

much of said road as was repealed by the act aforesaid, the territorial road leading from Du Buque to Fort Atkinson, by the way of the Colony and Ead's Grove, in Delaware county, to Fort Atkinson; and said commissioners shall keep the county road from Du Buque, through the Bankston set- [102] tlement. Said commissioners or a majority of them shall meet at the house of William J. Anderson, on the first Monday in July next, or as soon after as may be convenient for them, and proceed to locate said road.

SEC. 3. Allows usual compensation. That the commissioners, surveyor, chain-carrier and other hands employed to relocate said road as herein specified, shall receive the usual rates allowed for similar work, two thirds of which shall be paid out of the treasury of Du Buque county, and one third out of the treasury of Delaware county.

SEC. 4. This act takes effect after passage. This act to take effect and be in force from and after its passage.

Approved. June 11th, 1845.

CHAPTER 66.

FERRIES.

AN ACT to authorize the board of commissioners of Muscatine county, to license certain ferries across the Mississippi river.

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

SECTION 1. Commissioners to issue license to any one to keep ferry across Mississippi, opposite Wyoming and section 30 and 31, in township 77, N. R. 1 W. and opposite section 36, T. 77, N. R. 2 W. That the commissioners of the county of Muscatine be, and they are, hereby authorized to issue license to any person or persons, to keep a ferry across the Mississippi river, opposite the town of Wyoming; and also opposite sections thirty and thirty-one, in township seventy-seven north, range one west; and opposite section thirty-six, township seventy-seven north, range two west, of said county of Muscatine: provided, said board of commissioners shall not license a ferry to conflict with the rights of the corporation of the town of Bloomington, to establish and keep a ferry across said river.

SEC. 2. No license to exceed ten years. That said board of commissioners shall not issue a license to keep a ferry to exceed the term of ten years.

SEC. 3. This act to take effect after passage. This act to take effect and be in force from and after its passage.

Approved, June 11th, 1845.

[103] CHAPTER 67.

KISHKEKOSH COUNTY ORGANIZED.

AN ACT to organize the county of Kishkekosh, and to provide for the location of the seat of justice thereof.

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

SECTION 1. Declares the county organized after July 1, 1845. That the county of Kishkekosh be, and the same is, hereby organized, from and after

the first day of July next, and 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. Clerk of said county or sheriff of Wapello to order election for usual county officers after 10th July. 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 July next, then it shall be the duty of the sheriff of Wapello county, to proceed immediately after the tenth day of July, to order an 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 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 election shall be on the first Monday in the month of August next. And that the officer ordering said election shall appoint as many places of holding elections in said [104] county, as the convenience of the people may require, and shall appoint three judges of election for each place of holding elections in said county; and issue certificates to said judges of their appointment. And the officer ordering said election shall give at least fifteen 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. Said clerk or sheriff to canvass poll, and give certificates to elected. That the officer ordering the elections aforesaid shall receive and canvass the polls and grant certificates to the persons selected to fill the several offices mentioned in this act, and in all cases not provided for by this act. The officer ordering said election 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 to be held as usual. 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. Elected, to hold till next 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. Clerk or sheriff to deliver all papers to county 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 said clerk shall be elected and qualified.

SEC. 7. Compensation. That the officer conducting said election 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 sheriff in similar cases.

SEC. 8. Judge of district court to appoint clerk. That the clerk of the district court for said county of Kishkekosh, 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 July next.

SEC. 9. No action at law to abate. That all actions at law in the district court for the county of Wapello, commenced prior to the organization of said county of Kishkekosh, when the parties, or either of them, reside in said county of Kishkekosh, 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 deliver books to nearest elected justice. 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 [105] 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. Assessor to assess new county. That the county assessor 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 are now or may hereafter be provided by law, in relation to township assessors.

SEC. 12. Commissioners appointed to locate seat of justice. That James A. Galliher, of the county of Jefferson; E. S. Rand, of the county of Van Buren; and Israel Kister, of the county of Davis, be, and they are, hereby appointed commissioners to locate and establish the seat of justice of said county of Kishkekosh. Said commissioners or any two of them, shall meet at the house of W. G. Clark, Esquire, in said county, on the first Monday in July next, or at such other time within one month thereafter as a majority of said commissioners may agree upon, in pursuance of their duties under this act.

SEC. 13. Commissioners to take oath. 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 Kishkekosh 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 clerk of the district court or justice of the peace of the county of Kishkekosh; 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 receive the same.

SEC. 14. Commissioners to file their report with clerk of county commissioners. 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 such name as they may see proper, and 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.

[106] **SEC. 15. Compensation of commissioners.** 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 sale of town lots in said seat of justice.

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

SEC. 17. Judge to appoint time of holding court. The judge of the first judicial district may appoint such time of holding court in said county, as he shall deem proper and convenient.

SEC. 18. This takes effect after passage. This act to take effect and be in force from and after its passage.

Approved, June 11th, 1845.

CHAPTER 68.

HENRY SWAN TO CONVEY CERTAIN PROPERTY.

AN ACT to authorize Henry Swan, administrator of the estate of David Duke, deceased, late of the county of Henry, to convey certain lands.

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

SECTION 1. Henry Swan to convey certain lands. That Henry Swan, administrator of the estate of David Duke, late of the county of Henry, deceased, be, and he is, hereby authorized to convey by deed, the undivided half of the north west quarter of the south east quarter of section number twenty-seven, in township number seventy, north of range number five west, to the heirs as designated in the last will and testament of Alexander McDonald, deceased, late of the county of Henry.

SEC. 2. Henry Swan to act under direction of probate judge. And the said administrator aforesaid shall make said deed aforesaid to the said heirs under the order and direction of the judge of the probate court of said county of Henry.

SEC. 3. This act takes effect after passage. This act to take effect and be in force from and after its passage.

Approved, 11th June, 1845.