

CHAPTER 10.

PORTLAND.

AN ACT to vacate a part of the town of Portland in Van Buren county.

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

SECTION 1. Part of the town vacated. That so much of the town of Portland in Van Buren [39] county, as is known and designated upon the recorded plat of said town, as that part of sixth street which commences at the line separating blocks ten and eleven, from out lots nineteen and twenty; thence southerly to the limits of said town and all alleys running north and south in all the blocks, be and the same is hereby declared vacated.

Approved January 15th, 1851.

CHAPTER 11.

WINNESHIEK COUNTY.

AN ACT to organize the county of Winneshiek and locate the county seat thereof.

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

SECTION 1. Time when organized. That the county of Winneshiek be and it is hereby organized from and after the first day of March next and the inhabitants of said county 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. That there shall be a special election held on the first Monday in the month of April next, at which time the county officers of said county shall be elected, and also three justices of the peace, together with a like number of constables.

SEC. 3. Sheriff to give notice and grant certificates of election. That it shall be the duty of the sheriff of said county, to give at least ten days notice of the time, and places, of holding said elections, by posting up notices in three or more of the most public places in said county, to grant certificates of election, administer the oath of office, and in all respects discharge the duties required by law to be performed by the clerk of the board of commissioners in relation to elections, until a clerk of the board of commissioners for said county may be elected and qualified, providing, that it shall not be necessary for said sheriff to take to his assistance two justices of the peace, in opening the poll books of said election.

SEC. 4. Judges and clerks. The electors when assembled at the polls pursuant to [40] the notice as hereinbefore mentioned, shall proceed to choose from among their number three persons who shall act as judges of said election, also two clerks who shall act as clerks of said election. Said judges and clerks before entering upon the discharge of their several duties, shall take the oath as prescribed by law in such cases, which oath may be administered by any one of said judges.

SEC. 5. Term of county officers. That the county officers elected under the provisions of this act, shall hold their offices until the first Monday of August next, and until their successors are elected and qualified.

SEC. 6. Term of township officers. 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, A. D. 1852, and until their successors may be elected and qualified.

SEC. 7. Organizing sheriff. That John L. Carson be and he is hereby appointed sheriff of said county, and shall continue in office until the first Monday of the month of April, 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 county of Alamakee, which oath of office may be administered by said clerk.

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

SEC. 9. Points staked. It shall be the duty of the sheriff aforesaid, on or before the tenth day of March next, to set three stakes, designating the points in said county, contending for the future location of the county seat of the same, one of which stakes shall be set at or near Louisville on Turkey river; at or near Swainey's mill on Yellow river, and at or near Decorah on the Iowa river, in said county.

SEC. 10. Described. It shall be the duty of the sheriff aforesaid to describe in the notices as hereinabove directed, each of the above described points, by such name as he may determine upon.

[41] **SEC. 11. Notice.** It shall be the duty of the sheriff aforesaid, to give at least ten days notice, in the manner herein before described, that a poll will be opened at the time and places for holding the special election in said county, on the first Monday in April next, when and where the electors of said county may vote for the location of the county seat of said county, at one of the above named points, providing that no person shall vote at said election who shall not have resided in said county for twenty days preceding said election.

SEC. 12. Returns. It shall be the duty of the judges of said election, to make a return of the vote polled for the location of the county seat, as herein directed, within ten days thereafter to the sheriff of said county, who shall proceed to examine such returns and determine the location of said county seat, providing if no point shall have received a majority of the whole vote cast, then it shall be the duty of the sheriff of said county, to call an election within twenty days thereafter, in the manner herein above described, to determine the location of said county seat at one of the two points having the highest number of votes.

SEC. 13. Returns of the second election. It shall be the duty of the judges of said second election to make returns to the clerk of the board of county commissioners of said county, within ten days thereafter, whereupon the said clerk shall proceed to canvass and determine the location of said county seat at that place which shall have received the highest number of votes.

SEC. 14. Take effect. This act to take effect and be in force from and after its passage.

Approved January 15th, 1851.