

addition to the town of Marion, Ivanhoe, [109] and Cedar Rapids, in Linn county, as designated and recorded in the recorder's office of said county, be and the same are hereby declared to be as legal and proper as the same would be if all the requirements of "an act to provide for the recording of town plats," and all other laws in relation thereto had been fully complied with.

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

Approved, January 19th, 1846.

CHAPTER 120.

TOWN OF LYONS.

AN ACT to authorize David W. Fisher to build a ware house on a portion of the public ground in the town of Lyons in Clinton county.

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

SECTION 1. David W. Fisher, authorized to build a ware house on the public grounds. That David W. Fisher, be and he is hereby authorized, to build a ware house on the following described tract of public ground in the town of Lyons, in Clinton county, to-wit: to commence one hundred and eighty feet due east of the south east corner of lot one, in block number five in said town and north of Main street; thence running one hundred and fifty feet due north; thence running one hundred and twenty feet due east, and thence south, with low water mark of the Mississippi river one hundred and fifty feet, and thence running one hundred and twenty feet to the place of beginning; containing eighty rods of land more or less: provided, that the said David W. Fisher shall within one year and six months after the passage of this act, build or cause to be built a ware house thereon at least thirty by sixty—two stories high.

SEC. 2. In force from passage. That this act shall take effect and be in force from and after its passage.

Approved, January 19th, 1846.

[110] CHAPTER 121.

KISHKEKOSH SEAT OF JUSTICE.

AN ACT to establish the seat of justice of Kishkekosh* county.

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

SECTION 1. Clarksville and Princeton, to be voted for. That for the purpose of permanently establishing the seat of justice of Kishkekosh county, an election shall be held at the several precincts in said county on the first Monday of April next, at which time the qualified electors of said county, shall vote for Princeton or Clarksville for the seat of justice.

*Name changed to Monroe, see Chapter 118.

SEC. 2. Qualification of voters. That to entitle any person to vote at said election, he must be a citizen of the United States, twenty one years of age, and shall have resided in said county sixty days, and in the territory six months preceding said election.

SEC. 3. Judges of election. That the same persons who are or may be appointed judges at the several precincts in said county of the general election, shall be judges of the election directed by this act; and in case of failure of any of them to attend at the hour for opening the polls, their places shall be supplied in the manner directed by the law regulating general elections, and the said judges of each precinct, shall appoint two suitable persons having the qualifications of electors to act as clerks of said election, and the said judges and clerks before entering upon the discharge of their duties shall take an oath before some person authorized to administer the same, honestly, faithfully and impartially to perform the duties required of them by this act.

SEC. 4. Elector may be challenged and sworn. That the said judges or any of them shall have power, and on any person offering to vote being challenged by any elector who has voted at such election, are hereby required to administer an oath to such persons offering to vote, true answers to make to such questions touching his qualifications as a voter as shall be propounded to him, and shall thereupon examine such person as to his right to vote and said judges [111] shall not permit any person to vote at said election, who is not qualified according to the requirements of this act.

