

**LAWS**  
**OF THE**  
**TERRITORY OF IOWA**

**ENACTED AT THE SESSION OF THE LEGISLATURE WHICH COMMENCED  
ON THE FIRST MONDAY OF DECEMBER, A. D., 1841**

---

**PUBLISHED BY AUTHORITY**

---

**IOWA CITY**  
**PRINTED BY VAN ANTWERP & HUGHES**

---

1841-42



# LAWS OF IOWA

---

## [3] CHAPTER 1.

**AN ACT** authorizing the commissioners of Linn county, to relocate all that portion of the territorial road established from Iowa City to Prairie du Chien, that passes through Marion, in said county.

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

**SECTION 1.** That the county commissioners of the county of Linn, be and they are hereby authorized and empowered, at their pleasure, to relocate all that portion of the territorial road, established from Iowa City to Prairie du Chien, that passes through the town of Marion, in Linn county.

WARNER LEWIS,

Speaker of the House of Representatives.

J. W. PARKER,

President of the Council.

Approved 21st December, 1841. John Chambers.

---

## CHAPTER 2.

**AN ACT** to divorce John Haynes from his wife Celia Haynes, late Mrs. Celia Farley.

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

**SECTION 1.** That the marriage contract heretofore existing between John Haynes and Celia Haynes, late Mrs. Celia Farley, be and the same is hereby dissolved.

Approved December 21, 1841.

---

## [4] CHAPTER 3.

**AN ACT** to locate a territorial road, from West Point, in Lee county, to the landing on the Des Moines river, opposite Saint Francisville, in Missouri.

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

**SECTION 1. Names of commissioners—route of road.** That John Billips, John Bryerson, and William Stotts, be and they are hereby appointed com-

missioners to locate and mark out a territorial road, commencing at West Point, thence on the nearest and best route to Franklin, thence to the landing on the Des Moines river, opposite Saint Francisville, Missouri.

**SEC. 2. When and where commissioners to meet—may agree upon a time and place for meeting.** That said commissioners, or a majority of them, shall meet at West Point, on the first Monday of April next, and shall proceed to locate said road, according to the provisions of an act to establish territorial roads; and if said commissioners, or a majority of them, shall fail to meet, as herein specified, it shall be legal for said commissioners to meet at such time thereafter, during the present year, as they may agree upon, who shall then proceed to locate said road as above directed.

**SEC. 3. Compensation of commissioners, surveyor, etc., to be allowed by county commissioners.** That the commissioners, surveyor, and chain-carrier, employed to locate the road herein specified, shall receive such compensation for their services as the board of commissioners of Lee county may think proper to allow them, and no more.

Approved January 3, 1842.

#### CHAPTER 4.

AN ACT to incorporate the Iowa City Mechanic's Mutual Aid Association.

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

**SECTION 1. James N. Ball and others constitute a body corporate by the name of "The Mechanic's Mutual Aid Association of Iowa City"—their powers.** That James N. Ball, A. H. Haskill, A. G. Adams, Edward Lanning, L. W. Swafford, Thomas Comb, Francis Thompson, Thomas Richard, Abraham Burkholder, and such other persons as from time to time shall become members of said corporation, shall be and are hereby ordained, constituted and declared to be one body politic and corporate, by the name and style of "The Mechanic's Mutual Aid Association of Iowa City;" and by that name they and their successors shall have succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits and complaints, matters and cases, whatsoever; and that they and their successors shall have a common seal, and change and alter the same at their pleasure; and that they and their successors, by the same name, shall be in law capable to purchase, take, receive, hold and enjoy, to them and their successors, any real estate, in fee simple or for term of years, or otherwise, and any goods and chattels, or any personal estate, to the [5] amount of twenty thousand dollars, for the purpose of enabling them the better to carry into execution, encourage and promote such measures as may tend to the advancement of the mechanical arts; and also whatever may tend to the promotion of education, and the advancement of the arts and the sciences. And that they and their successors shall have full power to give, grant, sell, lease, demise, and dispose of the said real and personal estate, or any part thereof, at their will and pleasure; and that they and their successors shall have power, from time to time, to make, constitute, and establish such by-laws, ordinances and regulations, as they shall judge proper, for the election of their officers, for the admission of members, and for regulating all the affairs of the said corporation, as they may deem proper, for the advancement of the object of said corporation: provided, such by-laws

and regulations shall not be repugnant to the constitution or laws of the United States, or of this territory.

**SEC. 2. Officers of the association—James N. Ball and others appointed officers until the first Tuesday in January next—officers to be chosen by members of corporation.** And for the better carrying on the affairs of said corporation, there shall be a president, two vice presidents, one secretary, and one treasurer, of the corporation, who shall hold their offices from the time of their appointment, or election, until the first Tuesday of January then next, and until others shall be chosen in their places; and that the said James N. Ball is hereby appointed president, and the said Thomas Comb and Lewis Swafford, vice presidents, and the said Edward Lanning, secretary, and the said A. G. Adams, treasurer, until the first Tuesday of January next; and that said officers shall, on the first Tuesday of January next, and always thereafter, be chosen by the members of the said corporation in such manner; and afterwards at such time and places as shall be directed by the by-laws of said corporation, to be made for that purpose.

**SEC. 3. Bond for the erection of seminary of learning—time—where to be erected—cost of seminary—certificate of claim to be given by territorial agent of lot on which seminary is built—deed of conveyance given—premises to be used for literary purposes alone.** That in case the said corporation shall enter into good and sufficient bonds, to be approved by the territorial agent, and filed in the office of the secretary of the territory, conditioned that they will erect and finish a seminary of learning within two years from the passage of this act, on the south half of the reservation for school purposes, adjoining the park, in Iowa City, and known as the south half of the west half of block sixty, the aggregate cost of which seminary of learning shall not be less than one thousand dollars when finished, and shall fulfill the condition of said bond, then the territorial agent shall give to the corporation an official certificate of their claim to said lot of ground, and on the presentation to the secretary of the territory, it shall be the duty of said secretary to file the same in his office, and make out and deliver to said corporation a deed of conveyance of the premises described in said certificate; which deed shall be executed as other deeds for lots sold in said city, and be of equal force and validity: provided, that said deed of conveyance shall contain a clause that the premises so donated shall be occupied and used for literary purposes alone; and that the said deed shall be void, and the said premises revert to the territory, when the said premises shall be occupied or used by said corporation, or their successors or assigns, in any other way or manner, or for any other than literary purposes.

**SEC. 4. President, vice presidents, etc., to receive donations.** The president, vice presidents, secretary and treasurer of said corporation, shall be commissioners to receive subscriptions or donations for said institution, under such regulations and conditions as they may deem expedient.

[6] **SEC. 5. Members of corporation liable for performance of all contracts.** The members of said corporation shall be jointly and severally liable for the performance of all contracts and obligations entered into by said institution.

**SEC. 6.** This act shall take effect from and after its passage.

Approved January 4, 1842.

## CHAPTER 5.

**AN ACT** to legalize the election of George L. Coe, as judge of probate in the county of Louisa.

**Elected to fill a vacancy—required notice of a special election not given.** Whereas, on the first Monday of August in the year eighteen hundred and

forty-one, George L. Coe was elected to fill a vacancy then existing in the office of judge of probate in the county of Louisa, in all respects in pursuance of law, except that there was not time between the happening of the vacancy aforesaid and the day of holding the general election to give the required notice of a special election. Therefore,

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

**SECTION 1. Election as valid as if twenty days previous notice had been given.** That the election of George L. Coe to the office of judge of probate, in and for the county of Louisa, on the first Monday of August in the year eighteen hundred and forty-one, and all official acts and proceedings of the said George L. Coe, as judge of probate aforesaid, shall be as valid in law to all intents and purposes, as if twenty days previous notice of said election had been given.

**SEC. 2.** This act to take effect and be in force from and after its passage.  
Approved January 5, 1842.

## CHAPTER 6.

AN ACT to locate a territorial road from Keokuk, in Lee county, to Fairfield in Jefferson county.

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

**SECTION 1. Names of commissioners—route of road.** That William A. Donnell of the county of Lee, and John Runnels of the county of Van Buren, and Ira Tillitson of the county of Jefferson, be and they are hereby appointed commissioners to locate and mark a territorial road from Keokuk, on the nearest and best route to Ambrosia, in Lee county; thence to Winchester, in Van Buren county; thence to Fairfield in Jefferson county: provided said commissioners shall, in all instances, choose the nearest and best routes between the several points specified.

**SEC. 2. When and where commissioners to meet—in case of failure sheriff of Lee county to notify them in writing.** The commissioners aforesaid, or any two of them, shall meet at Keokuk, in Lee county, on the first Monday in April next to proceed to the discharge of their duties, and may adjourn from day to day, as circumstances shall require; and in case said commissioners or any two of [7] them fail to meet on the day appointed, then the sheriff of Lee county is hereby authorized and required, on the application of any of said commissioners, either written or verbal, to notify in writing said commissioners of some other time at the place aforesaid.

**SEC. 3. Compensation of commissioners, surveyors, etc.** The commissioners shall be allowed two dollars and fifty cents per day, and shall employ one surveyor, whose pay shall be three dollars per day, and the necessary hands, who shall be allowed one dollar and fifty cents per day.

Approved January 11, 1842.

## CHAPTER 7.

AN ACT to locate a territorial road from Deed's mill, on Skunk river, to the boundary line.

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

**SECTION 1. Names of commissioners—route of road.** That Julian Ellis of Henry county, Thomas Small of Jefferson county, and Beriah Haworth of Washington county, be and they are hereby appointed commissioners to lay out and establish a territorial road from Deeds' mills on Skunk river, in Jefferson county, by the way of Brighton in Washington county, the house of Beriah Haworth in said county, Western City in said county, thence nearest and best way to the west boundary line of the territory.

**SEC. 2. When and where commissioners to meet.** That said commissioners meet at Deeds' mill on such day as they may agree, not exceeding twelve months from the passage of this act, to discharge their duties.

**SEC. 3. Compensation of commissioners, surveyors, etc.—how and by whom paid.** Said commissioners shall be allowed one dollar and fifty cents per day for their services, and shall employ one surveyor and as many laboring hands as they may deem necessary; the surveyor's salary shall not exceed two dollars and fifty cents per day, and the laborers shall not exceed one dollar per day, to be paid according to the provisions of an act to provide for the laying out and opening territorial roads, approved January 25, 1839.

Approved January 11, 1842.

## CHAPTER 8.

AN ACT to locate and establish a territorial road from Marion in Linn county, to intersect the territorial road from Bellview to Iowa City.

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

**SECTION 1. Names of commissioners—route of road.** That Isaac Butler and Preston Scott of Linn county, J. L. Kirkpatrick of Jackson county, be and they are hereby appointed commissioners to lay out and establish a territorial road from Marion in Linn county, to Bowens and Woods' mill at the falls on the [8] south fork of the Maquoketa, thence to intersect the territorial road leading from Bellview to Iowa City in township eighty-five, north range two east of the fifth principle meridian.

**SEC. 2. When and where commissioners to meet—oath to be taken.** The commissioners above appointed, shall meet at Marion on the first Monday in June next, or at such other time within six months thereafter, as they may agree upon, and shall, before entering upon the duties of the above appointment, take and subscribe before some justice of the peace the usual form of oath, to perform their duties as above specified, faithfully and impartially.

**SEC. 3. Compensation of commissioners, surveyors, etc.—how and by whom paid.** The commissioners shall each receive the sum of three dollars per day; the surveyor three dollars per day; chain carriers and markers, each one dollar and fifty cents per day, during the time they may be necessarily employed in laying out and establishing said road; to be paid in the usual manner by the county commissioners of the several counties through which the road may pass, in proportion to the time of service in each county.

**SEC. 4.** This act to take effect from and after its passage.

Approved January 11, 1842.

## CHAPTER 9.

AN ACT to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county.

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

**SECTION 1. Authority to keep a ferry in Scott county—limits—regulation and restrictions.** That Martin W. Smith, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river at the town of Le Claire in Scott county, and for one-half mile above, for the term of ten years from the first of April next; provided, that said ferry when so established, shall be subject to the same regulations and under the same restrictions as other ferries are, or may hereafter be by the laws of this territory; fixing the rate of tolls, and prescribing the manner in which licensed ferries shall be kept and regulated.

**SEC. 2. Boats and hands to be kept.** That said Martin W. Smith, his heirs and assigns, shall, on or before the first of April next, procure and constantly keep at said ferry, a good and sufficient number of flat boats and a sufficient number of hands to work the same, for the transportation of all persons and their property, across said river when passable without delay.

**SEC. 3.** This act to take effect and be in force from and after its passage. Approved January 11, 1842.

## [9] CHAPTER 10.

AN ACT to incorporate the Mechanics' Institute of Dubuque.

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

**SECTION 1. Company declared a body corporate—style and corporate powers.** That Joseph Ogilby, James Reece, Wm. H. Robbins, Benjamin Rupert, A. Cain, R. J. Laughling, M. Hooper, John H. Anderson, James McGreary, J. R. Harvey, D. S. Wilson, A. Keesecker, C. Miller, J. M. Daugherty, J. Smith, Wm. D. Redman, Wm. Miller, P. C. Morehiser, Wm. Read, J. E. Norris, Wm. Hooper, F. Yager, C. Pelan, R. F. Keeling, L. L. Wood, S. B. Johnson, Jacob Harmon and E. S. E. Davis, and their associates and successors, be and they are hereby created a body politic and corporate, by the name of the Mechanics' Institute of Dubuque; and by that name may have succession, and shall be able in law and equity, to sue and be sued, and hold property, personal, real and mixed, not exceeding twenty thousand dollars; to select and choose officers, and make and ordain such by-laws, rules and regulations, as may be convenient or necessary, for conducting the affairs of said institute, not contrary to law.

**SEC. 2. Object of corporation.** The objects of the said corporation are hereby declared to be, to procure a suitable lot of ground and erect thereon, a proper and convenient building for the institute to hold their meetings in; and for the purpose of furnishing themselves with a suitable library for the members of the same; and for all other purposes, which a majority of the members may deem proper, which may not be a violation of law.



**SEC. 3. Each member liable for the performance of contracts.** Each member of said institution shall be personally liable, for the performance of all contracts and obligations, entered into by the same.

Approved January 11, 1842.

#### CHAPTER 11.

AN ACT to locate and establish a territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county.

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

**SECTION 1. Names of commissioners—route of road.** That Joel Bailey, of Delaware county, Edward Steel, of Dubuque county, and Mahon Lupton, of Jones county, be and they are hereby appointed commissioners, to locate and establish a territorial road, viz.: from the county seat of Delaware, to Dillon's mill; thence across the river and running the west side of the Makoqueta, to the falls on said river, at the town of West Cascade.

**SEC. 2. When and where commissioners to meet—oath to be taken.** That the said commissioners, or any two of them, shall meet at West Cascade, on the first Monday in April next, or at such other time as they, or a majority of them may agree upon, within twelve months thereafter, for the performance of said duty; and prior to com-[10]-mencing the same, shall take and subscribe before some justice of the peace, the usual form of oath, for the faithful discharge of their duties.

**SEC. 3. Compensation of commissioners, surveyors, etc.—how paid.** That the said commissioners and the surveyor, shall each receive the sum of two dollars and fifty cents per day; and the chain carriers and markers shall each receive the sum of one dollar and fifty cents per day, during the time they may be necessarily employed on said road; to be paid according to an act entitled "an act to locate and establish territorial roads."

Approved January 18, 1842.

#### CHAPTER 12.

AN ACT to authorize Perriander Pollock, and others, to erect a dam across the Wabesipinicon river.

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

**SECTION 1. Authority to erect a dam—where—height of dam—width and length of lock.** That Perriander Pollock, and his associates, be and they are hereby authorized, to erect a dam across the Wabesipinicon river, in Clinton county in said territory; on the southeast quarter of section eight, in township eighty, north, range two east of the fifth principal meridian; which said dam, shall not exceed two and a half feet in height, above common low water mark; and in said dam, shall be constructed a lock or apron, at least thirty feet wide, and eighty feet long, so as to admit of boats to descend, and ascend, with safety.

**SEC. 2. Persons guilty of injury to said dam guilty of misdemeanor—penalty.** That any person who shall destroy or otherwise injure said dam,

shall be deemed to have committed a trespass, and shall be liable accordingly; and any person who shall wilfully or maliciously, destroy or injure said dam, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damages the owners may have sustained, or be imprisoned at the discretion of the court.

SEC. 3. **Dam must not occasion nuisance.** Nothing herein contained, shall authorize the individuals named in this act, their heirs or assigns, to enter upon and flow the lands of any person, without the consent of such person; and they shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of the vicinity.

SEC. 4. **Act may be repealed.** That nothing in this act shall be so construed, as to prevent the future legislature of this territory or state, to repeal the same if deemed expedient.

SEC. 5. This act to take effect and be in force from and after its passage.

Approved January 18, 1842.

---

[11] CHAPTER 13.

AN ACT to divorce Naomi Williams, from her husband, Edward Y. Williams.

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

SECTION 1. That the marriage contract heretofore existing between Naomi Williams and Edward Y. Williams, be and the same is hereby dissolved; and that hereafter she be called and known, by the name of Naomi Jones.

Approved January 18, 1842.

---

CHAPTER 14.

AN ACT to locate and establish a territorial road from Thos. Lingle's mill, in Johnson county, to Marion, via Westport, in Linn county.

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

SECTION 1. **Names of commissioners—route of road.** That Jacob Lebo, Joseph W. Bigger, and Prior Scott, of Linn county, be and they are hereby appointed commissioners, to locate and establish a territorial road from Thomas Lingle's Mill, in Johnson county, via Westport to Marion, in Linn county, on the most practicable route.

SEC. 2. **When and where commissioners to meet—compensation of commissioners, surveyors, etc.** That said commissioners, or a majority of them, shall meet at Thomas Lingle's on the first Monday in May next, or at such other time within three months thereafter, as they may agree upon; and shall proceed to locate said road according to the provisions of an act, to locate and establish territorial roads; and shall receive per day while necessarily employed in the execution of said duties, the following compensation: the commissioners each the sum of two dollars; the surveyor the sum of two dollars; and all other necessary hands, the sum of one dollar and fifty cents.

Approved January 18, 1842.

## CHAPTER 15.

AN ACT defining a lawful fence, and providing against trespassing animals.

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

**SECTION 1. Trespassing animals—description of a lawful fence—aggrieved owner to apply to fence viewers.** That if any horse, mare, mule or ass, or any cattle, hogs, sheep or goats, shall break into any ground being enclosed with a strong worm fence, sufficiently staked and ridged, or locked at each joint, [12] five feet in height, or with strong post and rails, or post and pailings five feet high, or with a hedge two feet high upon a ditch three feet deep and three feet wide, or instead of such hedge a rail fence three feet high, or with a sod fence three feet high, with a ditch on each side three feet wide and three feet deep, or a stone fence four feet high, or with a fence five feet six inches high, composed of strong timber, put up in any other proper manner not herein particularly expressed, and the owner or occupier of such enclosure shall consider him or herself aggrieved thereby, the person so injured may apply to the fence viewers of the township, who shall forthwith repair to the place where such injury was done, and then diligently examine such fence.

**SEC. 2. If fence is good—damages to be assessed—certified and delivered to injured party—owner refusing to pay—certificate delivered to justice of peace—process issued thereon—judgment entered—execution issued.** That if, in the opinion of the fence viewers, the fence over or through which the trespassing animal entered, is of such height and strength as is defined in the first section of this act, and in all other respects such a fence as good husbandmen generally keep, they shall proceed from view and enquiry to assess the damages sustained by such applicant, from such trespassing animal or animals; which assessment, including the sum due the fence viewers for their services by this act allowed, the said fence viewers or a majority of them, shall, under their hands and seals, certify and deliver to the person sustaining the damages; and if the owner or possessor of such trespassing animal or animals aforesaid, refuses to pay the said damages on demand, the person injured may deliver said certificate to any justice of the peace within the township, who shall issue process thereon as in other cases of damages; and after trial had, shall enter up judgment and issue execution thereon agreeably to law.

**SEC. 3. Damage sustained—execution to issue for amount and costs of suit as in other cases before justice of peace—damage not sustained—execution awarded against plaintiff for cost of suit—appeal.** That if it shall appear to such justice, that damage hath been done the plaintiff, he shall give judgment for the amount thereof, with costs of suit; and shall issue execution thereon, in the same manner and under like regulations as is by law directed, in other cases tried before a justice of the peace; but if it shall appear that the plaintiff hath not sustained any damage, the justice shall give judgment against him, and award execution thereon for the costs of suit; provided, nevertheless, that either party shall have the privilege of an appeal to the district court, as in other causes tried before a justice of the peace.

**SEC. 4. Compensation of fence viewers—fine in case of failure or refusal to act.** That the sum of fifty cents per day, shall be allowed to each of the fence viewers, for their services rendered under this act; and if any fence viewer, directed to view and report the situation of any fence as aforesaid, shall fail or refuse to do the same, not having reasonable excuse for such failure or refusal, such person shall be subject to a fine not exceeding two dollars, at the discretion of the justice of the peace, for the use of the township, or county, where the townships are not organized.

**SEC. 5. Justice of peace may appoint viewers.** If there be no fence viewers elected or qualified, the person injured may apply to any justice of the peace within his county, who shall appoint two householders, being citizens of the county, to examine said fence, and do all the duties required by the fence viewers.

**SEC. 6. When to take effect.** This act to take effect and be in force, from and after the first day of May next.

Approved January 21, 1842.

---

[13] CHAPTER 16.

AN ACT to legalize certain acts of the board of commissioners of Clinton county.

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

**SECTION 1. Sale of lots town of Vandenburg before record of plat, legalized—commissioners relieved from penalty.** That all sales of town lots, by the board of commissioners of Clinton county, in the town of Vandenburg, the seat of justice of said county, which were made before the plat of said town was recorded, are hereby legalized and made obligatory on the part of said board to fulfill and perform, according to the terms of the contracts made with the purchasers; and said commissioners are hereby relieved from all penalties which they may have incurred, by reason of said sales, before the plat of said town was recorded.

Approved January 24, 1842.

---

CHAPTER 17.

AN ACT to legalize the location of a territorial road in Henry county.

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

**SECTION 1. Names of commissioners—when surveyed—where located—good and valid in law.** That a certain road located and surveyed by George Humphrey and Joseph Newell, commissioners, and Daniel Brewer, surveyor, on the eleventh and twelfth days of March, in the year eighteen hundred and forty-one, in the county of Henry, beginning at the post corner of sections thirty-six and twenty-five, on township line number seventy-four north of range five west; (at which point a territorial road from Blackhawk to Mount Pleasant first intersects the line of Henry county,) thence in a direction to Mount Pleasant till it intersects the national road, is hereby declared to be a territorial road, and as good and valid in law, to all intents and purposes, as if the same had been located and surveyed in pursuance of a special act of the legislative assembly.

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

Approved January 25, 1842.

## CHAPTER 18.

AN ACT to divorce Sarah East from her husband, Hardman E. W. East.

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

SECTION 1. That the marriage contract heretofore existing between Sarah East and her husband Hardman E. W. East, be and the same is hereby dissolved, from and after the passage of this act.

Approved January 25, 1842.

## [14] CHAPTER 19.

AN ACT for the incorporation of the town of Mount Pleasant, in Henry county, Iowa territory.

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

SECTION 1. **Boundaries—name.** That all that part or tract of land, lying in township seventy-one north, range six west, in the county of Henry, which is comprised in the town plat of Mount Pleasant, together with all additions that may hereafter be made and recorded thereto, be and the same is hereby constituted a town corporate, and shall be known by the name and title of the town of Mount Pleasant.

SEC. 2. **Qualified voters—election when and where to be held—officers to be elected and how—president and two councilmen a board—proviso.** That the qualified voters for members of the legislative assembly, who have resided within the limits of said corporation for thirty days immediately preceding any such election, shall meet at some suitable place within said corporation, on the first Monday in March next, and annually thereafter, then and there proceed to elect by ballot a president, four councilmen, and a recorder, who shall hold their offices for one year, and until their successors shall be elected and qualified; and the president and any two of the councilmen shall be a board for the transaction of business, but a less number may adjourn from time to time; provided, that in case of the death or absence of the president, the councilmen shall choose a president pro tem. from their own body.

SEC. 3. **Additional officers—oath to be taken—how to open polls, etc.—duty of clerk—duty of recorder.** At the first election to be held under this act, there shall be chosen, by the electors present, three judges and a clerk of said election, who shall each take an oath, or affirmation, faithfully to discharge the duties required of them by this act; and at all subsequent elections the councilmen, or any three of them, shall be judges, and the recorder, clerk of election; and at all elections to be held under this act, the polls shall be opened between the hours of nine and ten in the forenoon, and closed at five in the afternoon, of the same day; and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the electors present, by one of the judges; and the clerk shall make a true record thereof, and within five days after such an election the clerk shall give notice to the persons elected of their election; and it shall be the duty of the recorder, at each annual election, to give at least five days' notice thereof, by posting up notices at three of the most public places in said town.

**SEC. 4. President may call meetings—proviso—further duties of recorder—may appoint deputy.** It shall be the duty of the president to call meetings of said councilmen, by posting up written notices of such intention, in three of the most public places in said town, at least three days previous to such meeting, and also to preside at all such meetings: provided, that in case of the absence of the president, it shall be the duty of the recorder to give notice of such meeting, as above prescribed. And it shall be the duty of the recorder to keep a fair and accurate record of all their proceedings; and the said recorder is authorized, under his hand and seal, to appoint some competent person as his deputy, who, in his absence, shall do and perform all the duties enjoined upon the said recorder, and for whose acts the said recorder shall be liable.

**SEC. 5. Name of body politic, etc.—general powers of corporation—process how served.** The president, councilmen, and recorder, of said town shall [15] be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the president and council of the town of Mount Pleasant; and shall be capable in law, in their corporate name, to acquire property, real and personal, for the use of said town, and sell and convey the same; may have a common seal, which they may alter at pleasure; may sue and be sued, defend and be defended, in any court of competent jurisdiction; and when any suit shall be commenced against such corporation, the first process shall be by summons, which shall be served by an attested copy, to be left with the recorder, not less than seven nor more than twelve days before the return day thereof.

