

Bunker, his heirs and assigns, fail to comply with the requirements of this act, within the prescribed time, he shall forfeit all right to any privileges contained in this act.

Approved, January 15, 1849.

[88] CHAPTER 73.

TOWNSHIP OFFICERS.

AN ACT to legalize the acts of certain officers therein named.

Preamble. Whereas, the original file of papers relative to the organization of the township of Montpelier, in the county of Muscatine, have been lost: therefore,

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Records, etc., made valid. That the certified manuscript copy of the record of the organization of the township of Montpelier, in Muscatine county, and now in the possession of the clerk of said township, and all subsequent township records which have been kept by the proper officers of said township, are hereby legalized and made valid, to all intents and purposes.

SEC. 2. Acts of officers legalized—amenable to laws in force. *And be it further enacted,* That the official acts of all township officers who have heretofore been elected, as shown by such record, are hereby legalized and made valid. *And further,* that all persons now in office in said township are held amenable to all laws relating to townships.

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

Approved, Jan. 15, 1849.

CHAPTER 74.

LUCAS COUNTY.

AN ACT for the organization of Lucas county.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Lucas organized. That the county of Lucas be, and it is hereby organized, from and after the fourth day of July next, and the inhabitants of said county shall be entitled to all the rights and privileges to which, by law, the inhabitants of other counties of this state are entitled.

SEC. 2. Election to be held. That there shall be an election held on the first Monday of August next, at which time the county officers of said county shall be [89] elected; and, also, such number of justices of the peace, and constables, for said county, as may be ordered by the sheriff of said county.

SEC. 3. Duties of sheriff—proviso. That it shall be the duty of the sheriff of said county to give at least fifteen days previous notice of the time and place

of holding such 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 elections, until a clerk of the board of commissioners for said county may be elected and qualified: *provided*, that it shall not be necessary for said sheriff to take to his assistance two justices of the peace, in opening the poll books and canvassing the votes polled at said election.

SEC. 4. Term of office. That the county officers, elected under the provisions of this act, shall hold their respective offices until the first Monday in August, 1850, and until their successors may be elected and qualified.

SEC. 5. Justices, etc., to hold office—jurisdiction. That the justices of the peace, and constables, elected under the provisions of this act, shall hold their offices until the first Monday of April, 1850, and until their successors may be elected and qualified, and their jurisdiction shall be co-extensive with the said county.

SEC. 6. Sheriff appointed to file bond and oath and when—who may administer oath. That James Rowland be, and he is hereby, appointed sheriff of said county of Lucas, and shall continue in office until the first Monday of August, 1850, and until his successor may be elected and qualified; and said sheriff shall be qualified to enter upon the discharge of the duties of his said office, upon filing his oath of office in the clerk's office of the district court of Monroe county, which oath of office may be administered by said clerk.

SEC. 7. In the event of vacancy sheriff of Monroe to perform duties. In case of the death, resignation, or other disqualification of said sheriff, it is hereby made the duty of the sheriff of Monroe county to perform the duties required by this act, so far as they relate to the organization of Lucas county.

SEC. 8. Actions in district court of Monroe to be prosecuted to final judgment. That all actions at law or equity, in the district court for the county of Monroe, commenced prior to the organization of said county of Lucas, where the parties, or either of them, reside in said county of Lucas, shall be prosecuted to final judgment, order, or decree, as fully and effectually as if this act had not been passed.

SEC. 9. Duties of justice. That it shall be the duty of all justices of the peace, residing within said county of Lucas, to return all books and papers in their possession, pertaining to said office, to the next nearest justice of the peace who may be elected and qualified 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, [90] shall be prosecuted or completed by the justices of the peace to whom such business or papers may have been returned as aforesaid.

SEC. 10. Commissioners. That Warren G. Clark, of the county of Monroe, Pardon M. Dodge of the county of Appanoose, and Richard Fisher, of the county of Wapello, be, and they are hereby appointed, commissioners to locate and establish the seat of justice of said county of Lucas.

SEC. 11. When and where to meet. That said commissioners, or a majority of them, shall meet at Chariton Point, in said county, on the first Monday in September next, or within thirty days thereafter, as a majority of said commissioners may agree.

SEC. 12. Oath—who may administer—where oath to be filed. The said commissioners shall first take and subscribe the following oath or affirmation, to wit: "We solemnly swear (or affirm) that we have no personal interest, directly or indirectly, in the location of the seat of justice of Lucas county, 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 or affirmation may be adminis-

tered by any officer authorized by law to administer oaths within said county, and the officer administering the said oath or affirmation shall certify and file the same in the office of the clerk of the district court of said county of Lucas; which oath or affirmation shall be recorded by said clerk.

SEC. 13. Duty of commissioners—duty of clerk of district court. 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, the same shall be committed 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 the place thus designated shall be the seat of justice for said county.

SEC. 14. Compensation. Said commissioners shall each be entitled to receive the sum of two dollars per day, while necessarily employed in the discharge of the duties required of them by this act, and two dollars for every twenty miles travel, in going to and returning from said seat of justice, which shall be paid by said county out of the first money arising from the sale of town lots in such seat of justice.

SEC. 15. Where district court to be held. That the district court for said county shall be held at Chariton Point 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.

Approved, January 15, 1849.

[91] CHAPTER 75.

RAIL ROAD.

AN ACT to provide for the making of a rail road from Dubuque to Keokuk.

Preamble. Whereas, the general assembly of the state of Iowa did, on the twenty-second day of January, A. D. 1848, pass a memorial to the congress of the United States, in which was asked an appropriation of lands for the construction of a rail road from Dubuque to Keokuk, through the interior of the state aforesaid, equal to five sections for each mile of said road, to be located in alternate sections five miles on each side of said road, or lands adjacent thereto, as the same may be conveniently obtained. And whereas, it is reasonable to be expected that the public lands prayed for may be granted to the state of Iowa by the congress of the United States, for the aforesaid purposes, previous to the next regular session of the legislative assembly. Now therefore, in order to provide for such a contingency, and that the construction of a work so important to the interests of the population in the interior of this state, and the general prosperity, should not be unnecessarily delayed: therefore,

Be it enacted by the General Assembly of the State of Iowa:

Commissioners—commissioners to inspect each section. That L. H. Langworthy, of Dubuque county, John C. Berry, of Linn county, and William Patterson, of Lee county, be and are hereby appointed commissioners to proceed as soon as practicable to select and make location of such lands as the congress of the United States may appropriate for the purposes aforesaid, according to the conditions and requirements of the act making said grant; and the said commissioners after having selected the said lands, shall make a full and complete description of the same, which shall be recorded in the office of secre-