SEC. 5. Clerks of election to keep poll books and time of opening and closing. That each of the clerks of said election shall keep a separate poll book, or list of voters, and shall enter on his poll book the name of every person voting at his precinct, numbering them from one progressively in the order in which they shall vote with the proper number set opposite each name, and the judges of said election are hereby required to number the vote or ballot (on the book thereof) of each and every voter with the same number that stands opposite the name of such voter on the clerk's poll books and the ballot so given and numbered, shall be deposited in a box and shall be safely kept by the judges of said election, until disposed of as hereinafter directed. The polls shall be opened at each precinct at the hour of nine o'clock, a. m., and not before, and shall be closed at six o'clock, p. m., of the same day—upon closing the polls, the judges shall proceed openly and in the presence of such electors as may choose to attend, to count the ballots so given in, and the clerks shall severally keep a tally of the votes so counted out, designating the name of the town for which said votes or ballots may have been given, and when they shall all have been counted, they shall be added up and the aggregate for each town set down in figures and in words at full length, and the said judges and clerks shall certify that the same is a true statement of the votes polled at such precinct, and shall return the said ballots into the box from which they were taken and seal up said box; and the said judges shall return said box containing the ballots so sealed up, and shall also return one of the poll books of each precinct to the clerk of the district court of Kishkekosh county by three o'clock, p. m., of the third day after said election, on which said third day after said election, the judges of the several precincts shall meet at the office of the clerk of the district court, and shall in the presence of each other, and of the clerk of said district court, proceed to examine the returns from each precinct, and on said judges or a majority of them being satisfied that one of the two places mentioned in the first section of this act, has received a greater number of legal votes than the other, said judges shall declare the town having received such majority of votes, the seat of justice of Kishkekosh county; and the clerk of the district court shall make an entry of such fact in the minutes of said district court, and the town so declared to have received

a majority of the votes shall thenceforth be the seat of justice of Kishkekosh county.

SEC. 6. Clerk of court to file poll books. That the ballots and poll books so returned from the several precincts, shall be safely kept by the clerk of the district court in his [112] office for twenty days from the day of said election, at which time he shall destroy said ballots unless within that time, said election shall be contested in the manner hereinafter provided.

SEC. 7. Election may be contested, and how. That any three electors who shall have voted at said election may within said twenty days, enter into bond with sufficient security, to be approved of by said clerk, payable to said clerk, in the penal sum of three thousand dollars, conditioned to prosecute said contest with effect, or failing therein to pay all such costs as may accrue in the premises; the said clerk shall immediately notify the judge of said district court, that said election is contested, and the said judge on receiving such notice, shall appoint a time and place, in Kishkekosh county, for enquiring into and deciding the said contested election; and notice of such time and place, shall be given by said clerk by publication in the Iowa Democrat, newspaper published at Keosauqua, in Van Buren county, not less than fifteen days prior to the time so appointed, for the trial of said contested election; and said clerk shall issue subpoenas for all such witnesses as said persons contesting said election, or any other three voters of said county may require, returnable to the time and place as aforesaid, appointed for said trial.

SEC. 8. Clerk and sheriff to attend the judges. That the clerk of said district court, and the sheriff of Kishkekosh county, shall attend the judge of said court, at the time and place so appointed, and the clerk of said court shall deliver to the judge thereof, the ballots and poll books returned to him as above provided; and said judge shall proceed to enquire into the legality of said election, and may examine said ballots and poll books, and receive the testimony of all such witnesses as may be produced before him, and shall purge the said polls of all illegal votes that may have been received, and shall decide the said contested election in favor of the town that may have received the greatest number of legal votes at said election; and the clerk of said district court, shall make an entry of the decision of said judge, on the minutes of said court, as a judgment thereof.

SEC. 9. Penalty for illegal voting. That if any person shall vote at said election, without being qualified as above provided, or who shall vote more than once at said election, or shall vote at more than one precinct in said county, or who shall for the purpose of voting at said election swear falsely, touching his qualifications as a voter, shall be fined in a sum not less than fifty nor more than five hundred dollars; one half thereof to the use of the county, and the other half to any one who shall prosecute for the same, and shall be further liable to an indictment, and if found guilty of swearing falsely, shall suffer all the pains and penalties of wilful and corrupt perjury.

[113] **SEC. 10. Liability of judges and clerks of election.** That if either of the judges or clerks of said election, shall be guilty of any wilful violation of any duty, required of them by this act, and shall be thereof convicted, on indictment, such person so convicted, shall be fined in any sum, not less than five hundred, nor more than one thousand dollars, or imprisoned not more than twelve months at the discretion of the jury, trying the same.

SEC. 11. In force from passage. That this act shall take effect and be in force from and after its passage.

Approved, January 19th, 1846.