**SEC. 6. Officers to take oath, etc.** The officers elected by this act, shall each take an oath or affirmation, to support the constitution of the United States, and the organic law of this territory, (or the constitution of this state, as the case may be,) and also faithfully to discharge the duties of his office.

**SEC. 7. Further powers of corporation—power to levy fines, etc.—proviso—by-laws to be published—proviso.** The president and councilmen shall have power to ordain and establish by-laws, rules and regulations, for the government of said town, and the same to alter, repeal, or re-ordain at pleasure; and to provide in said by-laws for the election of a treasurer, two assessors, a town marshal, and other subordinate officers, which may be necessary for the good government and well being of the town; to prescribe their duties, declare their qualifications, and determine the period of their appointments, and the fees they shall be entitled to receive for their services; and require them to take an oath or affirmation, faithfully to discharge the duties of their respective offices; and may require of them such securities for the performance of the duties of their respective offices as shall be thought necessary. Said president and councilmen shall also have power to fix, to the violation of the by-laws and ordinances of the corporation, such reasonable fines and penalties as they may deem proper, and to provide for the disposition of such fines and penalties: provided also, that no by-laws or ordinances of said corporation shall have any effect until the same shall have been published, three weeks successively, in a newspaper published in said county, or by written notices, posted up in three of the most public places in said town: provided, that nothing done under the provisions of this section shall be incompatible with the laws of this territory.

**SEC. 8. Statement of receipts and expenditures to be published.** The president and councilmen shall, at the expiration of each six months, cause to be made out and published, a correct statement of the receipts and expenditures of the preceding six months.

**SEC. 9. Electors may levy taxes, etc.—ratio of tax—proviso—of nuisances, etc.** The electors of said town, in legal meeting, shall have power, by vote, to direct the levy of taxes upon all real and personal estate within the limits

of said corporation, not exceeding one-half per centum upon said real and personal estate in any one year; to regulate and improve the lanes and alleys, and determine width of side-walks: provided, that no property shall be taken from any individual until such individual shall be paid therefor, the value thereof to be ascertained by twelve disinterested freeholders, to be summoned by the marshal for that purpose; they shall have the power to remove all nuisances and obstructions from the streets and commons, and all other places within said town, and to provide for the removal of the same.

**SEC. 10. Corporation may grant licenses, etc.—proviso.** The president and councilmen shall be authorized to grant, or withhold, at their discretion, all licenses for the retailing of ardent spirits within the limits of the corporation, and to grant licenses and to regu-[16]-late or prohibit all shows and public exhibitions, and to appropriate the proceeds of all such licenses for the benefit of said town: provided, however, that the powers herein granted shall not be construed as to conflict with the general laws of this territory, or the future state of Iowa.

**SEC. 11. Road district—overseer.** The streets, lanes and alleys of said town shall constitute one road district, including the several traveled highways for the distance of one mile from the limits of said town or corporation, and the president and councilmen of said town, shall appoint one overseer of the same, who shall hold his office for one year from the time of his appointment.

**SEC. 12. Recorder's fees—president and councilmen not to receive compensation.** The recorder shall receive such fees for his services as the by-laws and ordinances of said corporation shall prescribe; but the president and councilmen shall receive no compensation, unless the same shall be considered necessary and right, by the electors of said town, in legal meeting assembled.

**SEC. 13. Tax on real and personal property authorized—proviso—limit of tax—duties of president.** For the purpose of enabling the president and councilmen to carry into effect the provisions of this act, they are hereby authorized, annually to levy a tax on all real and personal estate, within the bounds of said corporation, as the same has been or may be appraised: provided, said tax shall in no case exceed the sum for the same year, voted for and directed according to the provisions of the ninth section of this act; and provided that the said tax shall not exceed in any one year, one half per centum of aggregate amount of real and personal estate, within the limits of said town; and the said president and councilmen shall, between the first Mondays of April and May in each year, determine the amount of tax to be assessed and collected within the current year.

**SEC. 14. Tax duplicate to be made out—collection of taxes.** It shall be the duty of the president and councilmen, to make out a duplicate of taxes; charging each individual therein the amount of tax, in proportion to the real and personal estate of such individual within such town; which duplicate shall be signed by the president and recorder, and delivered to the marshal, or such person as shall be appointed collector, whose duty it shall be to collect the same, within such time and in such manner as the by-laws shall direct.

**SEC. 15. Power of collector to sell personal estate, etc.—notice of assessment to be published, etc.—real estate sold may be redeemed.** The said collector shall have power to sell personal estate, and for want thereof to sell real estate for the non-payment of taxes within said town; but no real estate shall be sold by reason of the non-payment of such tax or taxes, unless the assessment of such tax shall have been duly notified in some public newspaper printed in this territory, once each week, for at least six weeks before the day when said taxes are payable; nor unless the intended sale thereof be duly notified, by posting up three written notices of such sale, in three of the most public places in said town, for at least ten days before the day of such sale; nor unless such assessment and proceedings thereon be regular,

and in all things conformable to the provisions of this act; and moreover, all such real estate so sold, may be redeemed in the same manner and within the same period of time, as is, or may be provided by law, in case of any real estate sold for any county tax.

**SEC. 16. Power to repeal, etc., reserved.** This act may be altered, amended or repealed, by any future legislature of this territory, whenever a majority of the citizens of the said town of Mount Pleasant, shall petition for the same.

Approved January 25, 1842.

[17] CHAPTER 20.

AN ACT to authorize Rachael Holcomb, as administratrix of the estate of Milo Holcomb, deceased, and as guardian of Elvin Milo Holcomb, minor heir of Milo Holcomb, deceased, to sell and convey certain real property.

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

**SECTION 1. Authority to sell and convey real property—time of credit.** That Rachael Holcomb, administratrix of Milo Holcomb, deceased, and guardian of Elvin Milo Holcomb, minor heir of said Milo Holcomb, deceased, is hereby authorized, either at private or public sale, to sell and to convey the following described real property, of which Milo Holcomb deceased, late of Washington county, died seized, to-wit: the northeast quarter of section number thirty-one, in township number seventy-four, north of range seven west, containing one hundred and sixty acres, on a credit not exceeding five years; or on payments to be made annually or otherwise, within five years subsequent to such sale, and conveyance as she may deem proper; which credits and payments are to be secured by mortgage, or other approved security.

**SEC. 2. To be appraised—appraiser under oath—value to be sold for.** That prior to any sale of the property aforesaid, said Rachael Holcomb shall cause said property to be appraised by three disinterested freeholders of said county; said freeholders being under oath or affirmation, to appraise the same according to the best of their knowledge and judgment; said oath or affirmation to be administered by, and filed together with said appraisement, with the clerk of district court of said county; and said property shall not be sold for less than three-fourths of the appraised value aforesaid.

**SEC. 3. Return of sale to the court—deed to be executed.** That upon the sale of the property aforesaid, said Rachael Holcomb, shall make a true and correct return to the district court of said county, at the next term of said court after said sale; and the court being satisfied that said sale has been made in compliance with this act, shall confirm the same; and upon the confirmation of said sale by the court, as aforesaid, the said Rachael Holcomb shall make and execute to the purchaser or purchasers, a good and sufficient deed in fee simple, for the said property; which said deed shall convey all the interest, right and title, of said heirs of said Holcomb to the said property, to the purchaser or purchasers.

**SEC. 4. Dower right.** That three-tenths of the proceeds of the sale of said property, shall be retained and held by said Rachael Holcomb, in lieu of her dower of the same; and the balance shall be retained and accounted for, as the assets of said estate by said administratrix.

**SEC. 5. Loan of proceeds.** That the said Rachael Holcomb shall, immediately upon the receipt of any payments from the purchaser or purchasers of



the real estate aforesaid, loan the same at an interest of at least six per centum per annum, (excepting the three-tenths of the same allowed by the fourth section of this act) and which shall be accounted for by the said administratrix, as assets of said estate.

**SEC. 6. To give security.** That the said administratrix as aforesaid, on or before the day of making out a deed, as provided for in the third section of this act, shall [18] give good and sufficient security, to be approved of by the district court aforesaid, for the faithful performance of the duties required of her by this act.

**SEC. 7.** This act to take effect and be in force from and after its passage. Approved January 25, 1842.

## CHAPTER 21.

AN ACT to authorize Jason Wilson to erect a dam across Skunk river, in Lee county.

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

**SECTION 1. To construct a dam—point where constructed—manner of construction—time of completion.** That Jason Wilson, his heirs and assigns, are hereby authorized, to construct a dam across Skunk river in Lee county, in said territory, at a point on the southeast quarter of section seven, in township sixty-nine, north of range four west; which dam shall not exceed four feet above common low water mark, and shall contain a convenient lock not less than one hundred and thirty feet in length and thirty-five feet in width, for the passage of steam, keel, and flat-boats, rafts, and other water-crafts: provided, said water-craft will bear two tons burden: and provided, further, that said dam and lock shall be completed within the term of four years, from the passage of this act.

**SEC. 2. To keep lock in repair—toll free—damages.** That it shall be the duty of the persons authorized in the preceding section of this act, to build said dam, at all times to keep the lock in good repair; and they shall, at all reasonable times, pass any water-craft above mentioned, through free of toll, without any unnecessary delay; and any person who shall be unnecessarily detained, shall be entitled to recover of the owners, double the amount of damages they shall prove to have sustained, by reason of said detention.

**SEC. 3. Penalty for injury—damages on conviction.** That any person who shall destroy, or in anywise injure either said dam or lock, shall be deemed to have committed a trespass, and shall be liable accordingly; and any person who shall wilfully or maliciously destroy or injure said lock or dam, shall be deemed guilty of a misdemeanor; and on conviction thereof, shall be fined treble the amount of the damages the owner may have sustained, or be imprisoned at the discretion of the court.

**SEC. 4. Flowing other lands.** That nothing herein contained, shall authorize the individuals named in this act, their heirs and assigns, to enter upon and flow the lands of any person without the consent of such person; and they shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of the vicinity.

**SEC. 5. To be amended or repealed.** That the legislature of this territory or state, may at any time alter, amend or repeal this act, so as to provide for the navigation of said river.

Approved January 25, 1842.

## [19] CHAPTER 22.

AN ACT to authorize Thomas S. Parks to keep a ferry across the Mississippi river.

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

**SECTION 1. To keep a ferry—term of years—regulations—rate of toll.** That Thomas S. Parks, his heirs and assigns, be and they are hereby authorized, to establish and keep a ferry across the Mississippi river, at any point on section seven, in township number eighty-five, north of range number six, east of the fifth principal meridian, in the county of Jackson, for the term of ten years from the passage of this act: provided, that said ferry when so established, shall be subject to the same regulations and under the same restrictions, as other ferries are, or may hereafter be, by the laws of this territory, fixing the rate of toll, and prescribing the manner in which licensed ferries shall be kept and regulated.

**SEC. 2. Number of boats.** That said Thomas S. Parks, his heirs and assigns, shall, on or before the first of March next, procure and constantly keep for said ferry, a good and sufficient number of flat-boats, and other water-crafts, with a sufficient number of hands to work the same, for the transportation of all persons and their property, across said river when passable without delay.

**SEC. 3.** This act to take effect and be in force from and after its passage. Approved January 26, 1842.

## CHAPTER 23.

AN ACT to locate a territorial road from Richmond, in Washington county, to intersect a road from Iowa City, to the county line of Washington county.

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

**SECTION 1. Names of persons to locate—time of meeting of commissioners.** That Nathaniel McClure, John B. Criswell, and Amos Embria, be and they are hereby appointed, to locate a territorial road from Richmond, in Washington county, to intersect a road from Iowa City, to the county line of Washington county, at or near Nathaniel McClure's, in Johnson county; said commissioners shall meet on the first Monday in April next, or at such other time within three months thereafter, as said commissioners shall agree upon.

**SEC. 2. Per diem—surveyor and pay—government of commissioners.** That said commissioners shall each receive two dollars per day for their services, in locating and establishing said road; said commissioners shall employ a competent surveyor, who shall receive two dollars per day for his services; chain carriers and other hands necessarily employed by them, shall each receive one dollar and fifty cents per day for their services; said commissioners shall, in all other respects, be gov-[20]-erned by an act entitled "an act to provide for laying out and establishing territorial roads," approved December 25, 1839.

**SEC. 3. Oath to be taken.** Said commissioners, before entering upon the duties of their office, shall each take and subscribe an oath, before some per-

son duly authorized to administer oaths, faithfully to discharge his duty as commissioner, to locate and establish said road.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved January 26, 1842.

## CHAPTER 24.

AN ACT to district the county of Jackson, into three commissioners' districts.

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

SECTION 1. **County divided.** That the county of Jackson shall be, and is hereby divided into three districts, for the election of county commissioners.

SEC. 2. **First district.** That all that part of said county, lying west of range line dividing ranges two and three, east of the fifth principal meridian, shall compose the first district.

SEC. 3. **Second district.** All that part of said county, lying north of the township line dividing townships eight-five and eighty-six, and east of range line dividing ranges two and three east, shall compose the second district.

SEC. 4. **Third district.** All that part of said county, lying south of township line dividing townships eighty-five and eighty-six, and east of range line, dividing ranges two and three east, shall compose the third district.

SEC. 5. **Election of commissioners—time of service—continuance in office.** At the next annual election, there shall be elected by the qualified voters of said county, one county commissioner from each of said districts, who shall be residents of their respective districts; the person elected from the first district shall serve one year, and the one elected from the second district shall serve two years, and the person elected from the third district shall serve three years; and each commissioner elected according to the provisions of this act, shall continue in office until his successor is elected and qualified.

SEC. 6. **Election of successors—case of vacancy.** At the annual election next preceding the expiration of the time for which any of said commissioners were elected, and every three years thereafter, there shall be elected one commissioner, resident in the district in which the one resides, whose place he is intended to supply, who shall serve three years; in case of vacancy, a commissioner shall be elected from the district in which such vacancy may happen, whose term of service shall be for the unexpired term of his predecessor.

SEC. 7. **Removal without the limits.** If any one of said commissioners, elected as aforesaid, shall remove without the limits of the district in which he was elected, it shall be deemed and taken to be a resignation of his office.

SEC. 8. **Repeal.** All acts and parts of acts that contravene the provisions of this act, are hereby repealed.

Approved January 28, 1842.

## [21]. CHAPTER 25.

AN ACT supplementary to an act entitled "An act to authorize evidence by the oath of parties."

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

**SECTION 1. Examination of parties in suit—proof of set-off or demand—proof of keeping correct accounts.** That upon the examination of either party, upon the application of the opposite party, in any suit in any court in this territory, said suit being founded on contract, should said party be unable to testify to the correctness or incorrectness of any item or items, in the demand or set-off, the party wishing to prove said demand or set-off shall be allowed to swear to the correctness of said item or items; provided they shall have been charged by him in a regular account, and he shall prove by competent testimony that he is in the habit of keeping his account or accounts correctly.

**SEC. 2.** This act to be in force and take effect from and after its passage. Approved January 28, 1842.

## CHAPTER 26.

AN ACT to authorize the county commissioners of Van Buren county to grant a license to Jesse Wright and Henry Bateman to keep a ferry across the Des Moines river at Watertown.

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

**SECTION 1. Grant of license for ferry for five years—regulation.** That the county commissioners of Van Buren county, be and they are hereby authorized and directed to grant a license to Jesse Wright and Henry Bateman, of said county, for the term of five years, to keep a ferry across the Des Moines river opposite Watertown: provided, said Wright and Bateman shall in all respects be subject to the law regulating ferries in this territory.

**SEC. 2. Construction of act.** This act shall not be so construed as to prevent L. P. Harris, his heirs or assigns, from obtaining a license to keep a ferry at any subsequent time.

**SEC. 3.** This act shall be in force from and after its passage. Approved January 28, 1842.

## CHAPTER 27.

AN ACT to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi river at the mouth of Nassua Slough.

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

**SECTION 1. Right to keep a ferry—term of years—subject to regulations—construction of act.** That Robert M. G. Patterson, his heirs and assigns. [22] be and they are hereby authorized to establish and keep a ferry across

the Mississippi river at or near the mouth of Nassau slough, in the county of Lee, for the term of ten years from the passage of this act: provided, that said ferry, when so established, shall be subject to the regulations, and under the same restrictions, as other ferries are or may hereafter be by the laws of this territory, fixing the rates of tolls, and prescribing the manner in which licensed ferries shall be kept and regulated: provided also, that this act shall not be so construed as to interfere with the right that any individual may have to the lands on either side of the river.

**SEC. 2. Privilege of others—boat and number of hands—time allowed.** That no court or board of county commissioners shall authorize any person or persons to keep a ferry within the limits of one mile above the mouth of said Nassau slough: provided, that the said Robert M. G. Patterson shall keep at said ferry a good and sufficient flat-boat, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river, when passable, without delay, within five months from the passage of this act: and the said Robert M. G. Patterson shall, within five years, procure a good and sufficient horse or steam ferry boat.

**SEC. 3.** This act to take effect from and after its passage.

Approved January 28, 1842.

## CHAPTER 28.

AN ACT to incorporate the Washington Manufacturing Company.

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

**SECTION 1. Body politic—to sue and be sued—conveying estate—value of property.** That Williard Hammond, James H. Gower, and Robert Gower, and such other persons as may associate themselves with them, be and they are hereby created a body politic and corporate, to be known by the name and style of the Washington Manufacturing Company and by that name shall have perpetual succession; may sue and be sued in all courts of law or equity, and shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real, personal, or mixed, so far as may be necessary for the purposes herein named; and for all other purposes necessary to consummate the objects of this incorporation: provided the value of said property shall not exceed forty thousand dollars.

**SEC. 2. Power to construct a dam—lock—dimensions—time of construction.** That said Williard Hammond, James H. Gower, Robert Gower, their associates and successors, be and they are hereby authorized, to construct a dam across the Cedar River, at Washington ferry in Cedar county; which said dam shall not exceed five feet in height, and shall contain a convenient lock, at least one hundred and twenty-five feet in length, and at least thirty-five feet in width; which said lock shall always be kept in a condition convenient and practicable, for the passage of steam, keel, and flat-boats, rafts, and other crafts; and shall be finished within three years from the passage of this act.

**SEC. 3. Repair of lock—passage of boats free of toll—damages for detention.** That said company shall at all times, keep said lock in good repair; and shall, at all times, on the arrival of any boat or other water-[23]-craft as before specified, pass the same through said lock free of toll and without any unnecessary delay; and any person who shall be unnecessarily detained, shall be entitled to recover of said owners, double the amount of damage he may sustain by reason of such detention.

**SEC. 4. Penalty for malicious injury—imprisonment.** That if any person shall in anywise destroy or injure said dam or lock [he] shall be deemed to have committed a trespass, and shall be liable accordingly; and any person who shall wilfully and maliciously destroy or injure said dam or lock, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damage the owners may have sustained, and be imprisoned at the discretion of the court.

**SEC. 5. Not to flow lands of others—health endangered.** That nothing in this act contained, shall authorize said company to enter upon or flow the lands of any person, without the consent of such person; and said company shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of citizens in its vicinity.

**SEC. 6. Notice for meeting of members—by-laws and arrangements—not to conflict with laws of U. S.** That any member of said company, may at any time within one year from the passage of this act, by giving at least thirty days previous notice, call a meeting of its members; and said company when convened, shall call one of their number to preside, and may proceed to enact such by-laws, rules and regulations for its government, and such arrangements for the management and conduct of its business, as a majority of them may deem right and proper: provided, the same do not conflict with the laws of the United States, and of this territory and future state of Iowa.

**SEC. 7. Creation of shares not to exceed.** That the capital stock of said company, shall be divided into shares of one hundred dollars each, and as many such shares may be created as the company may direct: provided, they do not in the aggregate, exceed the sum of forty thousand dollars.

**SEC. 8. To be altered, amended or repealed—liability of all debts.** That the legislature of the territory or state of Iowa, may at any time alter, amend or repeal this act; each member of the Washington Manufacturing Company aforesaid, shall be personally liable for the payment of all debts due from the company.

**SEC. 7.** That this act shall take effect and be in force from and after its passage.

Approved January 28, 1842.

## CHAPTER 29.

AN ACT to incorporate a college at Washington, in Washington county.

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

**SECTION 1. Names ordained a body corporate—to sue and be sued—pleading, etc.—liability for all debts—common seal.** That George Vincent, William G. Lee, Albert Sturgess, George B. Stover, Alexander Lee, John Cleaves, Henry F. McCully, and William J. Case, and their associates and successors, be and they are hereby ordained, constituted and declared a body corporate in law, by the name and style of the Washington College; and by that name they and their associates and successors, shall have perpetual succession, and [24] shall be capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, against all manner of actions, suits and complaints, in any of the courts of this territory, and the board of directors of said corporation shall be jointly and severally bound for all debts contracted by said board, in the name of said corporation: pro-

vided, there be an insufficient quantity of property belonging to said corporation to satisfy such demands; and said corporation shall have a common seal, and shall have power to alter or change the same at pleasure.

**SEC. 2. Place of meeting—record of vote and acceptance—election of president and directors—to fill vacancy.** That said corporation shall meet at the court house, in the town of Washington, in Washington county, on the first Monday in June next, and after they shall have agreed to accept this charter, by a vote of two-thirds of the members present, which vote and acceptance shall be recorded by the secretary of said corporation, in a book to be by him kept for that purpose; and at the same time and place the members of said corporation shall proceed to elect from their number seven directors, a president, secretary, and treasurer of said corporation, who shall hold their offices for the term of two years, and until their successors are elected and qualified; and said corporation shall have power to fill vacancies in such manner as they may think proper.

**SEC. 3. President to have no vote—secretary to keep a record—to give bond.** That the president shall be ex-officio president of the board of directors, but shall have no vote in the proceedings of said board of directors, and present such matters to said board for their consideration as he shall think proper; and the secretary of said corporation shall keep a fair record of the proceedings of said board; and the treasurer shall receive and disburse all moneys and effects of said corporation, by order of said board, and prior to his entering upon the discharge of the duties of his said office, shall give bond with sufficient security, in such sum as said board may designate, to be approved by said board of directors, conditioned for the faithful discharge of the duties of his said office; said bond shall be made payable to the Washington College, and on a failure of said treasurer to fulfill the conditions of said bond, the secretary of said corporation shall cause suit to be instituted thereon in the name of the Washington College and proceed to final judgment as in other cases at law.

**SEC. 4. By-laws and regulations—holding personal and real estate, and to sell.** That the board of directors may make such by-laws, rules and regulations, for the government of the said corporation, not contrary to the constitution and laws of the United States, or of this territory, and shall be capable of purchasing and holding any real and personal estate, in the name and for the use and benefit of said college; and shall have power to sell and convey any real and personal estate in their corporate name and capacity, as aforesaid, and do and perform all other acts necessary for the advancement of said corporation.

**SEC. 5. Process to be served on secretary.** That all process against said corporation shall be served upon the secretary thereof, and all mortgages and deeds of conveyance of real estate made by said corporation, shall be signed by the president and at least four of said directors, and attested by the secretary of said corporation.

**SEC. 6. Qualification for membership.** That all persons who shall subscribe the sum of twenty dollars for the benefit of said college, shall be entitled to membership in said corporation, and shall be entitled to at least one vote.

**SEC. 7. To alter or repeal.** That any future legislature of this territory

Approved January 29, 1842.  
shall have power to alter, amend, or repeal this act at pleasure.

## [25] CHAPTER 30.

AN ACT to locate and establish a territorial road from Keosauqua to the southern boundary of the territory.

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

**SECTION 1. Names of commissioners—points of location—termination.** That John Cantril, William Cassady, and William Brooks, all of Van Buren county, be and they are hereby appointed commissioners, to lay out and establish a territorial road from Keosauqua to the southern boundary of the territory, via the northwest corner of the east half, of the southeast quarter of section seventeen, in township sixty-eight, north of range ten west; thence to Hales bridge on Fox river; thence to a point one-fourth mile north of William Wooden's on the Wyaconda; and thence to the southern line of the territory.

**SEC. 2. Meeting of commissioners—employment of surveyor and hands—compensation.** Said commissioners, or a majority of them, shall meet at Keosauqua on the first Monday in April next, or as soon thereafter (within six months) as a majority of them may agree, and proceed to the discharge of the duties enjoined upon them by this act, said commissioners shall employ one surveyor, and such other hands as may be necessary to accomplish said work; who, together with said commissioners, shall receive each such compensation as the board of commissioners of said county of Van Buren may allow.

**SEC. 3. Commissioners to comply with the law.** That said commissioners shall, in all other respects, be governed by and comply with the law now in force, regulating the laying out and establishing territorial roads. This act shall take effect and be in force from and after its passage.

Approved February 2, 1842.

## CHAPTER 31.

AN ACT to revive an act to incorporate Iowa City, and for other purposes.

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

**SECTION 1. Former act revived.** That the act entitled "an act to incorporate Iowa City," approved January 15th, 1841, be and the same is hereby revived, and declared to be of full force and effect.

**SEC. 2. Time of election.** That the first election provided for in the second and seventh sections of the said act, shall take place on the first Monday of March next, and on the first Monday of March annually thereafter.

**SEC. 3.** That all parts of the act hereby revived, contravening this act, be and the same are hereby repealed.

**SEC. 4.** That this act shall take effect and be in force from and after its passage.

Approved February 2, 1842.



## [26] CHAPTER 32.

AN ACT amending an act defining the duties of supervisors of roads and highways.

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

SECTION 1. **Supervisor competent to prove warning.** That upon the trial of any action against any person or persons liable to work on the public roads, for the recovery of any penalty, fine or forfeiture, for a refusal or neglect to work on a public road, or for any other delinquency, the supervisor of the road, shall be a competent witness to prove the warning or notice given such person, and any other fact or facts necessary to establish such delinquency; any thing in any former act to the contrary notwithstanding.

Approved February 2, 1842.

## CHAPTER 33.

AN ACT to amend an act entitled an act, for the benefit of settlers, etc., on the Half Breed lands.

