

are hereby authorized and empowered to make alterations in the boundaries, or to establish additional wards, as the public convenience may require.

SEC. 27. Council may borrow money if two-thirds of citizens agree. That whenever in the opinion of the city council, it is expedient to borrow money for any public purpose, the question shall be submitted to the citizens of Burlington—the nature and the object of the loan shall be stated, and a day fixed for the electors of the said city to express their wishes; the like notice shall be given as in cases of an election; the loan shall not be made unless two-thirds of all the votes polled at such election shall be given in the affirmative.

SEC. 28. Charter to be submitted to the people for adoption. That before this act shall take effect and be in force, a vote shall be taken upon the adoption of the same, by the qualified voters residing within the limits of said city, at such time and place, and under such regulations as the present mayor and aldermen of said city may prescribe and determine: provided, that a majority of the whole vote cast shall be deemed necessary to adopt and carry into effect this act: provided further, that each and every person authorized to vote for city officers under the charter now in force in said city shall be entitled to vote for or against this charter.

SEC. 29. Charter declared a public act. That this act shall be taken and received in all courts and [85] by all judges, magistrates and other public officers, as a public act; and all printed copies of the same which shall be printed by or under the authority of the council and house of representatives, shall be admitted as good evidence thereof, without any other proof whatsoever.

SEC. 30. That the act entitled “An act to incorporate the city of Burlington;” approved January 19th, 1838, and all other laws and parts of laws heretofore passed, and coming within the purview of this act be, and the same are hereby repealed.

Approved, June 10th, 1845.

CHAPTER 55.

IOWA COUNTY.

AN ACT for the organization of the county of Iowa.

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

SECTION 1. Organized county after first of July next—constitutes it the second judicial district. That the county of Iowa be, and it is, hereby organized, from and after the first day of July next; and the inhabitants of said county shall be entitled to all the rights and privileges to which by law, the inhabitants of other organized counties of this territory are entitled, and the said county shall constitute the second judicial district of this territory.

SEC. 2. Clerk of district court or sheriff of Johnson county, after 10th July, to order election for county officers—to appoint election judges—ten days notice of election. 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 other cause such office should become vacant on or before the 10th day of July next, then it shall be the duty of the sheriff of Johnson county, [86]

to proceed immediately after the 10th day of July next, 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 recorder of deeds and such number of justices of the peace and constables for said county 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 August next, and that the officer ordering such 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 such election shall give at least ten days 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 of the most public places in the neighborhood where each of the polls shall be opened as aforesaid.

SEC. 3. Clerk or sheriff to canvass polls and certify to elected. That the officer ordering the election 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.

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

SEC. 5. Officers hold till general election. 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 be given to the board of commissioners. 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 such clerk shall have been elected and qualified.

SEC. 7. Sheriff of Johnson, to act in Iowa, until election. That the sheriff of the county of Johnson be, and he is, hereby required to discharge the duties of sheriff for the county of Iowa, until a sheriff of said county shall be elected and qualified, under the provisions of this act.

SEC. 8. District court to appoint clerk. That the clerk of the district court for the said county of Iowa, may be appointed by the district court and qualified at any time after the passage of this act; but shall not enter upon the discharge of the duties of his office prior to the first day of July next.

SEC. 9. Cases in Johnson not to abate. That all actions at law in the district court for the county [87] of Johnson, commenced prior to the organization of the said county of Iowa, where the parties or either of them, reside in the aforesaid county of Iowa, shall be prosecuted to final judgment, order or decree, as fully and effectually, as if this act had not been passed.

SEC. 10. Justices to return books to elected justices—suits commenced may be prosecuted before newly elected justices. That it shall be the duty of all justices of the peace residing within the said county, to return all books and papers in their hands, pertaining to said office, to the next nearest justice of the peace, who may be elected and qualified for said county under the provisions of this act; and all suits at law and 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 justice of the peace to whom such business or papers may have been returned as aforesaid.

SEC. 11. Assessor of Iowa to assess his county. That the county assessor elected under the provisions of this act for the county of Iowa, shall assess his county 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 or county assessors.

SEC. 12. Commissioners appointed to locate seat of justice—to meet 2d Monday of July, or any day before 1st September. Thomas Henderson, of Keokuk county, Luman M. Strong, of Linn county, and Stephen B. Gardner, of Johnson county, be, and they are, hereby appointed commissioners to locate and establish the seat of justice of the county of Iowa. Said commissioners or any two of them, shall meet at the house of James M. Price in said county, on the second Monday in the month of July next, or at such other time within the month of August, as a majority of said commissioners shall agree, in pursuance of their duties under this act.

SEC. 13. Commissioners' oath. 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 Iowa; 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 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 of Iowa; 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. Commissioners to locate seat of justice and clerk to file the report. Said commissioners, when met and qualified under the provisions of this act, shall proceed to locate the seat of justice of said county 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 [88] ed by the said commissioners, and filed with the clerk of the board of county commissioners of said county, 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. Compensation \$2 per day. 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 said county out of the funds arising from the sales of town lots in said seat of justice.

SEC. 16. Act takes effect after passage. This act shall take effect and be in force from and after its passage.

Approved, June 10th, 1845.

CHAPTER 56.

LEE COUNTY.

AN ACT to relocate the seat of justice of Lee county.

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

SECTION 1. Election for seat of justice 1st Monday of August. That on the first Monday of August next, the qualified voters of Lee county shall be allowed to vote for the relocation of the seat of justice of said county, subject to the conditions, restrictions and limitations hereinafter provided.