

## [92] CHAPTER 101.

## JASPER AND POLK COUNTIES.

AN ACT for the organization of the counties of Jasper and Polk.

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

**SECTION 1. Jasper and Polk counties organized.** That the counties of Jasper and Polk, be and they are hereby organized, from and after the first day of March next, and the inhabitants of said counties, 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 counties shall constitute a part of the second judicial district of this territory.

**SEC. 2. Special election the 1st Monday in April.** That there shall be a special election held on the first Monday in the month of April; at which time, the county officers, for each of said counties, shall be elected; and also, such number of justices of the peace, and constables, for each of said counties, as may be ordered by the clerks of the district court, for their respective counties.

**SEC. 3. Clerk to give ten days notice of election.** That it shall be the duty of the several clerks of the district court, in and for said counties, to give at least ten days previous notice, of the time and place of holding such special election, in each of said counties, 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 for their respective counties, may be elected and qualified.

[93] **SEC. 4. Clerk to discharge duty of sheriff.** That it shall be the duty of the clerk of the district court, in each of said counties, to discharge all the duties required by law, to be performed by sheriffs in relation to elections, until a sheriff for their respective counties may be elected and qualified.

**SEC. 5. Officers elected to hold until 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 in the month of August, 1846, and until their successors are elected and qualified.

**SEC. 6. Clerks of district court may be appointed at any time.** That the clerks of the district court, in and for said counties of Jasper and Polk, may be appointed and qualified at any time after the passage of this act.

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

**SEC. 8. Justices in Jasper and Polk to hand over books, etc.** That it shall be the duty of all justices of the peace, residing within the said counties of Jasper and Polk, 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 their respective counties, 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 or completed by the justice of the peace to whom such business or papers may have been returned as aforesaid.

**SEC. 9. Mahaska to have jurisdiction till 1st March, etc.** That the judicial authorities of Mahaska county, shall have cognizance of all crimes, or violations of the criminal laws of this territory, committed within the limits of said counties of Jasper and Polk, prior to the first day of March next: provided, prosecutions be commenced under the judicial authorities of said Mahaska county, prior to the first day of March next.

**SEC. 10. Jasper and Polk, to have jurisdiction, etc.** That the said counties of Jasper and Polk, 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 Mahaska county.

**SEC. 11. Marshall attached to Jasper.** That the county of Marshall, be and the same is hereby attached to the county of Jasper, for elections, revenue and judicial purposes.

**SEC. 12. Story, Boone, and Dallas, attached to Polk.** That the counties of Story, Boone and Dallas, and the [94] territory of country, north and west of said counties, be and the same are hereby attached to the county of Polk for elections, revenue and judicial purposes.

**SEC. 13. Clerks may keep office anywhere in county until, etc.** That the several clerks of the district court, in and for the said counties of Jasper and Polk, may keep their respective offices at any place within their respective counties, until the county seats thereof may be located.

**SEC. 14. Fisher, Kirkham, and Henderson, commissioners for Jasper, seat of justice.** That Richard Fisher, of the county of Wapello, E. M. Kirkham, of the county of Davis, and Thomas Henderson of the county of Keokuk, be and they are hereby appointed commissioners to locate and establish the seat of justice of the county of Jasper.

**SEC. 15. Hughes, Williams, and Pinneo, commissioners for Polk, seat of justice.** That Thomas Hughes of Johnson, M. T. Williams of the county of Mahaska, and Giles M. Pinneo, of the county of Scott, be and they are hereby appointed commissioners, to locate and establish the seat of justice of the county of Polk.

**SEC. 16. To meet 1st Monday in May, to locate seats of justice.** That said commissioners, or a majority of them, shall meet at the office of the clerk of the district court in and for the county, for which seat of justice they have been appointed to locate, on the first Monday in the month of May next, or at such other time, not exceeding thirty days thereafter, as a majority of said commissioners may agree.

**SEC. 17. Oath of commissioners and duty of clerks.** 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 (as the case may be) 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, or any other officer authorized by law to administer oaths within the county, for which seat of justice said commissioners are appointed to locate; and the officer administering said oath, shall certify and file the same in the office of the clerk of the district court of such county, whose duty it shall be to record the same.

**SEC. 18. Commissioners to make out and return locations.** Said commissioners when met and qualified, under the provisions of this act, shall proceed to locate the seat of justice of the respective counties 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 by the said commissioners, and filed with the clerk of the district court of the county, in which such seat

of justice is situated; whose duty it shall be to record the same, and forever keep it on file in [95] his office; and the place thus designated shall be the seat of justice of such county.

**SEC. 19. Pay of locators, two dollars per day each.** Said commissioners shall each be entitled to receive the sum of two dollars per day while necessarily employed, and the sum of two dollars for every twenty miles travel, in the discharge of the duties enjoined upon them by this act; which shall be paid by the county, for which such location shall be made, out of the first funds arising from the sale of town lots, in such seat of justice.

**SEC. 20. First court in Jasper, at Springer's.** That the district court for the county of Jasper, shall be held at the house of Mathew D. Springer, in said county, or at such other place as may be designated by the board of county commissioners of said county, until the seat of justice of said county may be located.

**SEC. 21. First court in Polk, at Ft. Desmoines.** That the district court for the county of Polk, shall be held at Fort Desmoines, until the seat of justice of said county may be located.

**SEC. 22. Act in force from passage.** This act to take effect and be in force from and after its passage.

Approved, January 17th, 1846.

## CHAPTER 102.

### MUSCATINE COUNTY.

AN ACT for the relief of Muscatine county.

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

**SECTION 1. Commissioners to pay for support of the poor.** That the board of commissioners of the county of Muscatine, be and they are hereby authorized to audit and pay all costs and expenses for the support of the poor, in said county, existing prior to the twelfth day of February, A. D. 1844; provided, the same shall not have been paid out of the township treasuries.

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

Approved, January 17th, 1846.

## [96] CHAPTER 103.

### ROAD FROM FT. MADISON.

AN ACT to establish a Territorial road, from Fort Madison, in Lee County, to Mount Pleasant, in Henry county.

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

**SECTION 1. Road from Fort Madison to Mount Pleasant.** That James D. Spearman, and E. Archbold, of the county of Henry, and John Grun of the county of Lee, be and they are hereby appointed commissioners, to locate and