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

SECTION 1. That the act to which this is amendatory, shall be, and is hereby so amended, that the price and value of improvements made under color of title on the Half Breed lands, lying in Lee county, allowed by the district court under the provisions of the act to which this is amendatory, shall be and remain a lien upon the lands on which such improvements are made, from the time of making said improvements, until the price so allowed shall be paid and satisfied.

Approved February 2, 1842.

## CHAPTER 34.

AN ACT to re-locate a certain part of the territorial road, running from Burlington to the mouth of the Des Moines river.

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

SECTION 1. **Names of commissioners—meeting of commissioners—the best practicable route.** That Harman Booth, John Wright, and William Long of the county of Lee, be and they are hereby appointed commissioners to re-locate all that part of the territorial road from Burlington to the mouth of the Des Moines river, which lies between Keokuk and Montrose. It shall be the duty of said commissioners or a majority of them, to meet at Keokuk on the first Monday in March next, and having been duly sworn, proceed to re-locate and establish said road on the [27] nearest and best practicable route along the bluff; said commissioners conforming in other respects to the general act, providing for laying out and opening territorial roads, approved December 29, 1838.

**SEC. 2. Duty of sheriff to notify commissioners—failure of commissioners to meet.** It shall be the duty of the sheriff of the county of Lee, in the event of a majority of the commissioners aforesaid, failing to meet as aforesaid, to notify said commissioners to meet at Keokuk on any subsequent day; and in the event of a majority of said commissioners failing or refusing to act, it shall be the duty of the sheriff aforesaid, to select other suitable and disinterested persons, to serve in the places of such as refuse or fail to act and to notify them accordingly.

**SEC. 3. Compensation for services.** The commissioners and all other necessary persons employed in re-locating said road, shall be allowed such compensation for their services, as the board of commissioners of the county of Lee, may deem reasonable.

**SEC. 4.** This act shall take effect and be in force from and after its passage.  
Approved February 3, 1842.

### CHAPTER 35.

**AN ACT** to amend an act entitled "An act for opening and regulating roads and highways," approved January 17, 1840.

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

**SECTION 1. Application for laying out by petition to commissioners—designation of beginning and termination.** That all applications for laying out or re-locating any county road, shall be by petition to the commissioners of the county, signed by at least twenty legal voters, residing within three miles of where said road is to be laid out or relocated; which petition shall designate the place of beginning, the intermediate points, and the place of termination of said road; and said petition shall in all respects be prepared and acted upon as prescribed in the third section of the act to which this amendatory.

**SEC. 2. Option of commissioners to grant applications—discretion of commissioners—remonstrance against relocation.** That whenever application shall be made to the board of county commissioners, by the petition of less than twenty legal voters, for the reviewing, establishing, or re-location of any county road, it shall be optional with said commissioners to grant the same or not, at their discretion; and in all cases when application is made for the establishment of a road, and the same can with convenience be laid on a township or section line, the commissioners may, at their discretion, order the establishment of such road or roads without actual survey, but in no case shall the prayer of such petitioners be granted where there is a greater number remonstrating against the re-location or establishment of any such road or roads.

**SEC. 3. Power of commissioners to contract for bridges in certain cases.** When a bridge shall be necessary over any creek, river, pond, lake, slough, or place, where the supervisor or supervisors, with his or their hands, in whose district or districts the same may be, cannot conveniently make it, the board of county commissioners of the county wherein such creek, river, pond, lake, slough, or place, shall be, may at their discretion, and they are hereby empowered to contract and agree for the build-[28]-ing, keeping and repairing of such bridge, and to pay for the same out of any money in the county treasury not otherwise specially appropriated.

**SEC. 4. Parts of former act repealed.** That all parts of the act to which this is amendatory, contravening this act, be and the same are hereby repealed.

Approved February 2, 1842.

## CHAPTER 36.

AN ACT to locate and establish a territorial road, from Denson's ferry, on the Wabesipinicon river, towards Dubuque.

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

SECTION 1. **Names of commissioners—points of route.** That Frederick Scarborough, and H. Bunk, of Jackson county, and Joseph D. Denson, of Cedar county, be and they are hereby appointed commissioners, to locate and establish a territorial road, commencing at Denson's ferry on the Wabesipinicon; thence to Milford, in Jackson county; thence the nearest and best route, so as to intersect the Military road in Dubuque county, some where in township eighty-seven, north, range one east.

SEC. 2. **Time of meeting.** That said commissioners shall meet at Denson's ferry, on the first Monday of May next, or at such other time during the year, as they may agree upon, and proceed to the discharge of their duties.

SEC. 3. **Compensation for services.** That each of the said commissioners named in the first section of this act, together with the surveyor, shall receive for their services two dollars, and the chain carriers and markers one dollar and fifty cents per day; which several sums shall be paid according to the provisions of an act for laying out and opening territorial roads: provided, that Frederick Scarborough, one of the said commissioners appointed by the first section of this act, shall receive three dollars per day, if he perform the duties of surveyor in addition to that of commissioner.

Approved February 8, 1842.

## CHAPTER 37.

AN ACT to divorce Sarah Wilson, from her husband, John Wilson.

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

SECTION 1. That the bonds of matrimony heretofore existing between Sarah Wilson, of Scott county, and her husband John Wilson, be and the same are hereby dissolved, from and after the passage of this act; and that the said Sarah Wilson, be henceforth known by the name of Sarah Smith.

Approved February 8, 1842.

## [29] CHAPTER 38.

AN ACT to amend an act organizing a board of county commissioners in each county.

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

SECTION 1. **Sessions of commissioners not to exceed—to hold extra sessions.** That the number of days occupied at the regular sessions of the boards of

county commissioners, in the several counties within this Territory, shall not exceed eighteen in any one year; not more than six days at their session in July, and not more than four days at each other session required to be held by the act to which this is an amendment: provided, however, that when the public interest requires it, said commissioners shall hold extra sessions, which shall not exceed six days in each year.

**SEC. 2. Expenditures to give items—condition of the finances of the county.** That the statement of the receipts and expenditures of the county, required to be published by the tenth section of the act to which this is amendatory, shall contain a full and particular description of each item, from whom and on what account received, and to whom and on what account expended, together with an accurate statement of the actual condition of the finances of the county, at the end of each fiscal year, including all debts and liabilities of every description, and the assets and other means to discharge the same.

**SEC. 3. Per diem for services.** That the county commissioners shall receive two dollars per day for every day necessarily employed under the provisions of law.

**SEC. 4. Clerk to execute a bond—oath or affirmation.** That upon the taking effect of this act, the commissioner's clerk, in each of the counties in this Territory, is hereby required to execute a bond, with two or more securities, to the acceptance of the board of county commissioners of the proper county, in the penal sum of two thousand dollars, payable to the Territory of Iowa, and conditioned for the faithful discharge of the duties of his office, and shall also take and subscribe an oath or affirmation to be endorsed on said bond, that he will faithfully and impartially discharge the duties of his office, to the best of his skill and ability; which bond, so endorsed, shall be deposited with the county treasurer, and be by him carefully preserved.

**SEC. 5. Suit upon bond.** That suit may be instituted on such bond against the commissioner's clerk and his securities, in the name of the Territory of Iowa, and for the use of the Territory, county, or any party or person injured by the misconduct in office of said clerk, or by the omission of any duty required of him by law.

**SEC. 6. Clerk's fees.** That the county commissioners' clerk shall receive as a compensation for his services the following fees: for recording the proceedings of the county commissioners, or other record, and entering the accounts necessary to be kept in his office, for every one hundred words, ten cents; for making calculation and carrying out the amount of tax on assessment roll, two dollars per day while necessarily employed; for every order on the county treasury, five cents; for making out abstracts of the assessment roll, and certifying the same as required by law, for every sheet of one hundred words, eight cents; and for every other service required of him by law, the county commissioners shall allow him two dollars per day, and no more.

[30] **SEC. 7.** That the seventh section of said act be and the same is hereby repealed.

**SEC. 8. Duty of clerks to certify and transmit abstracts of the value of property.** The clerk of the board of commissioners for each county shall, on or before the tenth day of December in each year, certify under his hand, and transmit to the auditor of public accounts, by mail, an abstract of the aggregate valuation of the taxable property of the county, as taken from the corrected valuation of the assessment rolls for that year, as corrected and equalized by the commissioners.

**SEC. 9.** This act to take effect and be in force from and after the first Monday in April next.

Approved February 8, 1842.

## CHAPTER 39.

AN ACT to amend an act entitled "an act establishing a certain territorial road, therein named, approved January 13, 1841.

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

**SECTION 1. Names of commissioners.** That N. Seeley and R. J. Cleaveland, of Jones county, and Charles Dallis, of Cedar county, be and they are hereby appointed commissioners to re-locate all that certain portion of a road, approved January 13th, 1841, running from West Liberty to intersect the military road, in direction to Dubuque, laying between Red Oak Grove, in Cedar county, and Edinburgh, in Jones county.

**SEC. 2. Place of meeting.** That said commissioners shall meet at Red Oak Grove, on the first Monday of April, 1842, or at such other time during the year as they may agree upon, and proceed to the discharge of their duties.

**SEC. 3. Compensation for services.** That each of said commissioners named in the first section of this act, together with the surveyor, shall receive for their services two dollars, and the chain carriers and markers one dollar and fifty cents per day; which several sums shall be paid according to the provisions of an act for laying out and opening Territorial roads: provided, that R. J. Cleaveland, one of the commissioners appointed by the first section of this act, shall receive two dollars and fifty cents per day, if he shall perform the duties of surveyor in addition to those of commissioner.

Approved February 8, 1842.

## CHAPTER 40.

AN ACT to divorce Nicey Hull, from her husband, Charles Cornelius Hull.

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

**SECTION 1.** That the bonds of matrimony heretofore existing between Nicey Hull, and her husband Charles Cornelius Hull, be and the [31] same are hereby dissolved, from and after the passage of this act; and that the said Nicey Hull be henceforth known by the name of Nicey Livingston.

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

Approved February 8, 1842.

## CHAPTER 41.

AN ACT to divorce Sarah Connelly, from her husband, William Connelly.

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

**SECTION 1.** That the marriage contract heretofore existing between Sarah Connelly and William Connelly, be and the same is hereby dissolved.

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

Approved February 8, 1842.

## CHAPTER 42.

An ACT to provide for opening and improving the Military Road.

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

SECTION 1. That the board of commissioners of the several counties in this Territory, through which the military road from Dubuque via Iowa City, to the Missouri line passes, be and they are hereby authorized to cause all portions of said military road, that is located through their respective counties, to be opened and improved under like circumstances, that territorial roads are opened and improved.

SEC. 2. That this act shall take effect and be in force from and after the first day of April next.

Approved February 8, 1842.

## CHAPTER 43.

AN ACT to authorize William Smith and Vincent G. Smith, to keep a ferry across the Mississippi river, in Jackson county.

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

SECTION 1. **Authority to keep a ferry—location and limits—proviso.** That William Smith and Vincent G. Smith, their heirs or assigns, be and they are hereby authorized to keep a ferry across the Mississippi river, at their landing on fractional section number twenty-four, township eighty-seven north, range four east of the fifth prin- [32] -cipal meridian, and for one mile above said landing; and that said Smiths, their heirs or assigns, have the exclusive privilege of ferrying within the above limits for the term of ten years: provided, that said ferry when so established, shall be subject to the same regulations and under the same restrictions, as other ferries are now or may hereafter be by the laws of this territory or state, as the case may be, fixing the rates of tolls, and prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. **Horse or steam boat to be kept—flat-boat and hands to be kept.** That said William Smith, and Vincent G. Smith, their heirs or assigns, shall, within three years from the passage of this act, procure a good and sufficient horse or steam ferry boat for said ferry; which shall be kept at said ferry for the transportation of all persons and their property across said river without delay; and until said ferry boat shall be provided as aforesaid, the said Smiths, their heirs or assigns, shall keep at said ferry a good and sufficient flat-boat, and a sufficient number of hands to work the same, for the transportation of all persons and their property across said river when passable, without delay.

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

Approved February 10, 1842.

## CHAPTER 44.

AN ACT to provide for a special term of the supreme court and to change the time of holding the annual session of the same.

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

SECTION 1. **Term of supreme court where held—proviso.** That a term of the supreme court of the said Territory, shall be holden at Iowa City, on the tenth day of January, A. D. 1842: provided, however, that this act shall not have such effect as to prejudice or affect the rights of any parties in any suit, action, process, matter or proceeding, now pending in said court, or returnable before the same at the next regular term thereof; but that all suits, actions, writs, process, and pleading, now made returnable to said regular term of said court, shall be returned, have day, and be heard and tried at said next regular term, in the same manner as if this act had not been passed.

SEC. 2. **When and where holden after the year 1842.** *And be it further enacted,* That from and after the year eighteen hundred and forty-two, the annual term of the said supreme court shall be held at the seat of government, on the first Monday in January in each year.

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

Approved January 10, 1842.

## [33] CHAPTER 45.

AN ACT to locate and establish a territorial road from Marion, in Linn county, to the Indian boundary, in Benton county.

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

SECTION 1. **Names of commissioners—route of road.** That the board of commissioners of Linn county, if they deem it expedient, are hereby authorized to appoint S. W. Durham and B. C. McGonigal, of Linn county, and William B. Harrison, of Benton county, commissioners to lay out and establish a territorial road from Marion, in Linn county, to the Indian boundary in Benton county, via Nation settlement and B. McGonigal's in Washington township, in Linn county, thence the nearest and most practicable route to Wm. B. Harrison's, near said boundary line in Benton county.

SEC. 2. **When and where commissioners to meet.** That said commissioners shall meet in the town of Marion, on the first Monday in April next, or on such other time within six months thereafter, as a majority of them may agree upon, and proceed to the discharge of their duty according to an act to provide for laying out and opening territorial roads, approved December 29th, 1838.

SEC. 3. **Compensation of commissioners—proviso.** That said commissioners shall receive for all time necessarily employed in the discharge of their duty, the sum of two dollars per day: provided, however, that S. W. Durham, in addition to his services as viewer, shall receive one dollar per day as surveyor, and the chain carriers and markers shall receive each one dollar and fifty cents per day.

Approved February 10, 1842.

## CHAPTER 46.

AN ACT to amend an act entitled "an act in relation to the safe custody of persons, arrested for crimes and misdemeanors.

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

**SECTION 1. County to be paid for custody of prisoners—rate of compensation.** That the board of commissioners of any county, from which a prisoner may be transferred under the provisions of the act to which this is amendatory, shall pay the county to which such prisoner may be transferred, the sum of two dollars per month for each prisoner during his confinement, for the use of the jail of such county.

Approved February 10, 1842.

## [34] CHAPTER 47.

AN ACT defining the jurisdiction of the supreme and district court.

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

**SECTION 1. Appellate jurisdiction—in what cases final and conclusive.** That the supreme court of this Territory, shall exercise appellate jurisdiction only as is hereinafter provided, and shall have final and conclusive jurisdiction of all matters of appeal, error or complaint, from the judgments or decrees of any of the district courts of this Territory, and from such other inferior courts as may hereafter be established by law, in all matters of law and equity, where the rules of law or the principles of equity appear from the files, records or exhibits of any such court, to have been erroneously determined.

**SEC. 2. Powers.** The said supreme court is hereby empowered and authorized to take cognizance of all such causes as may be brought before them in manner aforesaid; and to carry into complete execution all their judgments and decrees, according to the rules and principles of common law and equity, and their judgment and decrees shall be final and conclusive on all parties concerned.

**SEC. 3. Rules of practice, etc.** The said supreme court may, from time to time, institute such rules of practice, forms of process to be used, and rules for keeping the dockets, records, and proceedings of said court, as shall be by them deemed conducive to the administration of justice.

**SEC. 4. Court stands adjourned until a quorum of justices attend.** If there shall not be a quorum of the justices of the supreme court, on the first day of the term, the court shall stand adjourned from day to day until a quorum shall attend; and if from any cause the supreme court shall not sit on any day during a term, there shall be no discontinuance by reason thereof.

**SEC. 5. Supervision of inferior courts—writs of error.** The said supreme court shall have the general supervision of all inferior courts, to prevent and correct abuses where no other remedy is expressly provided by law, and shall have authority to issue writs of error, certiorari, habeas corpus, procedendo, supersedeas, and all other writs and process which may be necessary for the due execution of law, the administration of justice, and the perfect exercise of their jurisdiction.



**SEC. 6. Writs of error shall be writs of right—time allowed to infants, etc., to take—not to operate as a supersedeas—proviso—bond to be given to opposite party—amount of bond.** Writs of error from the supreme court to the district courts, shall be writs of right, and may be taken at any time within two years after the rendition of judgment or decree, by any party who shall feel himself aggrieved by said judgment or decree; and if any such party entitled to such writ of error, shall be an infant, feme covert or non-compos, then in two years after the removal of such disability. No writ of error shall operate as a supersedeas, unless some one of the justices of the supreme court shall endorse upon the transcript of the court below the allowance of said writ of error for probable cause of error, and in all such cases, the party issuing out such writ of error, shall give bond to the opposite party with good security, to be approved of by said judge or by the clerk of the district court where such cause was tried; conditioned duly to prosecute said writ of error, and to pay all costs, interest, damages, and the principal debt, in case the judgment or decree of the court below shall be affirmed; such bond shall be in a sum sufficient to cover principal, interest, damages and costs.

[35] **SEC. 7. Application for writ of error—duty of clerk—of sheriff—of court—when defendant resides out of Territory.** The party applying for a writ of error, shall file a transcript of the cause with the clerk of the supreme court, who shall issue a writ of scire facias to hear errors, to the sheriff of the proper county to be served on the adverse party; and if thirty days shall have elapsed from the time of serving said scire facias, and the first day of the supreme court, the said court shall proceed to hear and determine said cause, whether the defendant in error appear or not; if thirty days do not intervene, the cause shall be continued until the next term of court, unless the defendant in error shall enter a voluntary appearance. Whenever the defendant in error resides out of the Territory, and process shall be returned not found, the plaintiff in error may cause publication of the cause to be made, according to such rules as the court may establish, and at the next term after such publication, the court shall proceed to hear the cause in the same manner as if process of scire facias had been duly served.

**SEC. 8. Appeals allowed—in case of writs of error with supersedeas proceedings to be stayed.** Appeals shall be allowed from the district court to the supreme court, as is now provided by law. In cases of writs of error with a supersedeas, it shall be the duty of the clerk of the supreme court as soon as the transcript with the bond, conditioned and approved as above, is filed in his office, to issue a writ of supersedeas directed to the sheriff of the proper county, who shall, on receiving the same, stay all proceedings in his hands if execution has issued, and file the same with the clerk of the district court, and said clerk shall not issue execution thereafter, unless ordered by writ of procedendo from the supreme court.

**SEC. 9. Kind of judgment to be given—damages given when appeals, etc., taken for delay only—rate of damages in certain cases.** The supreme court shall give judgment according to the very right of the cause; and if the judgment shall be reversed from any informality or other proceeding, not requiring a new trial in the court below, they shall give such judgment as the district court ought to have given, and issue execution in the same manner as the district court ought to have done; and on all appeals, or writs of error, taken after the passage of this act, if the said supreme court shall be satisfied that the same is taken for delay only, they may give damages not exceeding twelve per cent. against the appellant or plaintiff in error. If the appellant or plaintiff in error shall not file a transcript of the cause, on or before the third day of the term, the appellee or defendant may file a certificate of the clerk of the court below, that an appeal or writ of error has been taken in the cause, with the

names of the sureties in the appeal or writ of error; thereupon it shall be the duty of the supreme court, to dismiss the appeal or writ of error with ten per cent. damages.

**SEC. 10. Limits of jurisdiction—plaintiff may not sue out of county—proviso.** The district courts shall be held at the court houses in each county; and the judges thereof shall have jurisdiction over all matters and suits at common law and in chancery, arising in each county in their respective districts; when the debt or demand shall exceed fifty dollars, and in all cases of appeal or certiorari from a justice of the peace, judge of probate, or the board of county commissioners, a plaintiff shall not sue a defendant out of the county where he resides, or where he may be found, unless the debt, contract, or cause of action, occurred in the county where the plaintiff resides, or the contract was specifically made payable or to be performed there, when it shall be lawful to sue in such county, and process may issue to the sheriff of the county where the defendant resides; and when there are several defendants living in different counties, the plaintiff may sue, either in the county where the cause of action [36] arose, or where any of the defendants reside, and shall have like process against such as reside out of the county where the action is commenced.

**SEC. 11. Judges to be conservators of the peace—powers as such.** The said judges of the district court, shall be conservators of the peace, and the said courts in term time, and the judges thereof in vacation, shall have authority to award throughout the Territory, returnable to the proper county, writs of injunction, ne exeat, habeas corpus, quo warranto, mandamus, and other writs and process, which may be necessary to the due execution of the powers with which they are or may be invested.

**SEC. 12. Powers of courts.** The said courts shall respectively have authority to hear and determine, all cases of crimes and misdemeanors of whatever kind, that may be committed within any county, and that may be brought before them, by any rules and regulations provided by law.

**SEC. 13.** All acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

**SEC. 14.** This act to be in force from and after its passage.

Approved February 10, 1842.

## CHAPTER 48.

### AN ACT concerning oaths and affidavits.

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

**SECTION 1. What officers are empowered to administer oaths.** That the following officers are hereby authorized and empowered to administer oaths and affidavits, in all cases wherein such oath or affidavit may be required by law, viz.: Justices of the peace, clerks of the district court, the clerk of the supreme court, notaries public, and judges of probate.

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

Approved February 10, 1842.

## CHAPTER 49.

AN ACT to revive the twelfth section of "an act establishing certain territorial roads therein named," approved July 14, 1840.

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

**SECTION 1. Names of commissioners—route of road.** That Green B. Savery, of Jefferson county, Samuel R. Holcomb, and Samuel Levearenger, of Van Buren county, be and they are hereby appointed commissioners to lay out and establish a territorial road from Fairfield, in Jefferson county, to Portland, in Van Buren county; thence to the northern boundary of Missouri, in a direction toward Jefferson City in Missouri.

**SEC. 2. When and where commissioners—oath to be taken—surveyor and others—oath—compensation.** That said commissioners, or a majority of them, shall meet at Fairfield on the second Monday in March next, or some subsequent day [37] during the year, and after being duly sworn to discharge their duties faithfully and impartially, and after taking to their assistance a competent surveyor, and the necessary number of assistants, who shall also take an oath or affirmation to discharge their duties faithfully, they shall proceed to locate and establish said road, agreeably to the provisions of "an act for laying out and opening territorial roads," and shall receive such compensation as is allowed by law, for laying out county roads.

**SEC. 3.** This act shall be in force from and after its passage.

Approved February 10, 1842.

## CHAPTER 50.

AN ACT amendatory to an act to authorize John R. Sparks and his associates, to erect a dam across the Des Moines river.

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

**SECTION 1. Amendment of act—authority to construct dam—location and limit.** That the first section of an act entitled "An act to authorize John R. Sparks and his associates to erect a dam across the Des Moines river," approved January 15, 1841, be so amended as to read thus: That John R. Sparks and his associates, be and they are hereby authorized to construct a dam across the Des Moines river, in Van Buren county, in said Territory, on the southwest quarter of section number twenty-seven, in township sixty-nine, range nine west; which dam shall not exceed three feet in height above common low water mark, and shall contain a convenient lock, not less than one hundred and thirty feet in length and thirty-five feet in width, for the passage of steam, keel, and flat-boats, rafts, and other water crafts; provided said water crafts will bear two tons burden.

**SEC. 2. First section of amended act repealed.** That the first section of the act to which this is amendatory is hereby repealed.

Approved January 10, 1842.

## CHAPTER 51.

AN ACT to authorize the county commissioners of Delaware county, to pay William Smith, senr., William Jones, and Thomas Denson, for their services as commissioners to locate the county seat of said county.

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

SECTION 1. **Per diem of commissioners locating the county seat of Delaware county.** That William Smith, Senr., of Dubuque county, William Jones of Jackson county, and Thomas Denson of Jones county, be and they are hereby allowed the sum of three dollars each per day, for their services as commissioners, in locating the county seat of Delaware county, agreeably to an act entitled "An act to amend an act entitled 'an [38] act to provide for the organization of the county of Delaware, and to locate the county seat thereof,' " approved July 24, 1840.

SEC. 2. **County commissioners to pay the same.** That the county commissioners of said county are hereby required to pay the same out of any money in the county treasury of said county, not otherwise appropriated.

Approved February 10, 1842.

## CHAPTER 52.

AN ACT to amend an act to district the territory of Iowa into electoral districts, approved July 30, 1840.

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

SECTION 1. That the county of Clinton be and is hereby set apart from the county of Scott, in the election of members to the house of representatives, and shall be entitled to one member, and Scott county to one member, and the two shall elect one member to the council, as directed in the act to which this is an amendment.

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

Approved February 10, 1842.

## CHAPTER 53.

AN ACT to make certificates of purchase of lands, from any register or receiver of any land office in this territory, evidence of title in the purchaser.

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

SECTION 1. **Nature of action—receipt of receiver or certificate of register prima facie evidence of title—to have the same effect as a deed or patent.** That in any action of trespass, quarre clausum fregit, action of right, or other actions at law, or in equity, in which the title to or possession, or right of possession, of lands or tenements, may come in question, now or hereafter pending in any court

of this Territory, or before any justice of the peace, the usual duplicate receipt of the receiver, or the certificate of the register, of the proper land office, shall be sufficient prima facie evidence of title, or of right of possession, (as the case may require,) in the person mentioned in such certificate or receipt, as the purchaser of such lands or tenements, or in the assignee of such receipt or certificate, as the case may be, to support such action; and such certificate shall have the same effect in establishing a possession in law as is given to a deed of conveyance or a patent.

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

Approved February 10, 1842.

[39] CHAPTER 54.

AN ACT to review and re-establish a part of the territorial road from Keokuk, in Lee county, to Iowaville, on the Des Moines river.

