

of Kishkekosh, thence on the nearest and best route, to the county seat of Marion county; thence on the nearest and best route to the Raccoon fork of the Desmoines river.

SEC. 2. Commissioners to meet at Clarksville. Said commissioners, or a majority of them, shall meet at [85] Clarksville, in Kishkekosh county, on the first Monday in May next, or within sixty days thereafter, to discharge their duties according to law.

Approved, January 17th, 1846.

CHAPTER 95.

ROAD FROM OTTUMWA.

AN ACT to locate a territorial road therein named.

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

SECTION 1. Road from Ottumwa to Chariton river. That George Reynolds, of Wapello county, Ira Claffin, of Van Buren county, and Lafayette Bear, of Davis county, be and they are hereby appointed commissioners to locate and establish a territorial road, beginning at Ottumwa, in Wapello county; thence on the most suitable ground, to the crossing on Soap creek, at Ritchey's mill; thence by way of Joseph Jump's on the Fox river divide, to the Chariton river, at a point where the territorial road crosses, leading from Iowaville to the Missouri line.

SEC. 2. Commissioners to meet at Ottumwa in May. Said commissioners, or a majority of them, shall meet at the town of Ottumwa, on the first Monday of May next, or within thirty days thereafter, to discharge their duties.

SEC. 3. To receive no compensation. Said commissioners, and all hands employed, in locating and establishing said road, shall receive no compensation for their services.

Approved, January 17th, 1846.

[86] CHAPTER 96.

BENTON COUNTY.

AN ACT for the organization of the county of Benton.

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

SECTION 1. Benton county organized. That the county of Benton, be and the same is hereby organized from and after the first day of March 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 a part of the third judicial district of this territory.

SEC. 2. Election 1st Monday in April. That there shall be a special election, held on the first Monday in the month of April next, at which time the

county officers for said county shall be elected, and also such number of justices of the peace, and constables, for said county, as may be ordered by the clerk of the district court for said county.

SEC. 3. Clerk to give ten days notice. That it shall be the duty of the clerk of the district court, in and for said county, to give at least ten days previous notice of the time and place of holding such special 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 boards of county commissioners in relation to elections, until a clerk of the board of county commissioners 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 discharge all the duties required by law to be performed by sheriffs, in relation to elections, until a sheriff for said county may be elected and qualified.

SEC. 5. Officers to hold till August election. That the county officers, justices of the peace, and constables elected under the provisions of this act, shall hold their offices until the first Monday of August, 1846, and until their successors are elected and qualified.

[87] **SEC. 6. Clerk of district court.** That the clerk of the district court, in and for said county of Benton, may be appointed and qualified at any time after the passage of this act.

SEC. 7. Suits prior to organization. That all actions at law, or equity, in the district court for the county of Linn, commenced prior to the organization of said county of Benton, where the parties or either of them reside in said county of Benton, shall be prosecuted to final judgment, order or decree, as fully and effectually as if this act had not been passed.

SEC. 8. Justices of the peace now in Benton. That it shall be the duty of all justices of the peace, residing within said county of Benton, 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, in and 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 justice of the peace, and unfinished, shall be prosecuted and completed by the justice of the peace to whom such business or papers may have been returned as aforesaid.

SEC. 9. Jurisdiction of Linn prior to March. That the judicial authorities of Linn county, shall have cognizance of all crimes or violations of the criminal laws of this territory, committed within the limits of said county of Benton, prior to the first day of March next; provided, prosecutions be commenced under the judicial authorities of said Linn county, prior to the said first day of March next.

SEC. 10. Jurisdiction of Benton. That said county of Benton, shall have cognizance and jurisdiction of all crimes, or violations of the criminal laws of this territory, committed prior to the first day of March next, in cases where prosecutions shall not have been commenced under the judicial authorities of Linn county.

SEC. 11. Tama county attached. That the county of Tama, and the counties lying west of said county of Tama, be and the same are hereby attached to the county of Benton, for election, revenue and judicial purposes.

SEC. 12. Clerk to keep his office at any place, etc. That the clerk of the district court, in and for the county of Benton, may keep his office at any place within said county, until the county seat thereof may be located.

SEC. 13. Commissioners to locate county town. That Joseph A. Secrest, of Jones county, Lyman Dillon, of Dubuque county, and Joseph A. Downing, of Cedar county, be and they are hereby appointed commissioners to locate and establish the seat of justice of the county of Benton.

SEC. 14. To meet 1st Monday in May. That said commissioners, or a majority of them shall meet at the office of the clerk of the district court of the county of Benton, on the first Monday of May next, or at such other time not exceeding thirty days thereafter as a majority of them may agree.

[88] **SEC. 15. 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 either directly or indirectly in the location of the seat of justice of the county of Benton, 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 present population of said county," which oath shall be administered by the clerk of the district court, or any other officer authorized by law to administer oaths within the county of Benton, and the officer administering said oath, 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. 16. To locate and make return to district clerk. Said commissioners when met and qualified under the provisions of this act, shall proceed to locate the seat of justice of said county of Benton, and as soon as they shall have come to a determination, the same shall be committed to writing, signed by the 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 thus designated, shall be the seat of justice of said county.

SEC. 17. Compensation of locators. Said commissioners shall each be entitled to receive the sum of two dollars per day, while necessarily employed in the said location, and the sum of two dollars for every twenty miles travel, to and from the said county seat, which shall be paid by said Benton county, out of the first funds arising from the sale of town lots in such seat of justice.

SEC. 18. Blackhawk county attached. The county of Blackhawk, is hereby attached to said county of Benton for election, judicial and revenue purposes.

SEC. 19. In force from passage. This act to take effect and be in force from and after its passage.

Approved, January 17th, 1845.

[89] CHAPTER 97.

ROAD IN HENRY.

AN ACT to declare a certain road therein named to be a territorial road.

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

SECTION 1. Road between Pickles and McMillians. That so much of the county road as lies between Rufus M. Pickles, in Henry county, and McMillian's mill, formerly Holcomb's mill in Washington county, be and the same is hereby declared to be a territorial road.

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

Approved, January 17th, 1846.