

CONSTITUTION AND LAWS

FOR THE GOVERNMENT OF THE CITIZENS OF JOHNSON COUNTY IN MAKING
AND HOLDING CLAIMS, AS ADOPTED MARCH 9, 1839.

ARTICLE I.

Sect. 1. This association shall be known by the name and title of the Claim Association of Johnson County.

Sect. 2. The officers of this association shall be one President, one Vice-President, one Clerk or Recorder of claims, deeds or transfers of claims, seven Judges or adjusters of claims or boundrys, one of whom shall be qualified to administer the oath or affirmation, and whose duty it shall be to attend all judecial courts of the association, and two Marshals—all of whom shall be elected as hereinafter provided and directed.

Sect. 3. The President and Vice-President shall be elected annually by ballot of the association, and their term of office shall be for one year, commencing with the eleventh day of March, 1839, and ending with the day preceding said eleventh day of March of each and every year hereafter.

Sect. 4. The President shall have full power to keep order at all meetings of the association, decide on all questions of order, and where the association is equally devided as is customary in deliberative assemblies and such other powers as is hereinafter expressed and defined and none others.

Sect. 5. The Vice President shall in the absence of the President exercise all the duties, powers and privaleges of the President, and shall be governed by the laws and regulations governing the President.

Sect. 6. The President shall have power to call a meeting of the association at any time he may think public interest demands it, provided all such meetings be called in pursuance of ten days public notice thereof and such public notices specify the time and place of such meeting, and that said public notices be posted at five or more of the most public places in the county.

Sect. 7. The Clerk or Recorder shall be elected annually by ballot of the association for a term of one year, commencing with the eleventh day of March, 1839, and ending with the day preceding said 11th day of March of each and every year hereafter.

Sect. 8. The duties of the Clerk or Recorder shall be to keep a fair record of all proceedings of the association at each and every meeting, record all claims that may be left with him and in the order they may be deposited and indorse the time such claim was handed in for record, and record all transfers or deeds or assignments of deeds regularly and in the order they may be deposited and indorse the same with the time they were deposited and the page they have been recorded on. The Clerk shall have some stated place of residence, and in case of removal he shall give

public notice thereof and state where he has removed to. And previous to his entering on the duties of his office he shall apply to the President for a certificate of election and take an oath or affirmation that he will well and truly discharge all the duties of his office without fear, favor or affection to the best of his abilities, and it shall further be the duty of the Clerk to furnish a book for the association and enter all the proceedings in said Book and make all records in said Book and carefully preserve all papers belonging to the association. The Clerk or Recorder may deputize any person to assist or act in his absence but shall be responsible for all acts of said deputy in the capacity of Clerk or Recorder.

Sect. 9. The Judges or adjusters of claims shall be elected annually and for a term of one year commencing with the 11th day of March, 1839, and ending with the day preceding said eleventh day of March of each and every year hereafter. The duties and powers of the judges or adjusters of claims shall be to decide on all questions of dispute relative to the rights of claims or parts of claims as the case may be and settle all disputed lines or boundrys between members of this association or members of this association and any other individuals, and make returns in writing to the Clerk the manner all cases brought before them have been disposed of—any five of the Judges elect that shall compose a court and any three of such court agreeing in any case brought before them shall be a final decision in the case. No evidence shall be received but such as is recognized by the laws of the Territory as legal in common law. And all evidence shall be on oath or affirmation. The judges or adjusters shall be required previous to their entering on the duties of their office, to apply to the President of the association for a certificate of election, and take an oath or affirmation that they will well and truly discharge the duties of their office without fear, favor, or affection to the best of their abilities.

Sect. 10. The Marshals shall be elected as other officers, and their term of office shall commence and expire as the other officers of this association. And their duties shall be to serve all processes that may be handed them, and make return thereof as directed and to enforce all decisions of the judicial court and all other laws of the association, and they shall have full power to demand the assistance of a sufficient number of the members of this association if they find it necessary to carry all decisions and laws into effect.

ARTICLE II.

Sect. 1. The salaries of the officers of this association shall be as hereinafter provided for.

The Clerk or Recorder shall receive Twenty-five cents for Recording each and every claim, and fifty cents for every deed or conveyance to be paid by the persons wishing such record made, and in all cases he may require his fees in advance; and Twelve & a half cents for the privilege of examining his Book; provided honorary members having entered their claims, shall have the privilege of examining said Books for information relative to their own claim free of any charge.

Sect. 2. The Judges shall receive One Dollar and fifty Cents, and the Marshals shall receive One Dollar and Fifty Cents, for every day spent in discharge of the duties of their respective offices.

ARTICLE III.

Sect. 1. All members of the association shall be required in making claims, to stake them off or blaze them in such a manner, that the lines of such claims can be easily traced or followed and all claims thus made in order to be respected must be entered on record and there as fully and accurately described as practicable, giving the names of the creek, river, or branch where such shall be the boundrys on any side. and where bounded by other claims, give the owners name of such claim if known. And where the lands have been surveyed, they shall be required to give the range, Township, and qr. Section as is customary in describing surveyed Lands. And further, persons making claims shall be required to put the initials of their names either on a tree or stake at each corner of their claims. No person shall hold more than 480 acres, or three quarter sections of land by making claim thereto. And this quantity shall in all cases be recognized and constituted a claim, let the same lye in a boddy or detached parcels, provided however that said claim is not in more than three separate and detached parcels. All persons wishing their claims recorded, shall hand them in to the recorder in writing with their signature thereto.

All deeds of conveyance shall be admitted to record, and all assignments of Deeds and the first so recorded or admitted for Record, shall have the preference.