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

SECTION 1. **Names of commissioners—route of old road—route of new road.** That Joseph Roberts, Henry Wilson, and James Allen, be and they are hereby appointed commissioners to review and relocate that part of the territorial road, established according to the provisions of "An act to locate and establish a territorial road from Keokuck, on the Mississippi river, to Iowa City, (now Iowaville,) on the Des Moines river, approved December 14, 1839," which commences at the horse tail reach, on said river, and runs to the said town of Keokuck; and that the said commissioners are hereby required to establish the portion of said road hereby ordered to be reviewed, as near the Des Moines river as practicable, and in their opinion right and proper.

SEC. 2. **When and where commissioners to meet—in case of failure to meet the sheriff of Lee county to notify commissioners of time and place of meeting.**

That the commissioners aforesaid, or any two of them, shall meet at Keokuck on the second Monday in April next, to proceed to the discharge of their duties, and may adjourn from day to day as circumstances may require; and in case said commissioners, or any two of them, shall fail to attend on the day appointed, at the place aforesaid, then the sheriff of Lee county is hereby authorized and directed, on the application of any one of said commissioners, either written or verbal, to notify in writing said commissioners of some other time of meeting to be by him appointed, and request their attendance at such time and place aforesaid.

SEC. 3. **Compensation of commissioners—by what governed.** That each of said commissioners shall receive the sum of two dollars per day for his services, while engaged in the performance of his duties required by this act; and shall be governed in every respect by the "act to provide for laying out and opening territorial roads," approved December 29, 1839.

Approved February 10, 1842.

## CHAPTER 55.

AN ACT to re-locate a part of a territorial road, from Farmington to Dubuque.  
*Be it enacted by the Council and House of Representatives of the Territory of Iowa:*

SECTION 1. **Names of commissioners—route of road.** That David Walker, Roland Grant, and Alexander Gilmore, be and they are hereby appointed commissioners, to relocate that part of said road lying between Mrs. Casey's and Mr. Acorn's, in Lee county.

SEC. 2. **When and where commissioners to meet.** That said commissioners, or a majority of them, shall meet at West Point, on the first Monday of March next, and proceed to relocate and establish said road.

SEC. 3. **Compensation of commissioners, surveyor to be allowed by county commissioners.** That the said commissioners shall take to their assistance a [40] surveyor, and such number of chain carriers and other hands, as the said commissioners may deem necessary; which said surveyor, chain carriers and others so employed as aforesaid, shall be entitled to such compensation as may be allowed by the board of county commissioners.

SEC. 4. This act shall be in force from and after its passage.  
 Approved February 10, 1842.

## CHAPTER 56.

AN ACT to authorize the establishment of certain dams across Skunk river.

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

SECTION 1. **Wm. Pickerell authorized to construct a dam across Skunk—location of dam.** That William Pickerell, his heirs or assigns, be and they are hereby authorized to construct, keep, and maintain a dam across Skunk river, in Washington county, in this Territory, at any point on the southwest quarter of section number twenty, in township number seventy-four, north of range eight west.

SEC 2. **Persons injuring said dam guilty of trespass—maliciously destroying dam guilty of misdemeanor—penalty.** Any person who shall destroy, or in any wise injure said dam, shall be deemed to have committed a trespass, and shall be liable accordingly; and any person who shall wilfully or maliciously destroy or injure said dam shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, shall be fined treble the amount of damages the owners may have sustained, or be imprisoned at the discretion of the court.

SEC. 3. **Not to enter or flow other lands.** Nothing herein contained shall be so construed, as to authorize the said William Pickerell, to enter upon and flow the lands of any person, without the consent of such person.

SEC 4. **Not to prevent Wm. Russell and Samuel Crippin from the privilege of one half the water—proviso.** That nothing in this act contained, shall be so construed as to prevent William Russell and Samuel Crippin, their heirs and assigns, from the privilege of taking out of the mill-pond (occasioned by said dam) by means of a race or otherwise, one-half of the water which may flow down the channel of said river, for their own use and benefit: provided, that said Russell and Crippin, their heirs and assigns, shall defray one-half of the necessary expenses of keeping said dam in repair.

SEC. 5. **Wm. Russell and Sam'l Crippin to erect a dam across a bayou of Skunk—location—proviso.** That the said William Russell and Samuel Crippin,

their heirs and assigns, be and they are hereby authorized to erect and keep a dam across a bayou of Skunk river; where the county and territorial roads leading from Washington to Brighton, in Washington county, crosses said bayou on the south half of the northwest quarter of section number twenty, in township number seventy-four north of range number eight west, and situated in the county aforesaid; provided, they do not enter upon and flow the lands of any other person without his consent.

**SEC. 6. Persons to injure or destroy guilty of trespass—wilfully or maliciously doing so guilty of misdemeanor—penalty.** That if any person shall destroy, or in any wise injure said dam, he shall be deemed to have committed a trespass, and shall be liable accordingly; and any person who shall wilfully or maliciously destroy or injure said dam, shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of competent jurisdiction, shall be fined [41] treble the amount of damages the owners may have sustained, or be imprisoned at the discretion of the court.

**SEC. 7. May be altered, amended or repealed.** Any future legislature of the Territory of Iowa or State, (as the case may be) may at any time, alter, amend, or repeal this act.

**SEC. 8.** This act shall take effect and be in force from and after its passage. Approved February 10, 1842.

## CHAPTER 57.

### AN ACT to incorporate the town of Davenport.

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

**SECTION 1. Inhabitants of the town of Davenport made a body corporate—name and style—powers.** That the inhabitants of the town of Davenport, be and they are hereby constituted a body politic and corporate, with perpetual succession, by the name of "the Mayor and Aldermen of the town of Davenport," and by their corporate name may sue and be sued, plead, and be impleaded; may receive, purchase, acquire and hold, and grant, sell and convey, real, personal and mixed property, and do all other acts as natural persons may do; may have and use a common seal, the same at pleasure or break.

**SEC. 2. Boundaries.** The limits of boundaries of said town shall be as follows: Beginning at the point in the middle of the main channel of the Mississippi where the western boundary line of the old town of Davenport, extended, would intersect the middle of the said main channel; thence running northward by and along said western boundary line, to the northwest corner of said old town; thence eastwardly along the northern boundary line of said old town, to the northeast corner thereof; thence eastwardly and along the northern line of blocks numbered on the plat of Le Clair's addition to said town, as blocks number forty-nine, fifty, fifty-one, and fifty-two, to the northeast corner of block fifty-two; thence in the same direction across Rock Island street; thence southwardly along the eastern side of said street to Sauk or Second street; thence eastwardly along the northern boundary of said last mentioned street, to where the same if extended, would reach low water mark on the bank of the Mississippi river; thence at right angles to the last course, to the middle of the main channel of said river, and thence down and along the middle of said main channel to the place of beginning.

**SEC. 3. Town divided into wards—1st ward, 2d ward, 3d ward.** The said town shall be and the same is hereby divided into three wards as follows: All

that part of said town lying west of the middle of Harrison street, shall constitute the first; all that part of said town lying between the middle of Harrison street and the middle of Brady street, shall constitute the second ward; and all that part of said town lying east of the middle of Brady street, shall constitute the third ward.

**SEC. 4. Officers—qualifications—duties of mayor—provision in case of absence, death or resignation of mayor.** The said corporation shall consist of a mayor, who shall be a resident of said town, and six aldermen, two aldermen to be elected in each ward, and to be residents of the ward in which they shall be elected; and the said mayor and aldermen shall be over twenty-one years of age; the mayor shall preside at all meetings of the corporation, but [42] shall not vote on any question except in case of a tie, when he shall give the casting vote. In case of the death, absence, resignation, sickness, or other disability of the mayor, the aldermen shall elect one of their number mayor pro tempore, who shall have all the authority, and perform all the duties of mayor during his absence, or until another shall be elected and qualified.

**SEC. 5. How and when polls to be opened—qualification of voters—proviso.** On the first Saturday of April, 1842, and on the first Saturday of April annually thereafter, polls shall be open at one convenient place in each ward, in said town, at which the qualified voters for members of the legislative assembly, residing within the limits of the ward in which they shall offer their votes, may vote by ballot for a mayor and two aldermen; and the mayor and aldermen so elected, shall hold their offices for one year, and until their successors are elected and qualified: provided, that a failure to hold said election on the day herein prescribed, in any year, shall not work a forfeiture of this charter; and an election may be on any succeeding day, by giving notice thereof according to the provisions of the eleventh section of this act.

**SEC. 6. First election—how held—judges of election—clerk—vacancies—qualification of judges and clerks of election—duties of clerks of elections—result of election to be proclaimed—certificates of votes examined—certificate of elections given—oath to be taken—proviso.** At the first election to be held under this act, two judges of election and one clerk in each ward, shall be chosen viva voce, by the electors of the ward present; and at all subsequent elections the mayor and aldermen, shall at least one day previous to such elections, appoint two judges of elections for each ward; and said judges for each ward respectively, shall appoint their own clerk; and in case of failure of said judges, or either of them to attend, or of refusal to act, the electors present shall choose viva voce a judge or judges to supply such vacancies. No person shall be competent to act as a judge or clerk at such election, who is not a qualified elector. At all such elections the polls shall be opened between the hours of one and two in the afternoon, and closed at the hour of four in the same afternoon; and the clerk at each ward shall keep a poll book, in which he shall enter the name of every voter, in the order in which he shall vote; and at the close of the polls the votes shall be counted by said judges and clerk, and an entry made on the poll books of the number of votes given to each person voted for, and for what office, which shall be certified by the said judges and clerk, and a statement of the result of the election, shall be proclaimed at the door of the house in which election shall be held; and the two judges and clerk of each ward shall give to each of the two persons having the greatest number of votes in their wards for alderman, a certificate of his election; and the judges of the different wards, shall attend at the office of the mayor, between the hours of nine o'clock a. m. and twelve m., on the first Monday after the election with the poll books, and shall examine the certificate of the votes given to each person at the different wards for mayor; and the person having the greatest number of votes, shall be declared duly elected mayor of said town; and the said judges shall make and



deliver to such person, a certificate of his election, which shall be signed by at least a majority of all the judges of said three wards. The mayor and aldermen so elected shall, within ten days after their election, take and subscribe an oath to support the constitution and laws of the United States, and of Iowa, and faithfully, impartially, and to the best of their ability, to discharge the duties of their respective offices; which shall be deposited with and safely kept by the clerk of said corporation: provided, however, that the judges of the first election held under the act, shall [43] meet to examine the returns for the several wards at the office of the district court of Scott county.

**SEC. 7. Powers of mayor and aldermen—officers to be appointed by them—salaries—duties of clerk—journals, laws, bills, bonds, etc., to be signed by the mayor and attested by clerk—to be binding on corporation.** The said mayor and aldermen, a majority of whom shall be a quorum for the transaction of business, shall have power to adjourn their meetings from time to time, unless sooner called together by a written notice from the mayor, designating the time and place of such meeting; they may also by ordinance, prescribe the times for holding their regular meetings; they shall also have power to appoint a clerk, a treasurer, a marshal, an assessor, and such other subordinate officers as they may deem needful; to prescribe their duties and require surety for their performance; to remove at pleasure and appoint others in their stead; to establish the fees or salaries of all such officers of the corporation, where the same are not ascertained by this act; they shall cause their clerk to keep a correct journal of their proceedings, and enter the yeas and nays on any question, at the request of any member; they shall cause to be recorded in a plain legible hand, in a book to be provided for that purpose alone, all the by-laws and ordinances made and ordained by them; which book, together with the said journal, shall be at all times open to the inspection of the electors of said town; the journal of the proceedings of each meeting shall be signed by the mayor and clerk; they shall also sign all by-laws and ordinances passed by said corporation, and the same shall be carefully filed and preserved by the clerk; all bills, bonds, notes, drafts, or contracts, ordered by said corporation, shall be signed by the mayor and attested by the clerk; and all bills, bonds, notes, drafts, or contracts so signed and attested, and in the case of bonds or contracts under seal, sealed with their common seal, shall be valid and binding on said corporation, in law and equity in every court in Iowa.

**SEC. 8. Powers of mayor and aldermen—license of retailers of spirituous liquors—drays, carts, etc.—theatres—public market—fire companies—bakers—to pass all laws necessary to the health, etc., of said town.** The mayor and aldermen shall have full power and authority, to pass all by-laws and ordinances to regulate the stationing, anchorage, landing, mooring, or unloading of boats, vessels, rafts, and all other water-crafts within the limits of said town; to prevent and remove nuisances, to establish night-watches, erect lamps; to provide for licensing and regulating retailers of spirituous liquors within said town; and for annulling the same on good and sufficient complaint made against any person holding such license; to license and regulate drays, carts, and other vehicles, kept for public hire; to prohibit the discharging of fire-arms, and the racing or immoderate running or driving of horses, drays, carts, carriages, wagons, or other vehicles in said town; to provide for licensing and regulating shows, theatricals, and other amusements in said town; to regulate and establish markets, and to rent out the stalls in the same; and to prohibit the selling of meats, poultry, fish, or game, except at the public market; to erect and repair bridges, to regulate and improve all streets, avenues, alleys, side-walks, landings, wharves, public grounds and squares, drains and sewers; to sink and keep in repair public wells; to establish and regulate fire wards and fire companies; to provide for the prevention and extinguishment of fires and if necessary, to

remove or pull down buildings or fences, for the prevention of the spreading of the same; to license bakers and regulate the price and weight of bread, and to prohibit the baking of the same for sale, except by those licensed; and also to pass all such by-laws and ordinances not inconsistent with the constitution and laws of the United States, or of Iowa, as they shall deem [44] necessary and proper, for the health, safety, cleanliness, and convenience of said town.

**SEC. 9. Levy fines—proviso—may be recovered—imprisonment—proviso—marshal duties—compensation of marshal.** The mayor and aldermen shall also have power to fix and impose fines and penalties, for breaches of the by-laws and ordinances by them passed and ordained: provided, the same shall not exceed twenty dollars, for any breach or violation by any one person of any one by-law or ordinance, and the same may be recovered with costs of suit before any justice of the peace or court, having jurisdiction thereof, by action of debt in the name of said corporation; and such person fined as aforesaid, may remain in custody of the marshal until such debt and cost is paid, or shall suffer not more than four months actual imprisonment in the common jail of the county, or guard house of said corporation, provided there shall be one within the limits of said town: provided, that such person fined as aforesaid, shall have the right of appeal to the district court in and for said county, by filing bond with approved security, before the tribunal trying such offender, on the day of said trial; and the marshal of said town shall have the same authority, and may do and perform the same duties, and shall be subject to the same liabilities in the service and return of all such writs and process issued, by and in attending the trial before such justice, for recovery of fines and penalties, for the breach or violation of any of the by-laws or ordinances of said corporation, that constables are in their respective counties; and said writs and process shall be directed to "The marshal of the town of Davenport, or any constable of said county;" and the marshal shall receive for his services, the same fees that are or may be allowed by law to constables for like services.

**SEC. 10. Vacation of office—special election.** The absence from said town for three consecutive months of the mayor or any alderman, or the removal of any alderman out of the ward for which he was elected, shall vacate his office, and a special election shall be held to supply such vacancy; and the person so elected shall hold the office for the remainder of the term for which his predecessor was elected; such special election shall be held and returns made and certificates given in the same manner that the annual elections are, and the person so elected, shall qualify in the same manner.

**SEC. 11. Notice of election to be published—proviso.** The mayor shall give at least ten days previous notice, of every annual or special election; and of the places of holding the same, by advertisement in some newspaper published in said town, or by one written notice, set up at some public place in each ward of said town, in which such election is to be held; provided, that the notice for the first election to be held under this act shall be given by the town council of said town.

**SEC. 12. Mayor and aldermen may levy tax—rate of tax—duty of assessor—power to correct injudicious assessment.** The mayor and aldermen shall have power to assess and levy an annual tax on all property in said town, made subject to taxation by the laws of Iowa for county purposes, not exceeding in any one year one half per centum on the value thereof; which value shall be ascertained by the assessor of said town; and they shall prescribe by ordinance, the time within which said assessor shall make out and return to their clerk the assessment roll, and also the time within which the clerk shall make out and deliver to the marshal, a duplicate thereof, together with a warrant for the collection of the taxes so assessed, signed by the mayor and clerk, and sealed with the common seal of the corporation; [45] they shall also have power to correct or equalize any erroneous or injudicious assessment.

**SEC. 13. Marshal shall be tax collector—written notice to be given and put up—distress and sale—voucher—unpaid lots to be published for eight weeks, stating tax, costs, and number of lots—if not paid to be sold—compensation to marshal for collecting taxes—mayor to execute a deed—good and valid.** The marshal shall be collector of all taxes assessed as aforesaid, by said corporation; he shall, upon receiving the duplicate and warrant aforesaid, make personal demand of every resident charged with tax, if to be found within the town, or leave a written notice of the amount of such tax at his usual place of abode; and shall also put up at least one written notice in each ward in said town, that if the taxes are not paid within twenty days thereafter, the same will be collected by sale of the property of delinquents; at the expiration of which twenty days, said marshal shall, and he is hereby authorized and required by distress and sale of personal property of such delinquent or delinquents, as constables on execution to collect said tax, and all costs remaining unpaid, and pay the said tax over to the treasurer, and the treasurer's receipt shall be his voucher therefor; and if the tax on any lot or piece of land, in which no personal property can be found, shall remain unpaid at the expiration of said twenty days, then the said marshal shall give notice by publication in the nearest newspaper, for eight consecutive weeks, stating the amount of said tax and costs, and the number of the lot, or description of the piece of land on which the same are due, and the owners name if known; and that the said lot or piece of land will be sold to discharge such tax and costs and printer's fees, on a day and at the place in such notice mentioned, and which shall be at least three months after the day of its first publication, unless payment thereof be made on or before said day of sale; on which day, if the said tax, costs, and printer's fees, be not previously paid, said marshal shall proceed to sell the said lot or piece of land, or so much thereof as will discharge said tax, costs, and printer's fees; said sale to take place at the door of the court house in said town, or at the door of the mayor's office; and the mayor and aldermen shall, by ordinance, fix the costs or fees to be allowed said marshal for collecting taxes by sale either of personal or real property, by virtue of this act; the marshal shall give to each purchaser at such sale, a certificate containing the number of the lot or description of the piece of land purchased, the price paid therefor, and the day of sale, and at the expiration of the time limited for the redemption thereof, if the same shall not be redeemed in compliance with the general law in relation to the redemption of lands sold for taxes, the mayor shall execute to the purchaser or his assignee, a deed therefor, under the seal of said corporation, and the same if acknowledged or proven, and recorded as other deeds are, or may be required to be acknowledged or proven and recorded, shall be good and valid in law and equity, to pass a valid title to such a lot or piece of land.

**SEC. 14. By-laws to be published—copy of by-laws with certificate good evidence in suits.** The by-laws and ordinances of said corporation shall be published in a newspaper published in said town, or posted up at one public place in each ward, fifteen days before the taking effect thereof, and the certificate of the clerk, in the book in which said by-laws and ordinances are recorded, shall be sufficient evidence of the same having been done; and the said book, or a copy of any by-law or ordinance, with the certificate of the clerk of publication aforesaid, certified by the said clerk to be a true copy of such by-law or ordinance and certificate, shall be sufficient authentication to allow the same to be read or received in evidence in all actions and suits in any court in this Territory.

[46] **SEC. 15. Receipts and expenditures of corporation signed by clerk to be published.** Twenty days before each annual election the mayor and aldermen shall put up in some conspicuous place in said town, or publish in some newspaper published therein, an account of all the monies received and expended by said corporation since the last annual election, with the sources from which

they were derived, and the objects on which they were expended, which shall be certified by the clerk.

**SEC. 16. Streets and alleys—supervisor.** The streets and alleys of said town, together with the several roads leading therefrom, for the distance of one mile from the corporation limits, shall constitute one road district; and the mayor and aldermen shall have the exclusive right of appointing the supervisor, and if they should deem it necessary of appointing two or more supervisors for said district, who, in every respect, shall act as though appointed by the county commissioners.

**SEC. 17. Mayor and aldermen to receive no compensation unless approved by a majority of voters—additional wards may be created—proviso.** The mayor and aldermen shall receive no compensation for their services, unless the ordinances allowing the same shall first be submitted to and approved by a majority of the voters of said town, in general meeting assembled, ten days' previous notice of the time, place, and object of which meeting shall be given by the mayor, by notice set up at one place in each ward; and the certificate of such approval, signed by the chairman and secretary of said meeting, filed with the clerk and recorded by him with the ordinance, shall be sufficient evidence of such approval. The mayor and aldermen may at any time alter or change the boundaries of the wards herein established, or create additional wards in said town; provided the ordinance passed for that purpose shall be approved, and such approval certified and recorded in the manner provided in this section in relation to the ordinances allowing the mayor and aldermen compensation for their services.

**SEC. 18. Act to incorporate the town of Davenport repealed—proviso—process against mayor—how served.** The act entitled "an act to incorporate the town of Davenport," approved January 25th, 1839, be and the same is hereby repealed, from and after the first Saturday in April next: provided, however, that all by-laws and ordinances in force in said town, on said first Saturday of April next, shall continue in force until altered or repealed by the corporation created by this act; and no suit or judgment then pending or unsatisfied, to which said corporation shall be a party, shall abate, but the same may be prosecuted and enforced, in the name of the mayor and aldermen of the town of Davenport; and suits may be instituted and sustained either in favor of or against them, on such debts, covenants, promises, contracts, agreements, and liabilities, as might or could have been in favor of or against said corporation created by the act hereby repealed, if this act had not been passed. The service of all process against said mayor and aldermen shall be by leaving with the mayor or in his absence with the clerk, a certified copy thereof, and in case of subpoena in chancery, a certified copy of the bill also.

**SEC. 19. Special election to be held for adoption of this act of incorporation—in case of adoption when to take effect.** That a special election shall be held within the corporate limits of the town of Davenport, on the second Monday of March, 1842, at which time a poll shall be opened, at some convenient place in each ward in said town, at which time and place the qualified electors may vote, by ballot, for or against the adoption of this act of incorporation; and if upon a count of the ballots it shall be found that a majority of said electors are in favor of its adoption, then and in that case this act shall take effect and be in force from and after the first Saturday of April, 1842, otherwise it shall be null and void.

[47] **SEC. 20. A. Le Claire relieved from penalty.** That Antonie Le Claire is hereby relieved from any penalties to which he may be liable, for selling lots in said town of Davenport, or any of its additions, before the plat of said town, or its additions, were duly recorded.

**SEC. 21. May be altered, amended or repealed.** That any subsequent legis-

lature of the Territory or State of Iowa may alter, amend, or repeal this act, as they may deem expedient.

Approved February 11, 1842.

---

CHAPTER 58.

AN ACT to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county.

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

**SECTION 1. Authorized to keep a ferry—location and limits—term.** That Ransom Long, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at the southern extremity of the fifth principal meridian, opposite to the town of Salem, in Muscatine county, and half a mile east and half a mile west of said meridian, up and down the river, for the term of twenty years from and after the passage of this act.

**SEC. 2. Subject to same restrictions that other ferries are now or may be.** That said ferry shall be subject to the same regulations, and under the same restrictions as other ferries are or may hereafter be, by the laws of this Territory, or the State of Iowa, fixing the rates of toll, and prescribing the manner in which licensed ferries shall be kept and regulated.

**SEC. 3. Good boat and hands to be kept.** That said Ransom Long, his heirs or assigns, shall keep at said ferry a good and sufficient flat-boat, and number of hands to work the same, for the transportation of all persons and their property across said river, when passable, without delay.

**SEC. 4. May be repealed.** This act may be altered or repealed by any subsequent legislature, and no provision herein contained shall interfere with the rights of other persons.

**SEC. 5.** That this act shall take effect and be in force from and after its passage.

Approved February 12, 1842.

---

CHAPTER 59.

AN ACT to relocate a part of a territorial road in Jefferson county.

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

**SECTION 1. Names of commissioners—route of road—when and where commissioners to meet—to comply with provisions of act regulating roads and highways—compensation to be fixed by county commissioners of Jefferson county.** That O. Kinsman, of the county of Washington, B. F. Chastain and James F. Chambers, of the county of Jefferson, be and they are hereby appointed commissioners to review, mark, lay out, and [48] establish, all that part of the territorial road, from the northern boundary of Washington county, to Iowaville, in Van Buren county, which lies between Brighton, in Washington county, and Fairfield, in Jefferson county. Said commissioners, or a majority of them, shall meet at Brighton, on the first Monday in April next, or on such other day as they may agree on, within three months thereafter, and proceed to the duties required of them by this act; commencing at Brighton, thence the

nearest and best route to Fairfield. Said commissioners shall, in all respects where the same is applicable, comply with the provisions of an act entitled "an act for opening and regulating roads and highways," approved January 17, 1840; provided, however, that the compensation of said commissioners, together with that of the surveyor, chain-carriers, marker, etc., employed by said commissioners, shall be fixed by the county commissioners of Jefferson county, after the rendition of said services.

Approved February 12, 1842.

## CHAPTER 60.

AN ACT to relocate a territorial road from Farmington to the Missouri line.

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

**SECTION 1. Names of commissioners—route of road.** That Charles Davis, John Burrier and Stephen Weekley, be and they are hereby appointed commissioners to re-locate a territorial road from Farmington to the southern line of the Territory, as follows: beginning in the middle of the old territorial road, near the southeast corner of Stephen Weekley's land; thence, on the line between Weekley and Twamly, to the northwest corner of Twamly's land; thence south, on the line between Burner and Twamly and Burner and Rollins, to the southern territorial line.

**SEC. 2. When and where commissioners to meet—compensation of commissioners, etc., to be allowed by board of county commissioners.** Said commissioners, or a majority of them, shall meet at Harris' ferry landing, opposite Farmington, on the second Monday in April next, or as soon thereafter (within one year) as a majority of them may agree, and proceed to discharge the duties enjoined upon them by this act; said commissioners shall employ one surveyor, and such other hands as may be actually necessary to complete said work, who, together with the said commissioners, shall receive such compensation for their services, as the board of commissioners of the county of Van Buren shall hereafter allow; and in all other respects said commissioners shall comply with the law now in force relative to the laying out of territorial roads.

**SEC. 3. Road from Farmington to line vacated.** That so much of the territorial road already established from Farmington to the southern territorial line, as lies between Stephen Weekley's southeast corner, aforesaid, and the southern territorial line aforesaid, be and the same is hereby vacated.

