth of the Des Moines river; thence north along the middle of the main channel of the said Mississippi river to a point where the northern line now known as the boundary of the said Half Breed Tract intersects the Mississippi river below the town of Fort Madison; thence west along said line to where the same intersects the Des Moines river; thence to the middle of the main channel of the said river Des Moines; thence down the middle of the main channel of the river Des Moines, to the mouth thereof; thence east to the middle of the main channel of the Mississippi river, to the place of beginning, shall constitute a new county, to be called Madison.

**SEC. 2. First election in, where and when held, by whom and how conducted, number of officers, how elected, term of office, powers and duties.** There shall be an election held at the different places of voting for justices of the peace and constables in the limits of said county of Madison, the first Monday of August next. The election shall be conducted by the present judges of election in said county, who have been appointed by the county of Lee according to the law regulating general elections in this territory. The legal voters of the county of Madison shall elect all