

## [96] CHAPTER 60.

## FAYETTE COUNTY.

AN ACT to re-locate the county seat of Fayette county.

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

**SECTION 1. Commissioners.** That Silas Sawyer, of Dubuque county, E. K. Beckford, of Clayton county, and D. A. Mahony, of Dubuque, are hereby appointed commissioners to re-locate the county seat of Fayette county.

**SEC. 2. Place and time of meeting—oath.** Said commissioners or a majority of them shall meet at the house of William Russell, in said county, on the first Monday in May, 1853, or within sixty days thereafter, and shall there, before a person authorized to administer oaths, take an oath, or affirmation, to faithfully carry out the design and provisions of this act.

**SEC. 3. Location—vote—proviso.** In making the location hereby authorized, said commissioners shall take into consideration the present and prospective interests and convenience of the people of said county, and if it be consistent with such interest and convenience, they shall locate said county seat at or near the geographical centre of the county; provided however, that the voters of said county shall have the privilege of voting for or against said location (provided any other point be selected than the present seat of justice) at the next August election, to be regulated in the same manner as other elections.

**SEC. 4. Grounds for public buildings.** Said commissioners are hereby authorized and empowered to obtain for said county, either by purchase or donation, a suitable lot or tract of land, for the use of the said county, for the erection of public buildings, etc., from the proprietor or proprietors of the land on which said county seat may be by them located, and the county of Fayette shall abide, and be bound by such contract, whether of gift or purchased.

**SEC. 5. Report—removal of records—notice.** When the location shall have been made, the commissioners shall immediately inform the county judge of the same, together with all their proceedings therein, and it shall then be the duty of the county judge to provide as soon as it may be conveniently done, for the removal of the records [97] and public offices of said county to the place so selected, and designated as county seat, and the county judge shall also inform the people of said county, by written or printed notices, put up in at least three public places in each township of said county, that (here he shall designate the place selected by the name which the commissioners are hereby authorized to give, unless the county seat should be located at some town already named)—place has been selected as the county seat of said county.

**SEC. 6. Fees—travel—how paid.** Said commissioners shall each receive for their compensation for discharging the duties hereby authorized, two dollars per diem, while engaged in such service, and two dollars for every twenty miles travelled going to and returning from the place so selected as county seat, from their respective places of residence, which compensation shall be audited by the county judges, and paid by the county treasurer of said county.

SEC. 7. **Repeal.** All acts and parts of acts repugnant to, or contravening this act, are hereby repealed.

SEC. 8. **Take effect.** This act shall take effect from and after its publication in the Dubuque Herald and Dubuque Tribune: provided, that the state shall be at no expense for the same.

Approved, January 24, 1853.

## CHAPTER 61.

### ESTATE OF DECEDENTS.

AN ACT to amend chapter eighty-three of the code.

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

SECTION 1. **Repeal—dower—evidence of marriage.** That section thirteen hundred and ninety-four of the code, be, and the same is hereby repealed, and that there be enacted in lieu thereof, the following, to wit: section 1394. One-third in value of all the real estate in which the husband at any time during the marriage had a legal or equitable interest, and to which the wife has made no relinquishment of [98] her rights, shall under the direction of the court, be set apart by the executor, as her property in dower upon the death of the husband, if she survives him. Said estate in dower to be and remain the same as at common law; continuous cohabitation as husband and wife, is presumptive evidence of marriage for the purpose of giving the right aforesaid.

SEC. 2. **Repeal—property indivisible may be appraised—yearly rent.** Be it further enacted, that sections fourteen hundred and four, fourteen hundred and five, and fourteen hundred and six, be, and the same are hereby repealed, and that there be enacted in lieu thereof the following, to wit: section 1404. If the referees report that the property cannot be readily divided as above directed, the court, if satisfied with such report, may order the whole to be appraised, and may fix a reasonable yearly rent thereon, and may order the whole to be sold, subject to one-third of said yearly rent, which the court shall order to be secured by the purchaser thereof to said widow during her natural life, which rent, so secured upon said land, shall be a lien thereon.

SEC. 3. **Repeal—husband to heir from wife.** Be it further enacted, that section fourteen hundred and twenty-one, be, and the same is hereby repealed, and that the following be enacted in lieu thereof, to wit: section 1421. All the provisions hereinbefore made in relation to the widow of a deceased husband, shall be applicable to the husband of a deceased wife. The estate, by courtesy is hereby abolished.

SEC. 4. **Personal property.** Be it further enacted, that said widow is entitled to receive the same amount of personal property that she is entitled to receive by virtue of section thirteen hundred and ninety, and that her title thereto shall remain absolute.

Approved, January 24, 1853.