Approved February 12, 1842.

## [49] CHAPTER 61.

AN ACT authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith.

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

**SECTION 1. Empowered to make deed—persons—land.** That James Muir, a half breed of the Sac and Fox tribe of Indians, under the age of twenty-one years, be and he is hereby authorized to make and execute a good and sufficient deed in fee simple to Anson L. Deming and Jesse C. Smith, or to any other

person or persons for the fractional southeast quarter of section four, in township sixty-seven north of range four west, situated in the county of Lee, and Territory aforesaid, and containing thirty-four acres more or less.

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

Approved February 12, 1842.

## CHAPTER 62.

**AN ACT** to revive and amend "an act to incorporate the Bloomington Insurance Company," approved January 13, 1840.

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

**SECTION 1. Act revived—Names of commissioners—when and where books to be opened.** That an act entitled "an act to incorporate the Bloomington Insurance Company," be and the same is hereby revived and declared to be of full force and effect, and that John W. Richman, John W. Brady, Robert C. Kinney, Adam Oglevie, Hezekiah Musgrove, John Zeigler, George W. Humphreys, David Clark, or any four of them, are hereby appointed commissioners to open books for subscription of stock, and to superintend the business of the stockholders, until a board of directors shall have been chosen; which books shall be opened in the town of Bloomington, on or before the first day of April, A. D. 1843, and to be kept open until all the shares are taken.

**SEC. 2. Stockholders personally responsible.** That if said company shall become insolvent, and fail to adjust any of its liabilities, then and in that case, the stockholders shall be personally responsible for the same.

Approved February 15, 1842.

## CHAPTER 63.

**AN ACT** to amend an act entitled "an act regulating criminal proceedings," passed January 4, 1839.

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

**SECTION 1. Duty of justice of the peace—when an indictable offence has been committed—duty of officer arresting suspected person.** That whenever by affidavit, it shall be rendered probable to a justice of the peace, that an indictable offence has been [50] committed within any county in this Territory, he shall, by his warrant, cause said person to be arrested; and it shall be the duty of the officer arresting such person, to take him before said justice of the peace who issued the warrant, or before the next nearest justice of the peace, if the justice of the peace who issued the warrant shall be absent or from any other cause shall be unable to attend.

**SEC. 2. Duty of officer when arrest is made out of county—where prisoner shall be committed.** If the arrest of the person charged with a criminal offence shall be made, out of the county where it is charged to have been committed, it shall be the duty of the officer making the same, to take the prisoner to some justice of the peace most convenient for the attendance of the witnesses in favor of the prosecution, and the justice of the peace, if he shall commit

the prisoner to jail, shall direct the warrant of commitment to the jail of the county, where the offence is charged to have been committed, if there be a jail in said county; and if there be none in said county, then in the next nearest county jail.

**SEC. 3. Recognizance of witnesses in behalf of prosecution to be taken—security to be given for appearance in certain cases.** It shall be the duty of the justice to take the recognizance of all the witnesses in behalf of the prosecution; and he may in all cases of felony, in his discretion, require the witnesses for the prosecution to give security for their appearance at the next term of the District Court for the proper county.

**SEC. 4. No bill of indictment to be quashed or judgment averted by failure of county commissioner, District Court or prisoner to perform their duty—proviso.** No bills of indictment shall be quashed, nor shall any judgement be averted by reason of a failure on the part of the county commissioners, to make out and deliver to the clerk of the District Court, a certificate of the appointment of the grand jury, nor by reason of any other informality in selecting or summoning the grand jury; nor by reason of the neglect of the District Court to have the prisoner duly arraigned; nor by reason of a failure on the part of the prisoner to plead not guilty; provided, said prisoner shall make his defence before the petit jury.

**SEC. 5. Grand jury to be sworn—venire to be issued in certain cases to sheriff to summon jurors—venire to be issued when the public good requires it.** It shall be the duty of the District Court to cause each member of the grand jury to be sworn and examined as to his qualifications to serve as a juror; and if the county commissioners' court shall neglect to make out and deliver to the clerk of the District Court, a list of the grand and petit jurors, it shall be the duty of the District Court at any time during the term, to issue a venire to the sheriff to summon the proper number of grand and petit jurors; and if after the grand jury shall have been discharged, a case shall arise during the term of the court, requiring immediate investigation by the grand jury, it shall be in the power of the District Court to have another venire issued, if in the opinion of said court, the public good shall require it.

**SEC. 6. Costs not to be rendered, in case of acquittal, against private prosecutor unless maliciously done—compensation of officer arresting prisoner out of county or Territory.** No costs shall be rendered by the court, in the event of the acquittal of a person charged with a criminal offense, against the private prosecutor, unless the court is satisfied that the prosecution is malicious, or the county or the Territory; except that when any officer in arresting or endeavoring to arrest a person charged with a crime, shall go out of his county, he shall be allowed his necessary traveling expenses out of the county treasury.

**SEC. 7. Defendant admitted to bail and discharged in certain cases—proviso.** In capital cases, the defendant shall be admitted to bail, unless indicted, and tried by the third term after his arrest; in other cases under like circumstances, he shall be discharged absolutely, unless tried by the fourth term after his arrest; provided, that in any of the above cases, the delay of indictment or trial has not been occasioned by the defendant himself.

[51] **SEC. 8. Defendant committed unless fines and costs are paid.** When a pecuniary fine constitutes a portion of the punishment in the case of conviction upon an indictment, the court may direct the defendant to stand committed for any period of time, not exceeding sixty days, in the jail of the county where the offence is tried, if there be a jail, and if there be none, in the jail of the next nearest county in which there may be a jail, unless the fine and costs are sooner paid.

**SEC. 9. Privileges and restrictions of jury.** In trials for misdemeanors, the court may permit the jury to separate for food and refreshment; but in trials for felonies, the jury shall not be separated until there is no prospect of their



agreement to a verdict, and it shall be the duty of the court to provide them all suitable refreshments.

SEC. 10. This act to take effect and be in force from and after its passage. Approved February 15, 1842.

#### CHAPTER 64.

##### AN ACT to amend an act concerning costs and fees.

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

**SECTION 1. When to take effect—Clerk's fees in Supreme and District Courts.** That from and after the passage of this act, the fees and compensation to the several officers and other persons hereinafter mentioned, shall be as follows, to wit:

In the Supreme Court and in the District Courts of the Territory, the clerk's fees in all cases, to which the same apply respectively:

For issuing and sealing every writ not exceeding 300 words .....	\$ .50
For each additional folio of 100 words.....	.12½
Docketing case, first time.....	.12½
Each subsequent time, not exceeding three times in each cause .....	.06¼
Entering judgment on a suit without process.....	.25
Entering cause on judgment docket.....	.18¾
Entering each order, or rule of court, for every continuance, rule to plead, default to plead, retraxit, non-suit, or discontinuance; or any other order actually entered in the progress of a suit, and counting the whole as one entry .....	.18¾
Filing each paper in a suit, except appeals from justices, and in no case shall such fees exceed twenty-five cents..	.06¼
Filing all papers in appeal or certiorari from justices....	.06¼
Issuing bail piece when required.....	.25
Entering special bail.....	.12½
Swearing and empanneling each jury.....	.18¾
Administering oath to each witness on trial.....	.06¼
Entering verdict of jury and judgment.....	.50
Entering satisfaction of judgment.....	.06¼
Issuing writ of execution.....	.25
Taxing costs.....	.25
Entering exonerator.....	.06¼
Entering surrender.....	.06¼
A commission to take deposition.....	.50
All motions in one suit.....	.18¾
[52] All the rules in one suit.....	.18¾
If there be only one.....	.06¼
A venire for a jury.....	.25
Making a complete record in each cause when ordered by the court, for every 100 words.....	.10
Copy of record when required, for 100 words.....	.10
Every certificate with seal.....	.25
A subpoena to include all the witnesses called for at the	

time of issuing.....	.25
Every search, except for witnesses and officers of court..	.12½
Filing record of appeal, writ of error, supersedeas, certiorari, or habeas corpus.....	.06¼
Taking security on any of the same.....	.12½
Assessment of damages.....	.18¾
A subpoena in chancery.....	.37½
Filing each bill, answer, replication, or other pleading in chancery.....	.06¼
Copy of any paper not herein provided for, every 100 words	.10
For administering oath in naturalization cases.....	.06¼
Filing papers in the same.....	.06¼
Certificate of application.....	.50
Certificate of naturalization.....	.50
Taking a recognizance.....	.25
Issuing and recording marriage license.....	1.00
Each bond required by law.....	.50

No fees shall be paid or demanded from grand or petit jurors, or witnesses, for issuing a certificate entitling them to fees as such. The county commissioners shall allow the sheriff and clerk of the District Court, any sum not exceeding thirty dollars per annum, for services in criminal cases, where the party is acquitted.

#### SHERIFF'S FEES.

<b>Sheriff's fees.</b> For serving any writ and the return thereof (subpoenas excepted) for one defendant.....	\$ .50
Each additional defendant.....	.25
Every commitment to prison.....	.25
Discharge from prison.....	.25
Attending with a person before a judge or court, when required per day at any time not a regular term of court	1.00
Mileage in going with such person before said judge, going and coming, per mile.....	.04
Serving a writ of possession or restitution.....	.50
Serving the same with a posse comitatus.....	1.50
Copy of any paper required by law, for each one hundred words .....	.10
Serving and returning a subpoena for each person therein named.....	.18¾
Calling a jury in each cause.....	.12½
Summoning a grand and petit jury to be paid out of the county treasury, for each pannel.....	8.00
Traveling fees in cases required by law, going and returning, per mile.....	.04
Selling land or other property on execution, per day....	1.50
[53] Making and executing a deed for land sold on execution .....	1.00
Serving one person with an order of court, besides milage..	.12½
Summoning a jury in cases of forcible entry and detainer..	1.50
Serving an execution or order for the partition of real estate or assigning dower, besides mileage.....	1.00
Each appraiser of real and personal estate, per day.....	.50
Each bond required by law.....	.50

For collecting and paying over all sums under two hundred dollars, 2½ per cent; for all sums over two hundred and less than five hundred dollars, 2 per cent; and for all sums over five hundred dollars, 1 per cent.

Returning a writ not served.....	.06¼
Actual traveling in such cases going and coming, per mile	.04
Receiving a prisoner on surrender by bail.....	.25
Taking new bail.....	.50
Giving bail piece.....	.25
Dieting a prisoner, to be paid out of the county treasury where prisoner is insolvent, per day.....	.37½
The collector of the county revenue shall receive 5 per cent.	

**Abstract of assessment roll to be given to collector—notice to be posted up—contents of notices—where collector will attend—proviso—collector may be required to attend in townships, &c.—notice to be given of attendance.** That the collector of taxes shall, between the first and fifteenth days of August annually, receive from the county commissioner's clerk an abstract of assessment roll of the taxes assessed by the county commissioners, and immediately after receiving the same he shall cause notices to be posted up in three or more of the most public places in each township or magistrates district throughout the county, one of which notices shall be at the place of holding general elections, stating in said notices what day (which time shall not be less than thirty days from the time of posting up said notices) said collector, or his deputy, will attend at the places of holding the elections in each township or district, for the purpose of receiving taxes, and the collector, or his deputy, shall attend, for the purposes aforesaid, on the day and at the place named in such notices, and shall attend at his office, at the seat of justice of the county, during the month of October to receive taxes from persons wishing to pay the same: provided, that the county commissioners shall at their meeting in July in any one year, if they shall deem it necessary for the convenience of the citizens of any township or townships, district or districts, to enable them to pay their taxes without attending at the county seat, may make an order requiring the county collector to attend two days in such township or district for the purpose of receiving taxes, and shall notify the collector thereof, and the collector shall be bound to attend accordingly, and shall state in the notices to be given as aforesaid on what days he will attend in said township or district for that purpose.

**Compensation of collector.** That the fees allowed to the collector, on his settlement with the county commissioners, for the collection of taxes, shall be five per centum on the first three thousand dollars; four per centum on all sums between three and four thousand dollars, and three per centum on any sum over four thousand dollars by him collected as aforesaid.

**Compensation of sheriff.** The sheriff shall be allowed by the county commissioners a sum of money, not less than ten dollars nor more than fifty dollars, for services rendered the county in delivering notices, and duties of that character for which no specific sum is provided by law.

[54] CORONER'S FEES.

**Coroner's fees.** For view of each body and for taking and returning inquest, to be paid by the deceased's estate when solvent.....\$5.00  
 Every subpoena, warrant or venire..... .25  
 For all other services the same fees as allowed to sheriffs in similar cases.

## FEES OF MASTERS IN CHANCERY.

<b>Fees of Masters in Chancery.</b> For attending and hearing every argument on any subject referred to him, and reporting thereon.....	\$2.50
Reporting when proceedings are exparte.....	.37½
Taking each oath.....	.06¼
Advertising for a public sale.....	.31¼
Attending and making deed.....	1.50
Taking depositions, every 100 words.....	.12½
Issuing a writ, ne exeat or injunction.....	.50
Taking bond.....	.50
Mittimus .....	.25
Certificate .....	.25

## FEES OF JUSTICES OF THE PEACE IN CIVIL CASES.

<b>Fees of justices of peace in civil cases.</b> For docketing each suit.....	\$ .06¼
For a summons or warrant.....	.18¾
Precept for a jury.....	.25
Every subpoena including all witnesses asked for at the time .....	.18¾
Swearing a jury.....	.12½
Entering verdict.....	.12½
Taking and certifying any acknowledgment.....	.25
Justices of the Peace and clerks of Courts of Record are hereby empowered to administer an oath whenever the same is authorized by law, and for administering each oath they shall be allowed.....	.06¼
Certifying the same.....	.12½
Entering a judgment.....	.12½
Granting and issuing fee-bill.....	.25
Every rule of reference.....	.25
Every continuance or adjournment at the request of a party .....	.12½
Taking depositions, for every 100 words.....	.10
Certificate of the same.....	.12½
Taking bail, recognizance or security.....	.25
Every discontinuance or satisfaction.....	.12½
Entering amicable judgment.....	.25
Transfer of judgment.....	.25
Marrying, and making return thereof.....	2.00
Filing each paper required to be filed.....	.06¼
Provided, that the filing of all papers in one cause shall not exceed .....	1.00
Opening judgment after default.....	.12½
Taxing costs.....	.12½
Issuing writ of attachment.....	.37½
[55] For holding inquisition in cases of forcible entry and detainer, in addition to other fees, per day.....	1.00
Writ of restitution, including execution for costs.....	.25
Recording the proceedings in each case, per folio of 100 words .....	.10
Rule to take depositions when the witness is out of the Territory .....	.50

## FEES IN CRIMINAL CASES.

<b>In criminal cases.</b> For a warrant, search warrant or commitment .....	.25
Taking recognizance .....	.25
Entering judgment for fine.....	.25
Discharging a prisoner.....	.18¾
For other services fees as in civil cases.	

## CONSTABLE'S FEES.

In civil and criminal cases:	
For serving a summons, for each person therein named....	.25
For serving a warrant.....	.25
Copy of every summons.....	.12½
Traveling to serve process, computing from the place of service to the place of return, per mile.....	.08
Where two or more persons are served, mileage to be computed only from the most remote place unless they are in opposite directions.	
Serving a subpoena, besides mileage .....	.12½
Posting and copying attachment.....	.18¾
Commitment to prison, besides mileage.....	.25
Summoning a jury.....	.25
Attending on a jury.....	.37½
Advertising and selling property.....	.75
For notifying a plaintiff of the service of a warrant, besides mileage .....	.12½

## WITNESSES' FEES.

<b>Witnesses' fees.</b> Each witness for a day's attendance before the District Court.....	\$1.00
Mileage going and coming, per mile .....	.04
The successful party shall in no case recover the costs of more than four witnesses against the other party unless the court or justice of the peace shall deem and certify a greater number to be necessary.	

## JURORS' FEES.

<b>Jurors' fees.</b> Grand jurors, per day.....	\$1.00
Petit jurors for each cause in which they are sworn, to be paid by the successful party and taxed in the bill of costs against the losing party, each juror.....	.25

## FEES OF NOTARY PUBLIC.

<b>Fees of Notaries Public.</b> For every protest of a bill of exchange or promissory note, registering seal, and other services .....	\$ .75
[56] Attesting letters of attorney and seal.....	.50
Noting a bill of exchange for non-acceptance or non-payment .....	.25
Drawing and taking proof of acknowledgment of any legal instrument not exceeding two pages.....	1.00

## FEES OF JUDGE OF PROBATE.

<b>Fees of Judges of Probate.</b> For granting letters of administration or proof probate of will.....	.50
When the same are contested.....	\$1.00
Appointing guardian to minors.....	.50
Decree for probate of a will when contested.....	1.00
When not contested.....	.50
Decree on settlement of an estate.....	.50
Examining and allowing an inventory, for the first page..	.25
Each succeeding page.....	.10
Any writ or process issued by him under seal.....	.25
Warrant to appraise or divide estate.....	.25
Allowing an appeal.....	.25
Approving securities of executor or administrator.....	.25
Assigning personal estate to widow.....	.25
Disallowance of application for letters of administration or probate of will, to be paid by the losing party....	.50
For every continuance, when asked by a party.....	.12
For bonds upon letters of administration or appointment of guardian .....	.50
Drawing a decree for the settlement of an estate.....	.50
Drawing order of distribution.....	.25
A quietus .....	.25
Filing each paper.....	.06 $\frac{1}{4}$
Administering an oath.....	.06 $\frac{1}{4}$
Recording all papers required by law to be recorded, for 100 words .....	.10
Copies of the same when required, per 100 words.....	.10
Appeal or other bonds.....	.50

## COUNTY SURVEYOR'S FEES.

<b>County surveyor's fees.</b> For surveying and platting town lots, for each lot.....	.25
For every other service per diem.....	3.00

The survey of the county surveyor shall not be conclusive, but only prima facie evidence of correctness.

SEC. 2. **Compensation of sheriffs and other officers attending court.** The sheriff, his deputies and constables, who shall attend court under the seventeenth section of an act to which this is an amendment, shall be allowed one dollar per day, to be paid out of the county treasury.

SEC. 3. **Acts repealed and modified by this act.** The third, seventh, and nineteenth sections of the act to which this is an amendment, are repealed, with the exception of fees of District Attorney; the others are in full force, except so far as they are modified by this act.

SEC. 4. That this act shall take effect and be in force from and after the first day of August 1842.

Approved, February 15, 1842.

## [57] CHAPTER 65.

AN ACT relative to the survey of the town of Marion.

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

SECTION 1. That the board of commissioners of Linn county, be and they

are hereby authorized and empowered, at their discretion, to order and cause to be closed and discontinued any alley or alleys that may be located or established in the town of Marion, in said county, by having such order duly recorded with the recorded plan of said town.

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

Approved, February 15, 1842.

#### CHAPTER 66.

AN ACT to authorize David G. Bates and John Forbes, to establish and keep a ferry across the Mississippi river, in Jackson county.

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

SECTION 1. **Right to keep a ferry—point where kept.** That David G. Bates and John Forbes, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river in the county of Jackson, at their landing, on the southwest quarter of section nineteen, in township eighty-seven north of range five east, with the exclusive privilege to the same, (which privilege shall be co-extensive with the said quarter section) for the term of ten years.

SEC. 2. **Subject to regulations and restrictions.** That said ferry, when so established, shall be subject to the same regulations and restrictions as other ferries are, or may be by law, fixing the rate of toll, and prescribing the manner in which licensed ferries shall be kept and attended to.

SEC. 3. **Number of boats and hands.** That the said David G. Bates and John Forbes, shall, on or before the first day of April next, procure and ever after keep a good and sufficient number of flat-boats and other water-crafts, for the use of said ferry, with a sufficient number of hands to work the same, for the safe transportation of all persons and their property, across said river when passable.

SEC. 4. This act to take effect and be in force from and after its passage.

Approved, February 15, 1842.

#### [58] CHAPTER 67.

AN ACT for the relief of the poor.

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

SECTION 1. **Warning to depart—legal residence in township—definition of settlement of servants and apprentices.** That any person or persons, other than those hereinafter provided for, residing one year in any township in this Territory, without being warned by the overseers of the poor for said township, to depart the same or three years after being once so warned, without being again warned as aforesaid, shall be considered as having gained a legal residence in such township; every indentured servant or apprentice legally brought into this Territory, shall obtain a legal settlement in the township where such servant or apprentice first served his master or mistress three years; and every married woman during coverture, and after her husband's death, shall be considered legally settled in the place where he was last legally

settled; but if he shall have, or shall have had, no known legal settlement, then she shall be considered as settled in the place where she was last legally settled before marriage.

**SEC. 2. Exclusion of blacks and mulattoes.** That nothing in this act shall be so construed, as to enable any black or mulatto person, to gain a legal settlement in this Territory.

**SEC. 3. Not to be construed to exclude voters.** That the provisions of this first section of this act, shall not be so construed as to exclude any person from voting at elections, who would otherwise by the laws of this Territory be entitled to vote.

**SEC. 4. Warrant to constables to warn poor persons to depart—clerks to record warrants.** That the overseers of the poor, upon receiving information that any person has come within the limits of their township to reside, who will be likely to become a township charge, shall issue their warrant or order to any constable of the township, commanding him forthwith to warn such poor person to depart the township, by reading such warrant or order of the overseers of the poor, in his or her presence, and hearing or by leaving an attested copy thereof, at his or her last place of residence; and it shall be the duty of such constable receiving such warrant or order, to make immediate service thereof in manner above directed, and to certify on the back of such warrant, that he read the same in the presence or hearing of the person therein named to depart the township, or left an attested copy thereof at his or her last place of residence, as the case may be; which warrant the said constable shall immediately lodge with the clerk of said township, who shall record the same, and the certificate of the constable endorsed thereon within three days thereafter, in the book containing the records of the township.

**SEC. 5. Provision for the suffering condition of the poor, having a legal settlement.** That upon complaint being made, or information given to the trustees of the township in any county having a county poor house, that any inhabitant of such township having a legal settlement therein, is in a suffering condition and requires public assistance or support, said trustees shall inquire into the condition and necessities of such person, and if satisfied that such person ought to be relieved at public expense, they shall make out an order to the directors of the poor-house, to receive and provide for such person, and shall accompany said order with the statement required by the act, to authorize the establishment of poor-houses.

**SEC. 6. Duty of overseers to afford relief—proposals for the maintenance of paupers.** That when the overseers of the poor of any township in any county, having no poor-house, shall be satisfied that any person having [59] legal residence in such township, is in a suffering condition, and ought to be relieved at the expense of such township, they may afford such relief at the expense of their township, as in their opinion the necessities of such person may require; and when more than temporary relief is required, the overseers shall set up a notification in three public places in their township, specifying some time and place at which they will attend for the purpose of receiving proposals for the maintenance of such pauper, which notification shall be posted up at least seven days before the day named therein, for receiving such proposals; and said overseers may contract with such person as they shall think suitable, to take charge of and maintain such pauper, and who will do the same on the most reasonable terms; but they shall not contract for the support of such pauper for a longer period than one year, at any one time.

**SEC. 7. Orders of trustees to directors to receive paupers.** That if the trustees of any township, in any county having a poor-house, shall issue an order to the directors of such poor-house, requiring them to receive and provide for any pauper, and such pauper be rejected by said directors, under the provisions of the ninth section of the act to authorize the establishment of



poor-houses, the overseers of the poor of such township, shall receive and provide for such pauper, according to the provisions of the preceding section of this act.

**SEC. 8. Duty of overseers to afford temporary relief.** That the overseers of the poor of each township, shall also afford temporary relief or support to any person within their township, and not having a legal settlement in the same, when such relief or support is needed.

**SEC. 9. Duty of overseers to remove pauper—townships to pay for the support and removal of their poor—townships to be sued.** That if any person shall become chargeable in any township in which he, she, or they have not gained a legal settlement, it shall be the duty of the overseers of the poor of such township, to cause such person or persons, so soon as their health will permit, to be removed to the township where he, she, or they were last legally settled, if such person or persons have any legal settlement in this Territory; and the overseers of the poor of such township shall receive such pauper or paupers thus removed, and provide for his, her or their maintenance, in the manner pointed out by law; and the township in which such pauper or paupers have gained a legal settlement, and to which he, she or they are transported, shall pay said overseers of the township, which have thus supported and removed said pauper or paupers, all reasonable charges for such support and removal; and upon refusal, may be compelled by an action of debt, brought against the trustees of said township, before the District Court of the county in which either or both of the townships may be situated; and the trustees of each and every township in this Territory, are hereby empowered to sustain said action, against the trustees of any other township in this Territory, for thus supporting and removing their own paupers.

**SEC. 10. Trustees to remove paupers having no legal settlement to other counties.** That in case any person or persons, becoming chargeable to any township as aforesaid, shall have no legal settlement within this Territory, the overseers of the poor in such townships, if directed by the trustees, may remove such person or persons to the State or county where he, she or they have a legal settlement, unless such person or persons shall give sufficient security, to indemnify the said township.

**SEC. 11. Overseers shall keep account of all expenses, make entries of names of the poor, etc.** That the said overseers shall keep fair and accurate accounts of all expenses incurred, for the support of the poor within their respective townships, and make entries in a book of the names of the poor, and the time when each of them became chargeable, together with an account of their own services rendered; and on the first Monday of March annually, the said overseers shall meet the trustees of their respective townships, and exhibit said books and accounts, which the said trustees are hereby authorized to audit and allow, together with such compensation to the said overseers for their services as shall, in the opinion of said trustees, be just and reasonable.

**SEC. 12. Duty of trustees in every township to issue orders for all demands in certain cases.** That it shall be the duty of the trustees, in each and every township, to issue orders to the township treasurer, for any and all such demands as may accrue under the provisions of this act; and the said trustees may issue such orders on the treasury, in favor of the overseers of the poor, at any time during the year, when it shall be necessary to carry into effect any of the provisions of this act.