Persons purchasing claims or parts of claims, shall in all cases be required before the Clerk to state on honor that the amount specified in the deed or transcript is the actual amount paid for such claim or part of claim as the case may be, and that the purchase is valid and in good faith, and that it has not been made to evade the law restricting persons in making claims to 480 acres, or three quarter sections. This clause shall not be so construed as to deprive persons, who sell their claims or a part thereof, taking another or a part as the case may be. Nor shall it be so construed that persons perching, shall be deprived of the privalege of making a claim. Nor shall any person or persons be entitled to make a claim from the fact of their having swaped or exchanged claims. Any person purchasing a claim and refusing to pay for it, shall forfeit all claim thereto, and such claim thus forfeited shall revert back to the person selling such claim. All persons having sold or purchased claims previous to the organization of this association, and the adoption of the laws for the government of said association, shall be entitled to all the privaleges and rights the laws of this association extend to those selling or purchasing after the adoption of said laws.

Sect. 2. Any white male person over the age of eighteen, can become a member of this association by signing the laws, rules and regulations, governing the association. No member of the association shall have the privalege of voting on a question to change any article of the Constitu-

tion, or laws of the association unless he is a resident citizen of the County and a claim holder. Nor shall any member be entitled to vote for officers of this association, unless they are claim holders. Actual citizens of the County over the age of seventeen who are acting for themselves and dependent on their own exertions and labour for a lively hood, and whose parents do not reside within the limits of the Territory, can become members of this association, and entitled to all the privaleges of members. No member can be declared elected to an office of the association, unless said person shall have received a majority of the votes of the members present entitled to vote, when such election shall take place. Any law or article of the constitution of this association, may be altered at the Semiannual meetings and at no other meetings, provided however, that three fifth of the members present who are resident citizens of the county and actual claim holders, shall be in favour of such change or ammendment, *except that section fixing the quantity of land that every member is entitled to hold by claim, and that section shall remain unaltered.*

Sect. 3. The semiannual meeting of this association shall take place on the first monday of February and August of each year here after, and the election of all officers shall be had at the February meeting after the first, which first election shall be had immediately after the adoption of the foregoing laws.

Sect. 4. In case of vacancy in any of the offices of the association, the President shall have power to fill such vacancy until the first semiannual meeting that may occur after such vacancy may have taken place. And then there shall be a special election held to fill such vacancy, until the annual election.

Sect. 5. All persons who have resided within the limits of the County for two months shall be recognized and considered citizens of the county.

Sect. 6. Members of the association who are not citizens of the County, shall be required in making claims to expend in improvements on each claim he or they may have made or may make, the ammount of fifty Dollars within six months of the date of making such claim or claims. And fifty Dollars every Six Months thereafter until such person or persons become citizens of the County or forfeit the same.

Sect. 7. All persons residing in the County at the adoption of the foregoing laws shall be entitled to the privalege of voting at this meeting, but after this it shall require two months residence to become a citizen of the county.

Sect. 8. All claims made after the adoption of the foregoing laws, shall be registered or offered for record, within ten days after the making thereof. And all persons making claims after the adoption of the foregoing laws shall be required in presenting his or their claim for record, to state on honour before the recorder that such claim or claims has not been previously made, or if made that they have been forfeited by the laws of this association to his or their personal knowledge.

Sect. 9. All resident members whoos claims has been made previous to the adoption of the foregoing laws, shall have the privalege of thirty days

to have the same recorded in. And those who have made claims previous to the adoption of the foregoing laws who are not citizens of the county, shall have ninety days to have the same recorded in. And no person or persons shall have the privilege of registering claims in the name of non resident persons.

Sect. 10. All trials or disputed cases shall be brought before the Judicial Court in the following—Any member of the Association or the agent of any member of the association, who is authorized to act as agent in writing for such person or persons believing their rights have been intruded on, shall apply to any one of the seven Judges who compose the Judicial Court, and the Judge so applied to shall appoint a place and time for a meeting of the court, and in writing authorize the Marshalls to summons a sufficient number of Judges to attend to compose a court at such place, as he may deem most expedient to hold said court. And further the Judge so applied to shall in writing authorize the Marshall to summons all persons whose testimony may be necessary in said case, and to authorize the Marshalls to notify the defendant in such case of the place and time of holding such Court, and summons all witnesses that either of the parties may require. The Court may previous to their proceeding to investigate any case require the plaintiff and defendant, to deposit each a sufficient sum of money in their hands to defray the expense of said suit or the costs of said suit, and should either party refuse to deposit such sum of money, the court may render judgment against such person refusing so to do. The Court shall in all cases brought before them, be governed in their decisions by the laws of this association, equity & Justice.

Sect. 11. Any member refusing to be governed by the laws of the association, or decisions of the court, shall no longer be considered a member, and his name shall be stricken from the association. For the faithful observance and maintenance of all the foregoing laws, we mutually pledge our honours and subscribe our names hereunto.

State of Iowa }
Johnson County } ss.

I, S. C. Trowbridge, do on my oath depose and say that I have carefully compared the subjoined copy of constitution and by-laws, the original of which is now in the rooms of the State Historical Society of Iowa, with the original and find the same a true and correct copy of said original. I further state that I assisted to draw or draft said original constitution and by-laws, and was the first President under the same, and that the same are the original laws & constitution under which the *Claim Association of Johnson County, Iowa*, was governed and controlled—Oct. 2, 1883.

S. C. TROWBRIDGE.

Subscribed & Sworn to by S. C. Trowbridge, before me this 2d day of October, 1883, at Iowa City, Iowa.

H. D. ROWE.
Notary Public.

Copyright of Annals of Iowa is the property of State of Iowa, by & through the State Historical Society of Iowa and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.