

county, to Boardman's precinct in the county of Clayton; thence on the nearest, best and most eligible ground, to the boundary line of Clayton county in the direction of Fort Atkinson.

**SEC. 3. Commissioners to meet in six months.** Said commissioners or a majority of them shall meet at the house of John Floyd, in Dubuque county, within six months after the passage of this act, and proceed to locate and mark out said road as above designated.

**SEC. 4. Compensation of viewers, etc.** That said commissioners and hands employed in locating [55] said road, shall receive for their services, such sum as the board of commissioners of the respective counties through which said road passes, shall deem to be just and right.

**SEC. 5. In force from passage.** This act to take effect and be in force from and after its passage.

Approved, January 13th, 1846.

## CHAPTER 60.

### APPANOOSE COUNTY.

AN ACT for the organization of the county of Appanoose.

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

**SECTION 1. Appanoose county organized.** That the county of Appanoose be, and the same is hereby organized, from and after the first Monday of August next, and the inhabitants thereof shall be entitled to all the privileges and rights to which by law, the inhabitants of other counties in this territory are entitled; and the said county of Appanoose, shall constitute a part of the first judicial district of the territory.

**SEC. 2. First general election in August.** That the first general election in and for said county, shall be held on the first Monday in the month of August next, at which time the county officers for said county, shall be elected; and also such number of justices of the peace and constables as may be ordered by the clerk of the district court of said county; said clerk having due regard to the convenience of the people.

**SEC. 3. Duty of the clerk on giving notice.** That it shall be the duty of the clerk of the district court, in and for said county, to give notice of the first general election in said county, grant certificates of election, and in all respects discharge the duties required by law, to be performed by clerks of the board of county commissioners in relation to general elections, until a clerk of the [56] board of county commissioners for said county, may be elected and qualified.

**SEC. 4. Clerk to discharge duty of sheriff.** That it shall be the duty of the clerk of the district court, in said county, to perform and discharge all the duties required by law, to be performed by sheriffs in relation to general elections, until a sheriff for said county shall be elected and qualified.

**SEC. 5. Term of officers to be elected.** That the term of office of the county officers elected at the first general election under the provisions of this act, shall expire on the day of the general election for the year 1847, and the term of office of the justices of the peace and constables elected as aforesaid, shall expire on the first Monday in the month of April, 1847.

**SEC. 6. Appointment of clerk.** The clerk of the district court for said county, may be appointed at any time after the passage of this act.

**SEC. 7. In case of vacancy sheriff of Davis to act.** In case of a vacancy in the office of the clerk of the district court for said county, it is hereby made the duty of the sheriff of Davis county, to perform the duties required by this act, to be performed by said clerk.

**SEC. 8. Assessment of taxes.** That there shall be no assessment or tax levied by the authorities of Davis county, within the limits of said county of Appanoose, for the year 1846, but such assessment may be made by the county assessor elected at the first general election in and for said county of Appanoose, which assessment may be made at any time prior to the first Monday in the month of October, 1846.

**SEC. 9. Duty of county commissioners.** That it shall be the duty of the board of county commissioners of said county, to hold a meeting on the first Monday of October, 1846, at which time they shall examine the assessment roll returned to them, and levy such a tax for county and territorial purposes, upon such assessment, for the year 1846, as may be required by law.

**SEC. 10. County treasurer to attend in December.** That the time for the treasurer of said county to attend in each of the townships or precincts, for the purpose of collecting revenue, according to the provisions of the thirty-fourth section of an act entitled "an act to provide for assessing and collecting public revenue," approved 15th February, 1844, shall be during the month of November, and he shall attend at his office at the county seat of said county, during the month of December, to receive taxes from persons wishing to pay the same, for the year 1846.

**SEC. 11. Actions commenced in Davis county.** That all actions at law or equity, in the district court, for the county of Davis, commenced prior to the organization of the said county of Appanoose, where the parties, or either of them reside in the county of Appanoose, shall be prosecuted to final judgment, order or decree, as fully and effectually, as if this act had not been passed.

[57] **SEC. 12. Duty of justices of the peace.** That it shall be the duty of all justices of the peace, residing within the county aforesaid, 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 said county, under the provisions of this act; and all suits at law, or other official business, which may be in their hands, and unfinished, shall be prosecuted, or completed by the justice of the peace to whom such business or papers may have been returned, as aforesaid.

**SEC. 13. Judicial authorities of Davis.** That the judicial authorities of Davis county, shall have cognizance of all crimes or violations of the criminal laws of this territory, committed within the limits of said county, prior to the first day of August next; provided prosecution be commenced under the judicial authorities of Davis county, prior to said first day of August next.

**SEC. 14. Appanoose county to have jurisdiction, etc.** That said county of Appanoose, shall have cognizance and jurisdiction of all crimes, or violations of the criminal laws of this territory, prior to the first day of August next, in cases where prosecutions shall not have been commenced under the judicial authorities of Davis county.

**SEC. 15. Territory west attached.** That the territory or country west of Appanoose, be and the same is hereby attached to the said county of Appanoose, for election, revenue and judicial purposes.

**SEC. 16. Clerk may keep his office anywhere.** That the clerk of the district court, in and for the said county of Appanoose, may keep his office at any place in said county until the county seat thereof be located.

**SEC. 17. Commissioners to locate county town.** That William Whitacre of Van Buren county, B. P. Baldwin, of Washington county, and Andrew

Leach, of Davis county, be and the same are hereby appointed commissioners to locate and establish the seat of justice of said county of Appanoose. Said commissioners, or a majority of them, shall meet at the office of the clerk of the district court, in and for the said county, on the first Monday in the month of September next, or within thirty days thereafter, as they may agree.

**SEC. 18. Oath of commissioners.** 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 Appanoose county; and that we will faithfully and impartially locate the county seat of said county, according to the best interests 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 or any other person authorized to administer oaths within said county, and the officer administering said oath, [58] shall certify and file the same in the office of the clerk of the district court of said county, whose duty it shall be to record the same.

**SEC. 19. To make plat etc.** 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 have come to a determination, they shall commit the same to writing, signed by said commissioners, and filed with the clerk of the district court of said county, whose duty it shall be to record the same, and forever keep it on file in his office; and the place so designated shall be the seat justice of said county.

**SEC. 20. Compensation of commissioners.** Said commissioners shall each receive the sum of two dollars per day, for each day they may be necessarily employed in the discharge of the duties enjoined upon them by this act; and two dollars per day for each day traveling to and from the said county of Appanoose, which shall be paid out of the first proceeds, arising from the sales of town lots, in said seat of justice.

**SEC. 21. In force from passage.** This act to take effect, and be in force from and after its passage.

Approved, January 13th, 1846.

## CHAPTER 61.

### JACKSONVILLE.

AN ACT to authorize the board of commissioners of Clayton county, to change the name of Jacksonville in said county.

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

**SECTION 1. Commissioners of Clayton co. may change the name of Jacksonville.** That the board of commissioners of Clayton county, be, and they are hereby authorized and empowered, to change the name of Jacksonville in said county, to whatever name a majority of said board shall deem proper; and that the name when so changed shall be and remain the name of said town: provided, there shall be but one change.

**SEC. 2. In force from passage.** This act to take effect, and be in force from and after its passage.

Approved, January 13th, 1846.