**SEC. 13. Grants, devises, etc. made to the poor, provision for.** That all gifts, grants, devises, and bequests, hereafter to be made of any houses, lands, tenements, rents, goods, chattels, sum or sums of money, to the poor of any township, by deed, gift, or by the last will and testament of any person or persons or otherwise, shall be good and valid in law; and shall convey such houses, lands, tenements, rents, goods and chattels to the trustees of such township,

and their successors in office, for the use of their poor respectively, under such regulations as shall from time to time be made by law.

**SEC. 14. Former act repealed.** That the act for the relief of the poor, approved January 16, 1840, be and the same is hereby repealed: provided, that in counties where townships are not, or may not be organized, the said act shall be in as full force as if this act had not passed.

Approved, February 16, 1842.

#### CHAPTER 68.

AN ACT to amend an act entitled "An act to prevent and punish gaming."

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

**SECTION 1. Former act on the subject of gaming amended.—misdemeanor punished by fine and imprisonment.** That the fourth section of an act entitled an act to prevent and punish gaming, approved December 25, 1838, be so amended as to read: Every person who shall bet any money or property, or play at or upon any gaming table, bank or device, prohibited by the preceding section, or who shall bet upon or play at any game, played at or by means of any such gaming table, or bank, or other device, or on the side or against the keeper thereof, shall, on conviction thereof, be adjudged guilty of a misdemeanor, and punished by fine, not exceeding fifty dollars and not less than ten dollars, to be paid into the treasury of the proper county, for the use of such county: provided, that no offense against the provisions of this section shall hereafter be indictable, but that all such offences shall be tried and punished in a summary manner, before any justice of the peace, in the same manner and under like regulations that breaches of the peace are now tried and punished, before justices of the peace.

Approved, February 16, 1842.

#### [61] CHAPTER 69.

AN ACT to relocate and mark out a portion of the territorial road leading from Farmington, in Van Buren county, to Prairie du Chien.

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

**SECTION 1. Names of commissioners.** That Frederick Andros, Henry F. Lander, and Robert R. Read, be and they are hereby appointed commissioners to locate and mark out, so much of the territorial road, leading from Farmington, in Van Buren county, to Prairie du Chien, according to the provisions of an act passed in 1836, locating and establishing said road, as runs through the county of Clayton.

**SEC. 2. Employment of hands and their compensation.** That the said commissioners shall employ a sufficient number of hands to perform the duties herein required, who shall receive such compensation for their services as the county commissioners of said county may allow.

**SEC. 3. Place of meeting.** That the said commissioners shall meet at Millville, in said county, on the first Monday in June next, or such other time thereafter as a majority of them may agree upon, and proceed to the discharge of

their duties, according to an act to provide for laying out and opening territorial roads, approved December 29, 1838.

SEC. 4. That this act shall take effect and be in force from and after its passage.

Approved, February 16, 1842.

## CHAPTER 70.

AN ACT to locate and establish a territorial road from Crawfordsville, in Washington county, to Smith's Mills, in Henry county.

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

SECTION 1. **Names of commissioners.** That Absalom Cornelias, Edmund Archibald, of Henry County, and Robert Neil, of Washington county, be and are hereby appointed commissioners to lay out and establish a territorial road from the town of Crawfordsville, in Washington county, to Smith's Mills, via New London, in Henry county.

SEC. 2. **Place of meeting.** That said commissioners meet at Smith's Mills on such day as they may agree, (not exceeding twelve months from the passage of this act,) to discharge their duties.

SEC. 3. **Per diem of commissioners and surveyor—chain carriers.** That said commissioners shall be allowed one dollar and fifty cents per day for their services, and shall employ one surveyor, and as many chain carriers and axe-men as they shall think necessary; the surveyor shall receive no more than two dollars and fifty cents per day, and the chain carriers and axe-men shall be allowed no more than one dollar per day, to be paid according to the provisions of an act to provide for the [62] laying out and opening territorial roads, approved January the 25th, 1839.

Approved, February 16, 1842.

## CHAPTER 71.

AN ACT repealing a portion of an act to locate and establish a territorial road from the town of Dubuque, to Camp Atkinson, approved January 13, 1841.

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

SECTION 1. **Act to locate a road to Camp Atkinson repealed.** That so much of an act entitled an act to locate and establish a territorial road, from the town of Dubuque to Camp Atkinson, approved January 13, 1841, as provides for the location and establishment of said territorial road in the county of Dubuque, be and the same is hereby repealed.

SEC. 2. **Location vacated.** That so much of said territorial road as has been located and established in the county of Dubuque, be and the the same is hereby vacated.

Approved, February 16, 1842.

## CHAPTER 72.

AN ACT to authorize the appointment of a county agent, in and for the county of Johnson.

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

**SECTION 1. County commissioners to appoint an agent for Johnson co.—to enter into bond.** That the board of commissioners shall, and it is hereby made their duty, at their next April term, and annually thereafter, to appoint some suitable person as Agent for Johnson county, who, when so appointed, shall enter into bond, with security, in the penal sum of five thousand dollars, to be approved of by the said board of commissioners; said bond to be made payable to the county of Johnson, and conditioned for the faithful discharge of all his duties as such Agent. The bond so executed and approved, shall be filed with the clerk of said board, and a copy thereof duly certified by said clerk, shall be received as evidence in all courts within this territory.

**SEC. 2. Agent first to take an oath.** That the said agent, before entering upon the duties of his said office, shall take an oath faithfully to discharge his duties as such Agent, which oath shall be administered by some person legally authorized to administer the same.

**SEC. 3. Agent to take charge of property, and demand bonds and notes.** That it shall be the duty of said agent, when so appointed and qualified, to take charge of all the unsold property in the county seat of said Johnson county, and also to demand and receive from the county treasurer of said county, or any other person who may hold the same, all notes or bonds due said county for lots heretofore sold in said county seat.

**SEC. 4. Duty of treasurer to hand over all moneys, etc.—treasurer to be sued.** That it is hereby made the duty of the Treasurer of Johnson county to hand over to the said Agent, on demand, all moneys, notes, bonds, [63] or other papers, in any way arising from, or belonging to, the sale or transfer of any lots in said county seat, made previous to such demand, and on the refusal of the said Treasurer, to hand over, as aforesaid, the moneys and effects, as aforesaid, it shall be the duty of the said Agent to commence suit forthwith against said Treasurer, on his bond, in any court having competent jurisdiction.

**SEC. 5. Duty of agent to collect, safely keep and pay over all moneys.** It shall be the duty of said agent, to collect, safely keep, and pay over all moneys arising from the sales of lots in the said county seat, as soon as the same may come into his hands, upon orders issued by the said board of commissioners, for work and labor done or to be done, or for materials furnished or to be furnished, upon contracts entered into, or that may hereafter be entered into by said board, or by said agent, in relation to the erection of the public buildings necessary for said county.

**SEC. 6. Authority of agent to sell lots and other property—the agent to make all notes for the sale of lots payable to himself or successor—agent to make deeds of conveyance.** That the said agent is hereby authorized, under the direction of the said board of commissioners, to sell any lots or other property belonging to said county, upon such terms as the said board may direct, and not otherwise. The said agent shall make all notes or obligations, taken for the sale of the property belonging to said county, or in which said county may have an interest, payable to himself or his successor in office, shall sign all title bonds for deeds, and he or his successor in office, shall make and execute all necessary deeds of conveyance to purchasers, and which said deeds, when so made and executed, by said agent or his successor in office, and acknowledged before some person legally authorized to take the same, shall be

good and valid in law; and the said agent is hereby authorized to execute deeds, as aforesaid, upon all bonds heretofore given by the said board of commissioners, for lots heretofore sold in said county seat, which when made and acknowledged as aforesaid, shall operate as a good and legal conveyance.

**SEC. 7. Qualification for office—power of commissioners to remove agent—vacancy to be filled by board of commissioners.** No person shall be eligible to the office of agent, who shall at the same time hold any other office in said county. The said board of county commissioners shall have the power, either upon complaint being made to them, or upon information derived in any other way, to remove the said agent, for any violation of, or negligence in the discharge of the duties of his office; and all vacancies in said office of agent, whether by removal or otherwise, shall be filled at any time by said board, in the same manner and under the same regulations as are provided in the first and second sections of this act.

**SEC. 8. Agent shall observe and obey all orders of commissioners—duty of agent upon the receipt of moneys to make duplicate receipts.** That the said agent shall observe, obey, and enforce all orders of the said board of commissioners, that may in any way relate to the sale or transfer of any property belonging to said county, or the erection of any public buildings for said county: provided, said orders do not conflict with the provisions of this act: and it shall be the duty of said agent, upon the receipt of any moneys belonging to said county to make duplicate receipts one of which he shall deliver to the person paying the same, the other to be delivered within five days after the payment of the money to the clerk of said board, and by him filed in his office; which said receipts shall specify, particularly the amount of money received by said agent.

**SEC. 9. Duty of agent to report annually and oftener if required—books to be inspected—compensation to agent.** That it shall be the duty of said agent, to report annually to the said board of commissioners, and as much oftener as he may be thereunto required by the said board, all his proceedings as such agent, and to deliver up his books and papers at any time, to be inspected by the said [64] board of commissioners; the said board of commissioners shall allow to the said agent for his services as such agent, such compensation as they may deem reasonable and just, to be paid out of any moneys in the county treasury, not otherwise appropriated.

**SEC. 10. Failure of agent to perform his duty—agent to be indicted and fined for neglect of duty.** That if the said agent, when so appointed and qualified, shall fail to discharge his duties as such agent, according to the true intent and meaning of this act, he shall be liable to the party aggrieved, in an action upon his bond, before any court having competent jurisdiction, and may also be indicted and fined in any sum not exceeding one hundred dollars. This act to take effect and be in force from and after its passage.

Approved, February 16, 1842.

---

## CHAPTER 73.

AN ACT to amend an act establishing the court of probate.

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

**SECTION 1. Duty of judges of probate to deliver over to their successors in office all books, papers, etc.—liability for failure to hand over books, etc.**

That from and after the passage of this act, it shall be the duty of all judges of probate, their executors, or administrators, who now hold or may hereafter hold that office, to deliver over to the successors in office of the said judges of probate, all books and papers relating to said office of judge of probate in their possession, and upon failure to do so within five days after demand, by the successor of said judges of probate, they shall be liable to indictment and punishment by fine, not exceeding one thousand nor less than one hundred dollars.

**SEC. 2. Duty of judges of probate whose term of office expired before the passage of this act—liable to indictment.** That it shall be the duty of all judges of probate, whose term of office expired before the passage of this act, to deliver over to their successors in office, all books and papers relating to their office, within five days after demanded by their successors, and upon their failure so to do, after such demand, they shall be liable to indictment, and the same punishment as is provided for in the first section of this act.

Approved, February 16, 1842.

#### CHAPTER 74.

AN ACT to authorize Joseph Stephens, to erect a dam across Skunk river.

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

**SECTION 1. Authority to construct a dam—at what point—height of dam—not to back upon dam above—lock to be constructed.** That Joseph Stephens, his heirs or assigns, be and they are hereby authorized, to construct a dam across Skunk river, on the north-east quarter of section thirty-four, of township seventy north, and range four west, in the county of Henry; said dam may be built any height not exceeding six feet, provided it shall not back water upon the dam at Smith's mills, and shall have a convenient lock, not less than twenty-five [65] feet wide, and one hundred and twenty feet long, for the passage of boats, rafts, and other water-crafts.

**SEC. 2. Good repair of lock.** That the said lock shall at all times be kept in good repair, and conditioned to pass any water-craft as above mentioned, free of toll without unnecessary delay.

**SEC. 3. Liability for injury to dam—Penalty for maliciously injuring or destroying dam.** That any person who shall destroy or anywise injure either said dam or lock, shall be deemed to have committed a trespass, and shall be liable accordingly; and any person who shall wilfully or maliciously destroy or injure said dam or lock, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damages the owner or owners may have sustained, or be imprisoned at the discretion of the court.

**SEC. 4. Not to flow land of others—nuisances to be removed.** That nothing herein contained, shall authorize the owner or owners of said dam, their heirs or assigns, to enter upon and flow the lands of any person without the consent of such person; and he shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health in the vicinity.

**SEC. 5. Not to interfere with navigation.** That the legislature of the territory or State, may at any time, alter, amend, or repeal this act, so as to provide for the navigation of said river.

Approved, February 16, 1842.

## CHAPTER 75.

AN ACT to locate a territorial road from Fairfield, in Jefferson county, to the forks of Skunk river, in Washington county.

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

**SECTION 1. Name of commissioner to locate—route—limit of time for location.** That Henry Harden, of Jefferson county, be and he is hereby appointed a commissioner to locate and establish a territorial road from Fairfield, in Jefferson county, thence to the southeast corner of Hadley's farm, thence to Richland, thence to Western City, thence to the forks of Skunk river in Washington county; said commissioner to repair to the town of Fairfield on the first Monday in the month of April next, or any time within three months thereafter, for the purpose of locating said road.

**SEC. 2. Surveyor, chain carriers, etc.—compensation.** That said commissioner shall take to his assistance, a competent surveyor, and the necessary chain-carriers and markers, and said commissioner, surveyor, chain-carriers, and markers, shall receive such compensation, and be governed in all respects not herein provided for, by an act entitled an act for opening and regulating roads and highways, approved January 17th, 1840.

Approved, February 16, 1842.

## [66] CHAPTER 76.

AN ACT making the clerk of the board of county commissioners, elective by the people.

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

**SECTION 1. Election of clerk of board of commissioners by the people—time of election—term of office—to take an oath and enter into bonds.** That an election shall be held on the first Monday in August next, and on the first Monday in August, one thousand eight hundred and forty-four, and on the first Monday in August in every second year thereafter, in each county in this territory, for a clerk of the board of county commissioners; and the clerks so elected, shall continue in office for two years, and until their successors shall be elected and qualified to office, and previous to their entering upon the duties of their respective offices, they shall take and subscribe an oath, and enter into bonds as is now required by law.

**SEC. 2. Places of holding elections—clerk pro tem.** The election provided for in this act, shall be held at the same places, and conducted in all respects as is now provided for by the law regulating general elections; and vacancies shall be filled in the same manner, provided said board may appoint a clerk pro tempore, whose term of service shall continue until a clerk shall be elected and qualified as provided for in this act.

**SEC. 3. Contested elections provided for.** In all contested elections of the before mentioned officers, it shall be settled as provided for in the act in relation to contested elections.

**SEC. 4. Forfeiture for failure to deliver over papers, books and moneys.** Every clerk who shall neglect or refuse to deliver over to his successor in office, all papers, books, and moneys, in his possession, as well as all and every thing appertaining to his office, shall forfeit and pay any sum not exceeding five

hundred dollars, nor less than twenty-five dollars, to be recovered as in action of debt, in any court having jurisdiction of the same.

**Sec. 5. Acts repealed.** All acts and parts of acts, authorizing the county commissioners to appoint clerks, be and the same are hereby repealed.

Approved February 16, 1842.

---

## CHAPTER 77.

AN ACT to divorce Seth Baker from his wife Sally Baker.

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

**SECTION 1.** That the marriage contract heretofore existing between Seth Baker and Sally Baker, be and the same is hereby dissolved.

Approved, February 16, 1842.

---

## [67] CHAPTER 78.

AN ACT to vacate the survey and plat of a part of the town of Toolesborough, in Louisa county.

Whereas, the proprietors of the town of Toolesborough, in Louisa county, deem it unnecessary to continue on record all of the plat and survey of said town: Therefore,

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

**SECTION 1. Part of town vacated—part excepted—Power to change location and relocate.** That so much, and all that part of the town of Toolesborough, in Louisa county, that is situated, lying and being west of Mound street, in said town, be and the same is hereby vacated: (block number forty-five and forty-nine excepted) provided, however, that said proprietors shall have the power, and are hereby authorized to change the location of, and re-locate any part of the vacated part of said town, at any time hereafter they may deem proper, by retaining in said resurvey, so far as practicable, the numbers of the blocks and size of the lots, etc., so re-located, and have the same recorded according to law.

**SEC. 2. Not to interfere with the vested rights of others—other parts shall remain as now seen on record.** That the vacating of said part of said town of Toolesborough, shall not interfere with the vested rights of any person or persons, who now own lots in said town, or lots in any block that may be hereafter relocated; and the remainder, or other part of the survey and plat of said town, situated east of Mound street, shall remain as now seen on record. This act to take effect and be in force from and after its passage.

Approved, February 16, 1842.



## CHAPTER 79.

AN ACT relative to the navigation of the Maquoqueta river.

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

**SECTION 1. River declared to be a public highway—any obstruction a misdemeanor.** That the Maquoqueta river, be and it is hereby declared to be a public highway, for all navigable purposes whatsoever; and if any person shall in any manner, impede or obstruct the navigation of said river, he shall be considered to have committed a misdemeanor, and on conviction thereof, shall be fined and imprisoned at the discretion of the court.

**SEC. 2. Owners of mill dams to construct schutes or locks for the passage of boats.** That in case of any obstructions in said river, by mill dams or other dams, prior to the passage of this act, it shall be the duty of the owner or owners of said mill dams or other dams, to forthwith construct such schutes or locks in said dams, as will admit flat-boats, or other boats, crafts, etc., to pass with safety; that said schutes or locks shall be at least twenty feet wide, and one hundred and twenty feet long, and shall be completed so as to pass boats and other crafts, within two years from the passage of this act.

Approved, February 16, 1842.

## [68] CHAPTER 80.

AN ACT amendatory of an act to regulate ferries, approved December 20, 1838.

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

**SECTION 1. Power of board of commissioners to regulate ferries.** That the several boards of commissioners of the counties of this Territory, are hereby empowered and required to regulate and establish the rates of ferriage, on every ferry in their respective counties, kept by authority of a charter from a Legislative Assembly.

**SEC. 2. Duty of clerks of commissioners, and keepers of ferries.** That the duty of the clerk of said boards, in such cases, shall be the same as that prescribed in section six of the act to which this is amendatory; and the duty and liability of the keepers of such ferries shall be the same as that prescribed in said act, so far as the same may not be contradictory to those in the charter granted them.

Approved, February 16, 1842.

## CHAPTER 81.

AN ACT to authorize Samuel Wells to build a dam across Skunk river.

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

**SECTION 1. Right to build a dam—point to build.** That Samuel Wells, his heirs and assigns, be and they are hereby authorized to build and keep a dam across Skunk river, on the southeast quarter of section number six, in town-

ship number seventy-four, north, of range number nine west of the fifth principal meridian.

**SEC. 2. Liability for injury—Liability for malicious injury.** That any person or persons who shall destroy or in any wise injure said dam, shall be deemed to have committed a trespass, and shall be liable accordingly; and any person who shall wilfully or maliciously destroy or injure said dam, shall be guilty of a misdemeanor, and on conviction thereof shall be fined treble the amount of damages the owner may sustain.

**SEC. 3. Not to flow other lands or mill wheels.—removal of nuisances—may be amended or repealed.** That nothing herein contained shall authorize the individual named in this act, his heirs and assigns, to enter upon and flow the lands or mill wheels of any person or persons, without the consent of such person or persons; and they shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of the vicinity of said dam. This act may be amended, altered, or repealed by any subsequent Legislature.

Approved, February 16, 1842.

---

[69] CHAPTER 82.

AN ACT to authorize John R. Sloan to keep a ferry across the Mississippi river at the town of Camanche, in Clinton county.

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

**SECTION 1. Right to keep a ferry—for term—subject to certain regulations.** That John R. Sloan, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river at the town of Camanche, in Clinton county, for the term of ten years, from the first of April next: provided, that said ferry, when so established, shall be subject to the same regulations, and be under the same restrictions, as other licensed ferries are or may hereafter be, by the laws of this Territory, fixing the rate of tolls, and prescribing the manner in which licensed ferries shall be kept and regulated.

**SEC. 2. Time for procuring boats and hands.** That the said John R. Sloan, his heirs and assigns, shall, within three months from the passage of this act, procure for said ferry a sufficient number of flat-boats and other water crafts, with a sufficient number of hands to work the same, which shall be kept at said ferry, for the transportation of all persons and their property across said river without delay.

Approved, February 16, 1842.

---

CHAPTER 83.

AN ACT to provide for levying a tax on real and personal property for road purposes.

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

**SECTION 1. Power to levy a tax for road purposes.** That hereafter the board of commissioners in each county in this Territory, may at the same time they make a levy of taxes for county purposes, also fix a per centum on real

and personal property for road purposes, which per centum shall not be less than five cents nor more than twenty-five cents on the hundred dollars valuation, on all property made taxable by the revenue laws of this Territory, said tax to be paid to the supervisors or worked out on the roads.

**SEC. 2. Duty of supervisors to furnish a list of taxable citizens.** That it shall be the duty of each supervisor to furnish the board of commissioners of his county, on or before the first Monday in July annually, a complete list of the individuals liable to pay county tax in his road district, particularly specifying those who are the owners of real estate in his district, whereupon said board shall furnish or have furnished, said supervisors with a list of the road tax assessed on each person in his district, whose duty it shall be to collect or have the same worked out on the roads, allowing one dollar for each day's work.

**SEC. 3. Non-residents to work out road tax—tax collectors authorized to proceed against delinquents—to pay over.** That for the purpose of giving non-residents an opportunity to work out their road tax, the supervisors shall be furnished with a list of the amount of road tax charged on each non-resident tract of land in [70] each supervisor's district; and in case said road tax is not paid or worked out by either residents or non-residents, on or before the first day of November in each year, then the supervisors shall make out a list of delinquents, attach his certificate thereto, and deliver the same to the proper tax collector, who is hereby authorized to proceed to collect said tax according to law, by sale of property, etc., as other taxes are collected, and when collected, to pay over the same to the proper supervisors: provided, however, that county orders shall not be received for said road tax.

**SEC. 4. Supervisors to apply moneys received.** That it shall be the duty of each supervisor to apply all moneys received by him for road tax, to the making or repairing of bridges or improvement of roads within his district; and said supervisors shall pay over to their successors, all moneys that may be in their hands when their successors are sworn into office.

**SEC. 5. Power of supervisors to order out persons to work.** That it shall be the duty of supervisors to order out every person in their road districts, subject to labor on roads and highways, to work two days on the roads within the time provided by law, instead of three days as now provided by said law; and in all other duties said supervisors shall be governed by the road laws now in force in this territory.

**SEC. 6. Requirement of supervisors.** That the said supervisors shall only be required to perform two days services free of charge, instead of three days as now required by law.

Approved, February 16, 1842.

#### CHAPTER 84.

AN ACT to provide for the expression of the opinion of the people of the territory of Iowa, upon the subject of the formation of a state constitution and government, and to enable them to form a constitution for the state of Iowa.

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

**SECTION 1. Poll to be opened for the expression of opinion on the formation of a state constitution.** That for the purpose of obtaining the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a constitution and state government, a poll shall be opened at each electoral precinct in this territory, at the time of holding the next

general election for members of the Council and House of Representatives, etc.

**SEC. 2. Judges of election to interrogate voters—clerks of election to write down names.** That it shall be the duty of the judges of elections, at every precinct in this territory, to interrogate the several qualified electors when they approach the polls to vote, whether they are in favor or against a convention, to which interrogatory the said elector shall answer simply "convention," or "no convention," and the clerks of said election shall thereupon write down his name in a column headed "convention," or "no convention," in accordance with the vote of said elector.

**SEC. 3. Judges shall mark down number of votes for and against a convention—returns to be forwarded to the clerk of county commissioners of each county—duty of clerks to forward abstracts of votes given to secretary's office—secretary of territory to examine and count returns—the governor shall issue his proclamation.** That immediately after the polls are closed, it shall be the duty of the judges of said election, to mark down distinctly on a sheet of paper the number of votes given for, and the number of votes given against a convention, and certify the same, together with the paper containing the [71] names of the voters above mentioned, to be correct; and they shall thereupon carefully seal up said papers, so certified, endorse thereon "Returns for and against a convention," and forward the same to the clerk of the board of county commissioners of the proper county, within five days from the day of the election aforesaid; and it shall be the duty of the clerk by whom said returns shall be received, within four days after the same shall be deposited in his office, to make out an abstract of the votes given for and against a convention, enclose them in an envelope endorsed thereon "Returns for and against a convention for \_\_\_\_\_ county," (as the case may be,) and transmit the same to the office of the secretary of the territory, who, within thirty days after the election aforesaid, shall, in the presence of the governor, examine and count said returns and file them in his office, and thereupon the governor shall issue his proclamation declaring the number of votes given for and the number of votes given against a convention.

**SEC. 4. Provision for choice of delegates to convention in a certain event.** That if a majority of the votes polled at the election, provided for in this act, shall be for a "Convention," then there shall be another election held for the election of delegates to a convention to form a constitution for the State of Iowa, on the second Tuesday in October next after the election aforesaid; and the notice for said election for delegates, shall be given at least twenty days before the holding thereof; and the manner of giving said notice and all other proceedings connected with said election, shall be in accordance with the provisions of the law, providing for the election of members of the Council and House of Representatives in this territory, so far as the same may be applicable.

**SEC. 5. Number of members apportioned among the counties.** That the convention shall consist of eighty-two members, to be elected within the several organized counties in this territory as follows, to-wit: the county of Lee shall elect eleven members; the county of Des Moines ten; the county of Van Buren eleven; the county of Henry seven; the county of Jefferson five; the county of Washington three; the county of Louisa four; the county of Muscatine four; the county of Johnson three; the county of Cedar two; the county of Linn three; the county of Scott four; the county of Clinton two; the county of Jackson three; the county of Jones one; the county of Dubuque six; the county of Delaware one; and the county of Clayton two. The said delegates shall be citizens of the United States, and shall have resided twelve months within the Territory, before the election aforesaid.

**SEC. 6. Judges of election shall certify as provided by law in other elections—clerks of commissioners shall open returns and certify—case of a tie**

**vote county commissioners to provide for.** That the judges of election in the several precincts, shall certify the votes for delegates, in the same manner as is provided by law for the election of members of the Council and House of Representatives, and shall send returns of said election, so certified, to the clerk of the county commissioners' court, who shall open said returns and certify the election of delegates in the same manner as is now provided by law, for the election of members of the Council and House of Representatives; and in case of a tie vote between any of the candidates for delegates, it shall be the duty of the clerk of the board of county commissioners, to order a new election to be held within twenty days after said first election, and be conducted in the same manner as said first election.

**SEC. 7. Meeting of the delegates, time and place to form a constitution.** That the said delegates elect, shall meet at Iowa City, on the first Monday of November next, ensuing the election aforesaid, and proceed to form a constitution and state government, for the territory of Iowa.

**SEC. 8. The adoption of constitution to be published—qualified voters at the general election authorized to vote for or against the constitution—votes for and against constitution shall be returned to clerks of commissioners—clerk to make return to secretary—secretary to open and count in presence of governor.** That when a constitution and form of state government, shall have been adopted by said convention, they shall cause the same to be published in all the newspapers printed in this territory; and at the next general election for members of the Council and House of Representatives, after the formation of a constitution and state government by said convention, the electors of said territory, who are qualified to vote for members of the legislature at said general election, shall be and they are hereby authorized, to vote "for the constitution," or "against the constitution." The votes for and against the constitution, shall be counted and returned to the clerk of the county commissioners' court, in the same manner as required by this act, in the election for convention and against convention; and the clerk of said commissioners shall, in the same manner, transmit returns of said votes for and against the constitution, to the secretary of the territory, who shall open and count the same, as soon as they are all received from the several counties in this territory, in the presence of the governor, who shall issue his proclamation declaring the result.

**SEC. 9. To vote in counties whether residents of such counties or not, for or against a convention—residence necessary to vote for delegates to convention.** That all electors qualified, as aforesaid, may vote for or against a convention, in any county of this territory, whether residents of such county or not; but in the election of delegates to the convention, the said electors shall not vote out of the counties wherein they have their residences.

**SEC. 10. Provision for conducting the several elections.** That the several elections provided for in this act, shall in all respects, be conducted in accordance with the provisions of an act, regulating general elections in this Territory, and the several acts amendatory thereto, so far as the same is applicable, and except as is herein specially provided for.

**SEC. 11. Oath to be administered to voters when challenged.** That whenever a person shall present himself to give his vote or ballot at said elections, and either of the judges shall suspect or any other person shall challenge him to be unqualified for that purpose, the judges shall tender to him the following oath: "You do solemnly swear and declare, (or you do solemnly declare and affirm) that you are of the age of twenty-one years, according to your best knowledge and belief, a citizen of the United States, and that you have been for the last six months, an inhabitant of this territory, and now a resident in this county, and that you have not voted before, in any part of this territory at this election."

**SEC. 12. Secretary to procure this act to be published—duty of the clerks of county commissioners to give notice—duty of sheriffs to post up notices.** That it shall be the duty of the secretary of the territory, to cause this act to be published in the several newspapers of this territory, as soon as the same may be approved by the governor; and it shall be the duty of the clerk of the board of county commissioners in the several counties of this territory, to give notice that a poll will be opened for the purposes specified in the first section of this act, to the sheriff of his proper county, who is hereby required to post up notices in accordance with law, at least twenty days before the general election day, in August next.

**SEC. 13. Secretary of territory to procure suitable rooms, etc.** That it shall be the duty of the secretary of the territory, to procure a suitable room for the meetings of the convention; also, to [73] provide the same with furniture, stationery, and all other things necessary, for the comfort and convenience of the convention.

**SEC. 14.** That this act shall take effect and be in force from and after its passage.

Approved, February 16, 1842.

---

#### CHAPTER 85.

AN ACT to divorce John E. Ely from Minerva Ely.

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

**SECTION 1.** That the bonds of matrimony now existing between John E. Ely and Minerva Ely, be and the same are hereby dissolved from and after the passage of this act.

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

Approved, February 16, 1842.

---

#### CHAPTER 86.

AN ACT for the relocation of a part of the territorial road from Iowa City to Prairie Du Chien.

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

**SECTION 1. Names of commissioners—time and place of meeting.** That Aaron Usher, O. Clark and B. Magonigle of Linn County, be and they are hereby appointed commissioners to relocate all that portion of the territorial road established from Iowa City to Prairie Du Chien that passes from the head of the upper rapids of the Cedar river to Ephraim T. Jervis in Linn county; said commissioners shall meet at such time and place as they or a majority of them shall agree upon, within six months after the passage of this act, and shall receive such compensation for their services as the board of commissioners of the county of Linn may deem proper.

**SEC. 2. To comply with a former law.** That said commissioners in locating said road, shall in all respects comply with the law for opening and regulating roads and highways, approved January 17, 1840.

Approved, February 17, 1842.

## [74] CHAPTER 87.

AN ACT to relocate that portion of the territorial road leading from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson in Henry county.

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

**SECTION 1. Names of commissioners—route.** That Christian Bean, Philip Miller and Joseph Morrison of the county of Henry, be and they are hereby appointed commissioners to relocate that part of the territorial road leading from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Checauque river and Jefferson in Henry county, making the town of Trenton a point on said road.

**SEC. 2. Time and place of meeting.** That said commissioners shall meet at the town of Trenton, or a majority of them, on the first Monday of April next, and shall proceed to relocate that part of said road according to the provisions of an act to locate and establish territorial roads.

**SEC. 3.** That this act take effect and be in force from and after its passage. Approved, February 17, 1842.

## CHAPTER 88.

AN ACT to review a part of the territorial road from Moscow via Rochester, to Marion in Linn county.

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

**SECTION 1. Names of commissioners—route.** That John Wilson, Sr. and George Hunt of Muscatine county, be and they are hereby appointed commissioners to review the road from Moscow via Rochester, to Marion in Linn county, from the bridge north of Moscow in Muscatine county, in the north half of the southwest quarter of section four, township seventy-eight north, to the southwest corner of Harvey Hatton's field, in section thirty-two, township seventy-nine, range two west, and that they receive such compensation as the board of commissioners of Muscatine county shall allow them.

Approved, February 17, 1842.

## CHAPTER 89.

AN ACT to incorporate the town of Fort Madison.

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

**SECTION 1. Town constituted a body politic—may sue and be sued—use of seal.** That the inhabitants of the town of Fort Madison, [75] be and they are hereby constituted a body politic and corporate, with perpetual succession, by the name of "The Mayor and Aldermen of the town of Fort Madison," and by their corporate name may sue and be sued, plead and be impleaded, may receive, purchase, acquire, and hold, and grant, sell, and convey real,

personal and mixed property, and do all other acts as natural persons may do; may have and use a common seal, and the same at pleasure alter or break.

**SEC. 2. Limits and boundaries.** The limits and boundaries of said town shall be as defined and laid down on the plat of said town recorded in the recorder's office of Lee county, and extending to the middle of the main channel of the Mississippi river, and co-extensive along the middle of said main channel, east and west, with the limits of said town.

**SEC. 3. President and trustees to divide the town into wards—public notice—power to change boundaries of wards.** The president and trustees of the town of Fort Madison, incorporated under the act of the legislature of the Territory of Wisconsin, shall ten days before the time mentioned in this act for holding the first election, divide the said town into three wards, define their boundaries, and give public notice of the same together with the time and place of holding said election, provided, that the mayor and aldermen of said town, shall have power to change the boundaries of said wards at their discretion.

**SEC. 4. Aldermen to be elected—residence—mayor pro tem.** The said corporation shall consist of a mayor, who shall be a resident of said town, and six aldermen; two aldermen to be elected in each ward, and to be residents of the ward in which they shall be elected, and the said mayor and aldermen shall be over twenty-one years of age. The mayor shall preside at all meetings of the corporation, but shall not vote on any question except in case of a tie, when he shall give the casting vote. In case of the death, absence, resignation, sickness, or other disability of the mayor, the aldermen shall elect one of their number mayor pro tempore, who shall have all the authority and perform all the duties of mayor, during his absence, or until another shall be elected and qualified.

**SEC. 5. Time and place for opening polls—term of office—forfeiture of charter.** On the first Monday of April 1842, and on the first Monday of January, annually thereafter, polls shall be opened at one convenient place in each ward in said town, at which the qualified voters for members of the legislative assembly, residing within the limits of the ward in which they shall offer their vote, may vote by ballot for a mayor and two aldermen; and the mayor and aldermen so elected shall hold their offices for one year, and until their successors are elected and qualified: provided, that a failure to hold said election on the day herein prescribed in any year, shall not work a forfeiture of this charter, and an election may be held on any succeeding day, by giving notice thereof, according to the provisions of the eleventh section of this act.

**SEC. 6. Election of officers—appointment of clerk—refusal to act—qualified electors—time of keeping open polls—certificate of election—canceling votes—oath to support the constitution—judges to examine returns.** At the first election to be held under this act, two judges of election and one clerk, in each ward, shall be chosen, *viva voce*, by the electors of the ward present; and at all subsequent elections the mayor and aldermen shall at least one day previous to such election, appoint two judges of elections for each ward, and said judges for each ward, respectively shall appoint their own clerk, and in case of failure of said judges, or either of them, to attend, or of refusal to act, the electors present shall choose *viva voce*, a judge or judges to supply such vacancies. No person shall be competent to act as a judge or clerk at such election, who is not a qualified elector at all such elections. The polls shall be opened between the hours of one and two in the afternoon, and close at the hour of four in the same afternoon. The clerk at each ward, shall keep a poll-book, in which he shall enter the name of every voter, in the order in which he shall vote, and at the close of the polls the votes shall be counted by said judges and clerk, and an entry made on the poll-book of the number



of votes given to each person voted for, and for what office, which shall be certified by the said judges and clerk, and a statement of the result of the election shall be proclaimed at the door of the house in which such election shall be held; and the two judges and clerk of each ward, shall give to each of the two persons, having the greatest number of votes in their ward, for alderman, a certificate of his election, and the judges of the different wards shall attend at the office of the mayor, between the hours of nine o'clock a. m. and twelve o'clock m., on the first Monday after the election, with the poll-books, and shall examine the certificate of the votes given to each person, [for mayor, and the person] having the greatest number of votes, shall be declared duly elected mayor of said town; and the said judges, shall make and deliver to such person, a certificate of his election, which shall be signed by at least a majority of all the judges of said three wards. The mayor and aldermen, so elected, shall within ten days after their election, take and subscribe an oath to support the constitution and laws of the United States, and of Iowa, and faithfully, impartially, and to the best of their ability, to discharge the duties of their respective offices, which shall be deposited with, and safely kept, by the clerk of said corporation; provided, however, that the judges of the first election, held under this act, shall meet to examine the returns from the several wards, at the office of the clerk of the district court of Lee county.

**SEC. 7. Power to transact business—prescribing time and place of meeting—appointment of officers—duties—salaries—journal of proceedings—inspection of journal—signing of by-laws—seal.** The said mayor and aldermen, or a majority of whom shall be a quorum for the transaction of business, shall have power to adjourn their meetings from time to time, unless sooner called together by a written notice from the mayor, designating the time and place of such meeting; they may also, by ordinance, prescribe the times for holding their regular meetings; they shall also have power to appoint a clerk, a treasurer, a marshal, an assessor, and such other subordinate officers as they may deem needful; to prescribe their duties, and require surety for their performance; to remove them at pleasure, and appoint others in their stead, and to establish the fees or salaries of all such officers of the corporation, where the same are not ascertained by this act; they shall cause their clerk to keep a correct journal of their proceedings, and enter the yeas and nays on any question, at the request of any member. They shall cause to be recorded, in a plain, legible hand, in a book, to be provided for that purpose alone, all the by-laws and ordinances made and ordained by them, which book, together with the said journal, shall be all times open to the inspection of the electors of said town. The journal of the proceedings of each meeting, shall be signed by the mayor and clerk; they shall also sign all by-laws and ordinances passed by said corporation, and the same shall be carefully filed and preserved by the clerk. All bills, bonds, notes, drafts, or contracts, ordered by the said corporation, shall be signed by the mayor, and attested by the clerk; and all bills, bonds, notes, drafts or contracts, so signed and attested, and in the case of bonds or contracts under seal, sealed with their common seal, shall be valid and binding on said corporation, in law and equity, in every court in Iowa.

[77] **SEC. 8. Power to pass ordinances—to remove nuisances—retailers of liquors—licenses—regulating drays and carts—inhibition of dangerous past-times—shows and theatricals—markets, their regulation—power to regulate streets, sidewalks, wharves, public grounds, fire companies—bakers and bread—health of the town—establishment of ferries.** The said mayor and aldermen, shall have full power and authority to pass all by-laws and ordinances, to regulate the stationing, anchorage, landing, mooring or unlading of boats, vessels, rafts and all other water crafts, within the limits of said town, to prevent and remove nuisances, to establish night watches, erect lamps, to pro-

vide for licensing and regulating retailers of spiritous liquors within said town, and for annulling the same on good and sufficient complaint made against any person holding such license; to license and regulate drays, carts, and other vehicles kept for public hire; to prohibit the discharging of fire-arms, and the racing or immoderate running or driving of horses, drays, carts, carriages, wagons or other vehicles, in said town; to provide for licensing and regulating shows, theatricals, and other amusements, in said town; to regulate and establish markets, and to rent out the stalls in the same, and to prohibit the selling of meats, poultry, fish, or game, except at the public market; to erect and repair bridges; to regulate and improve all streets, avenues, alleys, sidewalks, landings, wharves, public grounds, and squares, drains, and sewers; to sink, and keep in repair, public wells; to establish and regulate fire wards and fire companies, to provide for the prevention and extinguishment of fires, and if necessary, to remove or pull down buildings or fences, for the prevention of the spreading of the same; to license bakers, and regulate the price and weight of bread, and to prohibit the baking of the same for sale, except by those licensed; and also to pass all such by-laws and ordinances, not inconsistent with the constitution and laws of the United States or of Iowa, as they shall deem necessary and proper for the health, safety, cleanliness, and convenience of said town, and the citizens thereof; and also whenever any license or charter for any ferry or ferries, within the limits of said town, now in existence, shall have determined, either by lapse of time, expiration of charter, or forfeiture, the said mayor and aldermen, shall have the exclusive right to establish a ferry or ferries, across the Mississippi river, within the limits of said town, and to lease the same for a year or term of years, as to them may seem most expedient.

**SEC. 9. Fines for breaches of law—process to collect fines—imprisonment for breaches—appeal to the court—authority and duty of marshal—fees of marshal.** The said mayor and aldermen shall also have power to fix and impose fines and penalties, for breaches of the by-laws and ordinances, by them passed and ordained, provided, the same shall not exceed twenty dollars, for any breach or violation, by any one person of any one by-law or ordinance, and the same may be recovered with cost of suit, before any justice of the peace or court, having jurisdiction thereof, by action of debt, in the name of the said corporation; and such person fined as aforesaid, shall remain in custody of the marshal, until such debt and cost is paid, or shall suffer not more than four months nor less than ten days, actual imprisonment in the common jail of the county, or guard house of said corporation, provided there shall be one within the limits of said town, provided that such person fined as aforesaid, shall have the right of appeal to the district court, in and for said county, by filing bond with approved security, before the tribunal trying such offender, on the day of said trial; and the marshal of said town shall have the same authority, and may do and perform the same duties, and shall be subject to the same liabilities, in the service and return of all such writs and process, issued by and in attending the trial, before such justice, for recovery of fines and penalties, for the breach or violation of any of the by-laws or ordinances [78] of said corporation, that constables are in their respective counties; and said writs and process, shall be directed to the marshal of the town of Fort Madison, or any constable of said county; and the said marshal shall receive for his services, the same fees that are or may be allowed by law, to constables for like services.

**SEC. 10. Vacation of office—special election.** The absence from said town, for three consecutive months, of the mayor or any alderman, or the removal of any alderman out of the ward for which he was elected, shall vacate his office, and a special election shall be held, to supply such vacancy, and the person so elected, shall hold the office for the remainder of the term for which

his predecessor was elected; such special election shall be held and returns made and certificate given, in the same manner that the annual elections are, and the person so elected shall qualify in the same manner.

**SEC. 11. Notice of election.** The mayor shall give at least ten days previous notice of every annual or special election, and of the places of holding the same, by advertisement in some newspaper, published in said town, or by one written notice, set up at some public place in each ward of said town, in which such election is to be held; provided that the notice for the first election to be held under this act, shall be given by the recorder of said town.

**SEC. 12. Power to assess and levy taxes—return of assessment roll.** The mayor and aldermen, shall have power to assess and levy an annual tax, on all property in said town, made subject to taxation by the laws of Iowa for county purposes, not exceeding in any one year, one per centum on the value of real estate, and one-half per centum on the value of personal estate, which value shall be ascertained by the assessor of said town; and they shall prescribe by ordinance, the time within which said assessor shall make out and return to their clerk, the assessment roll, and also the time within which the clerk shall make out and deliver to the marshal, a duplicate thereof, together with a warrant for the collection of the taxes so assessed, signed by the mayor and clerk, and sealed with the common seal of the corporation; they shall also have power to correct or equalize any erroneous or injudicious assessment.

**SEC. 13. Collector—written notice to tax payers—distress of delinquents—notice in newspapers—execution of lots for taxes—place of sale—costs and fees—marshal's certificate to purchasers—redemption.** The marshal shall be the collector of all taxes assessed as aforesaid, by said corporation; he shall, upon receiving the duplicate and warrant aforesaid, make personal demand of every resident charged with tax, if to be found within the town, or leave a written notice of the amount of such tax at his usual place of abode, and shall also put up at least one written notice in each ward in said town, that if the taxes are not paid within twenty days thereafter, the same will be collected by sale of the property of delinquents; at the expiration of which twenty days, said marshal shall, and he is hereby authorized and required, by distress and sale of personal property of such delinquent or delinquents, as constables on execution, to collect said tax, and all costs remaining unpaid, and pay the said tax over to the treasurer, and the treasurer's receipt shall be his voucher therefor; and if the tax on any lot or piece of land, on which no personal property can be found, shall remain unpaid at the expiration of said twenty days, then the said marshal shall give notice by publication in the nearest newspaper, for eight consecutive weeks, stating the amount of said tax and costs, and the number of the lot or description of the piece of land on which the same are due, and the owner's name if known; and that the said lot or piece of land, will be sold to discharge [79] such tax and costs, and printer's fees, on a day and at the place in such notice mentioned, and which shall be at least three months after the day of its first publication, unless payment thereof be made on or before said day of sale; on which day, if the said tax, costs, and printer's fees, be not previously paid, said marshal shall proceed to sell the said lot or piece of land, or so much thereof as will discharge said tax, costs, and printer's fees; said sale to take place at the door of the court house, in said town, or at the door of the mayor's office; and the mayor and aldermen shall, by ordinance, fix the costs or fees, to be allowed said marshal, for collecting taxes by sale, either of personal or real property, by virtue of this act; the marshal shall give to each purchaser at such sale, a certificate containing the number of the lot or description of the piece of land purchased, the price paid therefor, and the day of sale; and at the expiration of the time hereinafter limited for the redemption thereof, if

the same shall not be redeemed, the mayor shall execute to the purchaser or his assignees, a deed therefor, under the seal of said corporation; and the same if acknowledged, or proven and recorded, as other deeds are, or may be required to be acknowledged, or proven and recorded, shall be good and valid in law and equity, to pass a valid title to such lot or piece of land.

SEC. 14. **Right to appeal in two years—minors.** If the owner of such lot or piece of land, or his assignees, or grantee, or his, her, or their attorney, shall appear at any time within two years after such sale, and pay the purchase money with interest, and twenty per centum penalty thereon, or deposit the same with the treasurer, he shall be entitled to the right of redemption of said lot or piece of land; saving, however, to minors the right of such redemption, at any time within one year after arriving at full age.

SEC. 15. **By-laws and ordinances to be published.** The by-laws and ordinances of said corporation, shall be published in a newspaper published in said town, or posted up at one public place in each ward, fifteen days before the taking effect thereof; and the certificate of the clerk in the book, in which said by-laws and ordinances are recorded, shall be sufficient evidence of the same having been done; and the said book or a copy of any by-law or ordinance, with the copy of the certificate of the clerk of publication aforesaid, certified by the said clerk to be a true copy of such by-law or ordinance, and certificate, shall be a sufficient authentication to allow the same to be read or received in evidence, in all actions and suits, in any court in this territory.

SEC. 16. **Moneys received and expended.** Twenty days before each annual election the mayor and aldermen shall put up in some conspicuous place in said town, or publish in some newspaper published therein, an account of all the moneys received and expended by said corporation, since the last annual election with the sources from which they were derived, and the objects on which they [were] expended, which shall be certified by the clerk.

SEC. 17. **Right of corporation over road district—supervisor.** The streets and alleys of said town, together with the several roads leading therefrom, for the distance of one mile from the corporation limits, shall constitute one road district, and the mayor and aldermen shall have the exclusive right of appointing the supervisor for said district, who in every respect shall act as though appointed by the county commissioners.

SEC. 18. **No compensation for mayor, etc.** The mayor and aldermen, shall receive no compensation for their services.

[80] SEC. 19. **Repeal of former act—by-laws to continue in force until—validity of contracts.** The act now in force, passed by the legislature of the Territory of Wisconsin, incorporating the town of Fort Madison, be and the same is hereby repealed, from and after the first Monday in April next: provided, however, that all by-laws and ordinances in force in said town, on said first Monday of April, shall continue in force until altered or repealed by the corporation created by this act; and no suit or judgment then pending, or unsatisfied, to which said corporation shall be a party, shall abate, but the same may be prosecuted and enforced, in the name of the mayor and aldermen of the town of Fort Madison; and all debts, covenants, promises, contracts, and agreements, and all liabilities contracted, made and entered into by the president and trustees of said town, or by their authority, to or with any person or persons, shall survive and be as good and valid in law and equity, as if contracted, made, and entered into, by the said mayor and aldermen, of the town of Fort Madison; and suits may be instituted and sustained, either in favor of or against them, on such debts, covenants, promises, contracts, agreements, and liabilities, as might or could have been in favor of or against said corporation, created by the act hereby repealed, if this act had not been passed; the service of all process, against said mayor and alder-

men, shall be by leaving with the mayor, or in his absence with the clerk, a certified copy thereof; and in case of subpoena in chancery, a certified copy of the bill also.

Approved, February 17, 1842.

## CHAPTER 90.

AN ACT relative to officers of the legislative assembly.

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

**SECTION 1. Election for Secretary and Sergeant-at-arms for the council—for the house—oath.** That at the commencement of each session of the legislative assembly, there shall be elected by ballot, one secretary, and one sergeant-at-arms, for the council; and one chief clerk, and one sergeant-at-arms, for the house of representatives; said officers when elected, shall be sworn by the presiding officers of their respective houses, faithfully and promptly to perform the duties of their offices.

**SEC. 2. Duties of officers—employment of assistants.** That it shall be the duty of the secretary and chief clerk, to keep the journals of their respective houses, and record them; they shall do the engrossing and enrolling also, of each house; they each shall be allowed (when the president of the council, or speaker of the house shall deem it necessary) to employ an assistant secretary or clerk, who shall be allowed three dollars per day; also an engrossing clerk, who shall be allowed two dollars per day.

**SEC. 3. Sergeant-at-arms to act as door-keeper—employment of fireman—boy as messenger—duty of sergeant-at-arms.** That the sergeant-at-arms in each house, shall, in addition to the duties of his office, perform those of door-keeper; he shall employ a trusty person as fireman, whose compensation shall not exceed one dollar and fifty cents per day; also an active, intelligent boy, as messenger, who shall be allowed one dollar per day. The sergeants-at-arms shall take care of the apartments of their respective Houses, keep them clean, and the furniture in order, and exercise a general supervision over the [81] conduct of the firemen and messengers, who shall act as their assistants when necessary.

**SEC. 4. Control of officers.** All the officers shall be under the direction of the presiding officer of their respective houses.

**SEC. 5. Per diem.** The secretary and chief clerk, shall each be allowed four dollars per day, in full for their services, and the sergeants-at-arms three dollars per day.

Approved, February 17, 1842.

## CHAPTER 91.

AN ACT to incorporate the Cedar Rapids Manufacturing Company.

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

**SECTION 1. Names of corporators—power of company to contract, to sue and be sued—use of common seal.** That N. B. Brown, A. L. Roach, Harman Van Antwerp, S. H. Tryon, and their associates and successors, be and they

are hereby created a body politic and corporate, under the name of the "Cedar Rapids Manufacturing Company," and by that name shall have perpetual succession; and shall have power to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in all courts of competent jurisdiction, may have and use a common seal, and be vested with all the powers and privileges necessary to the object of their incorporation, not contrary to law and the rights of other individuals.

**SEC. 2. Power to hold, purchase, sell lease etc.—limit of real estate.** That said company shall have power and be capable of holding, purchasing, improving, selling, leasing, renting, and conveying estate, real, personal, and mixed, for the use of said incorporation; provided, that the real estate owned by said company, shall not, at any one time, exceed thirty thousand dollars in value.

**SEC. 3. Distribution of stock.** That the capital stock of said company, shall be divided into shares of fifty dollars each.

**SEC. 4. Meeting of members—receiving subscription—election of directors—term of office—authority to operate.** That the members of said company, shall meet at any time a majority of them may agree upon, within one year from the passage of this act, and when so convened, may proceed to enact such rules, regulations, and by-laws, for the government and conduct of said company, and adopt such method and arrangement for receiving subscriptions to the capital stock thereof, as a majority of them may deem right and proper: provided, they do not conflict with the laws of the United States, of this territory or of the future State of Iowa; and shall, at the same time, and annually thereafter, elect by ballot five directors, and electing which, each share of the capital stock shall be entitled to one vote, and the person receiving the highest number of votes, shall be declared duly elected, to hold the office for one year, and till his successor be chosen; the directors shall choose one of their number president of the company, and appoint such other officers and agents, as a majority of them may think necessary, for the management of the business of said company; and by said directors, the property, stock, and concerns of said institution, shall be managed, subject to the regulations and instructions of a majority of [82] the stockholders; they shall have full power and authority to put into operation, and execute all the designs and instructions of the stockholders, and all contemplated in this charter.

**SEC. 5. Conveyances of real estate.** That all conveyances of real estate, shall be signed by the president of the company, and by him acknowledged in his official capacity, and the seal of the company shall be thereto affixed: which conveyance, so executed and acknowledged, shall be binding on the company, according to the tenor and meaning of the same.

**SEC. 6. Stock, personal property, and transferable.** That the stock of said company, shall be deemed personal property, and assignable and transferable on the books of the company; but no subscriber indebted to said incorporation, shall be permitted to make a transfer of stock, until such indebtedness be adjusted to the satisfaction of the directors.

**SEC. 7. Authority to construct a dam—height of dam—lock—passage of boats—locks to be completed—good repair—free of toll.** That said corporation be, and is hereby authorized to construct a dam across the Cedar river, in Linn county, at the rapids of said river; which dam shall not exceed four feet in height, above common low water mark, and shall contain a convenient lock, not less than one hundred and thirty feet in length, and thirty feet in width, or a sluice at least forty feet wide, for the passage of steam, keel, and flat-boats, rafts, and other water-crafts; which said dam and lock, or sluice, shall be completed within four years from the passage of this act;

and said lock or sluice shall, after completed, be kept in good repair, for the passage of all kinds of water-craft without delay and free of charge.

**SEC. 8. Injury or malicious destruction—fine and imprisonment.** That any person who shall destroy or in any wise injure either said dam or lock, shall be deemed to have committed a trespass, and shall be accordingly liable; and any person who shall wilfully or maliciously, in anywise injure or destroy said dam or lock, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damage sustained by said company, or imprisoned at the discretion of the court.

**SEC. 9. Insolvency of corporation.** That if said incorporation should become insolvent, and fail thereby to meet any obligation against them, the stockholders thereof shall be personally liable therefor.

**SEC. 10.** That this act may be amended or repealed by any subsequent legislature of this territory, or State of Iowa.

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

Approved, February 17, 1842.

## CHAPTER 92.

AN ACT to re-locate a part of a territorial road, in Washington county.

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

**SECTION 1. Point to be changed.** That the territorial road which commences at a point where the military road crosses the north line of Washington county; thence to the north line of the State of Missouri, via Washington, Brighton, and Fairfield, be and the same is hereby changed, so as to [83] run from the fifteenth mile stake, on said road, to intersect a county road leading from Washington to Richmond, in said county, at a point one half mile north of the town plat of the said town of Washington; thence on said road to the public square in said town.

Approved, February 17, 1842.

## CHAPTER 93.

AN ACT to authorize the establishment of poor houses.

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

**SECTION 1. Power of county commissioners to erect poor houses—purchase of land—tax to defray—to pay over.** That the county commissioners of each and every county within this territory, shall be, and they are hereby authorized, to erect and establish poor houses within their respective counties, whenever in their opinion, such a measure will be proper and advantageous, and for that purpose it shall be lawful for said commissioners, to purchase such lot or tract of land, as they may deem necessary for the accommodation of the institution: provided, that if the commissioners of any county shall think proper to purchase land, and erect a poor house under the provisions of this act, the expense of such purchase and erection, shall be de-

frayed by a tax levied on the general assessment roll for that express purpose, and collected and paid over in the same manner that other taxes are.

**SEC. 2. Board of directors to be appointed—oath of directors—term of office—clerk and his duties—vacancies, how filled.** That whenever the commissioners of any county shall have completed a poor house, for the reception of the poor, they shall immediately meet and appoint three judicious persons, residents of the county, who shall form a board of directors, to take charge of and manage the affairs of such poor house, agreeably to the provisions of this act; and the directors so appointed, shall, previous to their entering on the duties of their appointment, take an oath or affirmation, faithfully to discharge the duties of their office, and shall continue in office one year, and until their successors are appointed and qualified; and said board of directors shall appoint a clerk of their own body, whose duty shall be defined by the board; and if a vacancy shall happen in the board of directors, the county commissioners shall appoint some suitable person or persons to fill such vacancy, and who shall hold his or their office until the next annual meeting.

**SEC. 3. Quorum for business—shall be a body corporate, known by the name of—to sue and be sued—to contract and purchase—rules and regulations—to meet quarter-yearly.** That the board of directors, or a majority of them, shall form a quorum to transact business, and shall be a body corporate and politic, with perpetual succession, and shall be known by the name of the board of directors, of the poor house of ——county, (naming the county,) and by that name they may sue and be sued, defend and be defended, in any court within this territory; they may make all such contracts and purchases as may be necessary for the institution, and may prescribe such rules and regulations, as they may think proper for the management and good government of the same; and for introducing the practice of sobriety, morality, and industry, among its inhabitants, they shall meet quarter-yearly at such place as they may agree upon, and the president may call a special meeting of the board as often as the interests of the institution require it.

[84] **SEC. 4. Appointment of superintendent, his residence—compensation and duties—security—removal—discipline—appropriation of proceeds—persons to be received.** That the board of directors shall appoint a superintendent, who shall reside in some apartment in the poor house, or other building contiguous thereto, and shall receive such compensation for his services, perform such duties and give such security for their faithful performance, as the board shall judge proper; he shall be governed in all respects, by the rules and regulations of the board, and may be removed by them at pleasure; he may require all persons received into the poor houses, to perform such reasonable and moderate labor, as may be suited to their ages and bodily strength, the proceeds of which shall be appropriated to the use of the institution, in such manner as the board of directors may point out; the superintendent shall receive into the poor house, any person who shall produce to him such an order or voucher as is hereinafter required, and shall enter in a book to be provided by him, and kept for that purpose, the name and age as near as may be, of every person so received into the poor house, together with the day on which such person was received.

**SEC. 5. Visits to examine condition—inspection of books and accounts.** That the board of directors shall cause the poor house to be visited, at least once in every month, by a member of their body; which member shall carefully examine the condition of the paupers, the manner in which they are fed, clothed, or otherwise provided for and treated; shall ascertain what labor they are required to perform; and shall inspect the books and accounts



of the superintendent, and make report thereof at the next meeting of the board.

**SEC. 6. Annual report—expenses of support.** That the board of directors shall annually report to the commissioners of the county, the state of the institution, with a full and correct account of all their proceedings, contracts, and disbursements, and the expenses of establishing and supporting the institution, shall be paid on the order of county commissioners out of any money in the county treasury, not otherwise appropriated.

**SEC. 7. Binding out to apprenticeship.** That the directors aforesaid, shall have power to bind out to apprenticeship, all such poor children as may belong to such poor house, males until the age of twenty-one, and females until the age of eighteen years, unless any such female shall be married previous to that age, on such terms and conditions, as are prescribed by an act concerning apprentices and servants.

**SEC. 8. Order for the payment of expenses for necessaries.** That in every county, within which a poor house may be established, it shall be the duty of the directors of such poor house, to give an order on the county commissioners for the payment of such reasonable and necessary expense, as may have been incurred by any township or individual, in removing any pauper to the poor house, or that may have been incurred immediately preceding such removal, by reason of delay caused by the sickness of such pauper, and the county commissioners shall draw their order on the county treasurer for such amount; provided, that said directors shall not give such order, unless they shall previously determine that such pauper is legally a county charge.

**SEC. 9. Order for admission of paupers—warning to depart—causes of non-admission.** That no person shall be admitted to such poor house, as a pauper, unless upon the order of the trustees of the proper township, or of the county commissioners, directed to the board of directors of the poor house of the proper county, which order shall be accompanied by a statement of the facts, signed by said trustees or county commissioners, setting forth the name, age, birth-place, length of residence, previous [85] habits, and present condition of the person, claiming to be a pauper; together with the time or times at which such person or persons, if not a native of the county or township, has been warned to depart therefrom, and if neglected to be warned or removed, the reason or cause of such neglect; and if, on a full examination of the facts or circumstances, touching the right of such pauper to admission into the poor house, which may come to the knowledge of the directors, they shall be of opinion, from the failure or neglect of duty on the part of the overseers of the poor, or from want of proper legal residence, or from any other cause, such person is not legally chargeable to the county as a pauper, he or she, shall not be admitted to the poor house, and the superintendent shall not admit any person into the poor house as a pauper, unless upon the order of a member of the board of directors.

**SEC. 10. Non-residents must be removed—authority conferred upon the directors by a former act.** That in case any person shall become an inmate of any poor house, supported as a pauper, whose proper place of residence is in another county, state, or territory, it shall be lawful for the board of directors of such poor house, to cause such pauper to be removed to his or her proper place of residence, in the same manner as overseers of the poor, are authorized and required to remove persons not legally chargeable by the provisions of the act entitled "an act for the relief of the Poor," and all the power and authority vested in the overseers of the poor, by and in virtue of said act, necessary to carry into effect the provisions of this section, are hereby conferred upon the directors of poor houses, for the purposes herein mentioned.

**SEC. 11. Discharge of paupers after restoration to health, from temporary**

**infirmities.** That when any person has been, or shall hereafter be received into any poor house, as a pauper, on account of any infirmity or disease, the directors of such poor house may, when in their opinion such person is so far restored to health and bodily strength, as to be able to support himself or herself, direct the superintendent of such poor house, to discharge such person therefrom.

**SEC. 12. Provision for non-resident paupers not in a condition to return home.** That if any paupers shall be in a situation, that will not admit of their removal to the poor house, or to their proper residence, the directors of the poor house shall have power to provide for the maintenance and support of such paupers, out of the county treasury, in the same manner as if such paupers were in the poor house, until their condition will admit of their removal to the poor house, or to their proper residence.

**SEC. 13. Power of commissioners to levy a tax when the ordinary revenue proves insufficient.** That the county commissioners be, and they are hereby authorized and empowered, in case the ordinary revenue of the county shall prove insufficient for the support of the poor, to levy and collect a poor tax, not exceeding one mill on the dollar, of the valuation of the property taxable for county and territorial purposes, to be entered on the grand list and collected as other taxes.

**SEC. 14. Allowance to directors.** That the county commissioners may allow the directors for their services, such sum as they may deem reasonable, not exceeding one dollar and fifty cents per day, for every day necessarily employed in the duties of their appointment, to be paid out of the county treasury, on the order of said commissioners.

Approved, February 17, 1842.

[86] CHAPTER 94.

AN ACT to amend an act, subjecting real and personal estate to execution.

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

**SECTION 1. When real estate shall be levied upon by virtue of an execution—certificate of sheriff to purchaser or plaintiff—deed to purchaser in case of nonredemption.** That whenever any real estate, shall be levied upon, by virtue of an execution, issued upon any judgment, order or decree obtained in any court of record, either at law or in equity, the same shall be sold for the best price the same will bring at public auction, and the sheriff shall give to the purchaser thereof, or to the plaintiff in execution, if the same was bid off by him, a certificate, stating the price for which the same was sold, the day of the said sale, and that in fifteen calendar months, from that date, the purchaser, or plaintiff in execution, will be entitled to a deed to said land, unless the same shall be redeemed as hereinafter provided.

**SEC. 2. Possession of defendants—right of creditors to redeem—duty of the sheriff if the land shall not be redeemed.** That the defendant in execution, shall remain in possession of said land so sold, during the said fifteen months; that said defendant, his executors or administrators, shall have the right to redeem said land, at any time before the expiration of twelve calendar months, from the said day of sale; and any person who may be a judgment creditor of said defendant at the expiration of said twelve months, may within three calendar months thereafter, redeem said real estate, by paying to the plaintiff in execution, or to the sheriff for his use, the amount for which the said land

sold, with ten per cent. added thereto, and if the said land shall not be redeemed as aforesaid, it shall be the duty of the sheriff to make to the purchaser, or plaintiff in execution, a deed which shall operate as a conveyance of all the right, title and interest of said defendant in execution, to said real estate, and shall be prima facia evidence of the regularity of the sheriff's proceedings.

Approved, February 17, 1842.

---

CHAPTER 95.

AN ACT regulating the keeping of stallions and jacks.

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

**SECTION 1. Exclusion of stallions and jacks from the limits of any town or village.** That it shall not be lawful for any person to keep or let to mares, any stallion or jack, within the limits of any town or village in this territory, or within two hundred yards thereof, unless such person shall provide an inclosure so arranged as to obstruct the view from all the inhabitants in the town and vicinity as aforesaid; any person so offending, shall on conviction thereof, be fined not less than one nor more than five dollars, for every such offence, which fine shall be collected on complaint to any justice of the county where the offence may be committed.

Approved, February 17, 1842.

---

[87] CHAPTER 96.

AN ACT to provide for receiving the proportion of money to which Iowa will be entitled under the distribution law.

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

**SECTION 1. Treasurer of the territory to receive distribution.** That the treasurer of the territory be and he is hereby authorized, to receive from the proper authorities of the United States, all sums of money to which said territory may be entitled under the provisions of the act of congress, of the fourth of September 1841, entitled "an act to appropriate the proceeds of the sales of the public lands," etc.

**SEC. 2. Subject to appropriation by assembly.** And the said treasurer is hereby required to keep all sums of money received as aforesaid, subject to appropriations hereafter to be made by the legislative assembly.

Approved, February 17, 1842.

## CHAPTER 97.

AN ACT supplementary to an act regulating marriages, approved January 6, 1840.

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

SECTION 1. That all marriages which may have been solemnized by any regularly ordained or licensed minister of the gospel in this territory, previous to the taking effect of this act, shall be in all respects as valid in law, as though the same had been solemnized by a minister licensed as required by the third section of the act to which this is a supplement.

SEC. 2. This act to take effect from and after its passage.  
Approved, February 17, 1842.

## CHAPTER 98.

AN ACT to amend an act relative to divorce, alimony, and for other purposes.

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

SECTION 1. **When a husband abandons his wife.** That when the husband is about to abandon, or has abandoned his wife, with the intention of leaving the territory, and neglects or refuses to provide for her maintenance, upon a statement filed by her of that fact, with the clerk of the district court, supported by the affidavit of some creditable person, the clerk shall thereupon, issue a *capias*, to hold the said husband to bail, and endorse thereon, that bail is required, and in what sum, according to the circumstances of the case.

[88] SEC. 2. **Held to bail.** That when the husband is held to bail, the undertaking of the bail shall be, that the defendant appear at the next term of the district court, to abide by, and perform the decrees of the court, in the case, and at the next term of the court such order shall be taken in the premises as is provided for in the eighth section of the act to which this is amendatory.

SEC. 3. **Amendment.** That the third section of the act, to which this is amendatory, be and is hereby so amended, that only three months residence in the territory, is required, previous to filing a bill for a divorce by any person under the said act.

SEC. 4. **Proceedings against a non-resident for divorce.** That in all cases of proceedings, against a non-resident defendant for divorce, the plaintiff may cause personal service of the bill and subpoena to be made on the defendant by some disinterested person, and by proof of service, so made by the affidavit of the person making the same, or by his testimony in open court, the plaintiff may proceed to a decree in the same manner as if publication had been duly made, and the defendant had not appeared: provided, such service shall have been made in time for the defendant to reach the place where the suit is pending, by travelling at the rate of twenty miles per day, before the decree is made.

SEC. 5. This act to take effect and be in force from and after its passage.  
Approved, February 17, 1842.

## CHAPTER 99.

AN ACT supplemental to "an act relative to incorporated religious societies."

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

**SECTION 1. Religious societies make out an abstract statement of their organization.** That hereafter, any religious society desirous of exercising the privileges, and enjoying the benefits of the act to which this is a supplement, may make out an abstract statement of their organization, containing the name and location of such society, the name and style of the officers in such organization, have the same signed by all the officers of such society, at the time of making out such statement, and procure the said statement to be recorded upon the records in the recorder's office of the proper county.

**SEC. 2. Statement to be placed on record.** That when such statement is placed upon record, as aforesaid, said society shall be entitled to all the privileges, and subject to all the restrictions of the act to which this is a supplement, in like manner as said society could be if incorporated by act of this legislative assembly.

**SEC. 3. Fee of the recorder.** The fee of the recorder for recording said statement, shall be one dollar.

**SEC. 4.** This act to take effect and be in force from and after its passage. Approved, February 17, 1842.

## [89] CHAPTER 100.

AN ACT to authorize boards of commissioners to appoint agents to dispose of real estate.

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

**SECTION 1. Power of commissioners of any county to appoint an agent to sell estate.** That the board of commissioners of any county in this territory, be and they are hereby authorized, at their discretion to appoint an agent to sell and dispose of the real estate belonging to any such county, in such manner as they may order and direct.

**SEC. 2. Oath of agent and bond.** That the said agent, before he enters upon the duties of his office, shall take an oath, faithfully and impartially to perform the same, and shall give a bond in such penal sum, as the board of county commissioners may direct, to be approved of by them, and which shall be filed with the clerk of said board.

**SEC. 3. The agent to sell estate and give certificate.** That when any agent shall be appointed, as provided in the first section of this act, shall sell and dispose of any real estate, of such county, said agent shall immediately make out and deliver to the purchaser or purchasers, a certificate, and state therein the terms of said sale, the amount for which it was sold, the amount received, the amount unpaid, (if any) and the time when it will fall due, and the said agent shall within ten days thereafter, deliver a copy of such certificate to the clerk of the board of county commissioners, of his proper county at his office.

**SEC. 4. Commissioners to execute deeds.** That any board of commissioners, who shall have appointed an agent, according to the provisions of this act,

shall at their first session after the terms of sale shall have been complied with, as specified in any certificate of their agent, make out, execute, and deliver, on application at the office of the clerk of said board, a good and sufficient deed or deeds to the purchaser or purchasers for the same.

**SEC. 5. Sales made by agent valid.** That all sales heretofore made of any real estate, and deeds executed for the same by any agent having been duly appointed for that purpose, by the board of commissioners of any county in this territory, be and the same are hereby declared good and valid, and sufficient for the conveyance in fee simple, of such real estate.

**SEC. 6.** This act to take effect and be in force from and after its passage.  
Approved February 17, 1842.

---

## CHAPTER 101.

**AN ACT** supplemental to an act regulating criminal proceedings.

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

**SECTION 1. Power of justices to issue warrants to search for counterfeits.** That when an affidavit is filed with a justice of the peace, stating that the affiant suspects and believes that counterfeit money, whether bank notes or coin, is concealed in any particular house or place, [90] or about the person of any one, and stating also that such affiant believes that such person knows it to be counterfeit, the justice if he thinks there is sufficient ground for such suspicion, shall issue his warrant to search for such property.

**SEC. 2. Proceedings to be had.** That if such counterfeit money be found, then the same proceedings shall be had as is provided for in the second chapter of the act to which this is amendatory, providing for the arrest, examination, and entering into recognizance of prisoners in other cases.

Approved February 17, 1842.

---

## CHAPTER 102.

**AN ACT** to provide for the assessment and collection of taxes from the town of Zarahemla, in Lee County.

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

**SECTION 1.** That the assessor and collector of taxes, in Lee county, be and they are hereby required to assess and collect the taxes on the land covered by the plat of a certain town in Lee county, called Zarahemla, recorded in the recorder's office of said county, as other land is taxed in said county, and not as town property or town lots.

**SEC. 2.** That nothing herein contained, shall be considered as recognizing the legality of the survey, or record of said town plat.

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

Approved February 17, 1842.

## CHAPTER 103.

AN ACT authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials, and for other purposes.

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

SECTION 1. **To reduce the minimum price of lots in Iowa City.** That it is hereby made the duty of the territorial agent, to reduce the minimum price of the unsold lots in Iowa City, and of any and all lots, in said city, which may have been, or may hereafter become forfeited, fifty per centum below the prices fixed thereon, under existing valuations.

SEC. 2. **Agent authorized to sell forfeited lots for work on the capitol.** That the said territorial agent, be and he is hereby authorized to sell any of the unsold and forfeited lots, in Iowa City, to any person or persons applying for the same, for work to be done on the capitol, or for necessary materials furnished therefor, at the reduced minimum price.

SEC. 3. **Preceding sections to remain in force six months.** The provisions contained in the preceding sections, in reference to the reduction of the price of lots, and of their sale for necessary materials or work, to be applied toward the completion of the capitol, in [91] Iowa City, shall be and continue in force for six months, from and after the first day of May next, and no longer.

SEC. 4. **Duty of agent to publish statement of the foregoing provisions.** And it is hereby made the duty of the territorial agent, to cause to be published, a brief statement of the provisions contained in the foregoing sections, for six weeks immediately succeeding the passage of this act, in all the papers now published in this territory, and in some paper in the cities of Cincinnati, Louisville and St. Louis, in Springfield, Illinois, and in Indianapolis, Indiana.

SEC. 5. **To enforce the collection of notes given for lots.** That it is hereby made the duty of the territorial agent, to enforce the collection of all notes given for lots in Iowa City, in 1839, in the name of the acting commissioner, and to institute proceedings at law or otherwise, for the immediate collection of the same.

SEC. 6. **Agents salary—superintendent's pay to be for time employed.** The salary of the territorial agent, shall hereafter be five hundred dollars, only, per annum, and the superintendent of public buildings at Iowa City, shall be paid only in proportion to the time he shall be actually employed upon the said buildings, at the rate of one thousand dollars per annum.

SEC. 7. This act to take effect and be in force from and after its passage.  
Approved February 17, 1842.

## CHAPTER 104.

AN ACT to relocate a part of a territorial road in Louisa county.

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

SECTION 1. **Names of commissioners to relocate—points—to be governed by the general law.** That James W. Isett, Thomas Stoddard, and Samuel Woodslides, be and they are hereby appointed commissioners to relocate, if

they deem it expedient and conducive to public convenience, all that part of the territorial road, lying between the towns of Fredonia and Port Allen, in said Louisa county: provided, that no part of the expense created in said relocation, shall be paid by said county of Louisa; said commissioners shall meet at Fredonia on the last Monday of March next, and proceed to review, and if they deem it expedient, as aforesaid, relocate so much of said road as above described, and said commissioners shall in all respects be governed by the general law relative to the establishment of territorial roads. This act to take effect from and after its passage.

Approved February 17, 1842.

[92] CHAPTER 105.

AN ACT to relocate a part of the territorial road from Iowa City to Burlington.

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

**SECTION 1. Name of commissioner to relocate road.** That Robert Walker of Johnson county, be and he is hereby appointed to relocate that part of the road leading from Iowa City to Burlington, which passes through sections No. 22 and 27, in township No. 79, range No. 6, west of the fifth principal meridian.

**SEC. 2. To take a surveyor.** That said commissioner, shall on the first Monday in April next, or on any other day, within one month thereafter, take to his assistance a surveyor, and such other hands as he may think proper, and proceed to discharge the duties of his office.

**SEC. 3. Compensation.** That said commissioner, surveyor, and other hands necessarily employed, shall receive such compensation as is usually allowed for like services.

Approved February 17, 1842.

CHAPTER 106.

AN ACT to authorize James Leonard to establish and keep a ferry across the Mississippi river, at the town of Charleston, in Jackson county.

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

**SECTION 1. Right to establish a ferry—point—subject to regulations.** That James Leonard, of the county of Jackson, his heirs, and assigns, be and he is hereby authorized, to establish and keep a ferry across the Mississippi river, at the town of Charleston, in the county of Jackson, for the term of ten years, from the passage of this act: provided, that said ferry, when so established, shall be subject to the same regulations as other ferries are, or hereafter may be, by the laws of this territory, fixing the rates of tolls, and prescribing the manner in which licensed ferries shall be kept and regulated.

**SEC. 2. To keep boats and hands.** That the said Leonard, shall immediately procure and keep at said ferry, a sufficient number of good flat boats and other water crafts, with a good and sufficient number of hands to work the same for the transportation of all persons and their property, across said river, when passable, without delay.



SEC. 3. That no person, or persons, shall establish a ferry, within one half mile, either above or below the ferry hereby established.

SEC. 4. This act to take effect and be in force, from and after the twentieth day of March next.

Approved February 17, 1842.

---

[93] CHAPTER 107.

AN ACT to change the name of the town of Vandenburg, in Clinton county, to that of "De Witt."

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

SECTION 1. That the name of Vandenburg, the present seat of justice in and for the county of Clinton, be and the same is hereby changed to that of "De Witt."

SEC. 2. This act shall take effect from and after its passage.

Approved February 17, 1842.

---

CHAPTER 108.

AN ACT to repeal an act to create the office of Superintendent of Public Instruction.

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

SECTION 1. **Office abolished.** That an act to create the office of superintendent of public instruction, approved January 13, 1841, be and the same is hereby repealed.

SEC. 2. **Duty of inspectors to report the condition of schools.** That it shall be the duty of the school inspectors of the different districts in the several counties in this territory, to report the true condition of all the schools in their respective districts to the clerk of the boards of county commissioners in the several counties in this territory on or before the first day of November, annually, and it is hereby made the duty of the several clerks aforesaid, to arrange the said several reports in order, and transmit the same to the legislative assembly of the territory, annually, on or before the second Monday after its annual organization.

Approved February 17, 1842.

---

CHAPTER 109.

AN ACT entitled an act supplementary to an act providing for the appointment of a superintendent of public buildings at Iowa City, and the appointment of a territorial agent, and for other purposes.

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

SECTION 1. **Agent to sell forfeited lots.** That it shall be lawful for the territorial agent to sell at private sale, to any person or persons applying for

the same, any forfeited and unsold lot or lots in Iowa City, for the price fixed upon such lot or lots, under the provisions of the ninth section of the act to which this is supplementary.

[94] SEC. 2. **Agent to give certificate of final payment.** That whenever full and final payment shall have been made for any lot or lots in Iowa City, the territorial agent shall give to the person or persons entitled thereto, a certificate of full and final payment for the same.

SEC. 3. **Transfer of duties from superintendent to agent.** That the duties required to be performed by the acting commissioner, in the act entitled "an act to grant certain lots of land in Iowa City for church and literary purposes," approved July 31, 1840, shall hereafter be performed by the territorial agent.

SEC. 4. **Certificates of final payments to be filed in secretary's office—to make a deed.** That whenever any certificate of full and final payment for lots in Iowa City, shall be presented to the secretary of the territory, he shall file the same in his office and make out a deed of conveyance in accordance with such certificate, which deed of conveyance shall be sealed with the seal of the territory, signed by the governor and countersigned by the secretary, and when thus executed, shall convey to the grantee a title in fee simple to the lot or lots therein described.

SEC. 5. **Secretary to keep a record of deeds—compensation to secretary.** It shall be the duty of the secretary of the territory to keep a record in his office of all deeds of conveyance made out by him and executed according to the provisions of this act, and as a compensation for the duties required of the said secretary under this section, he shall be entitled to have and receive the sum of one dollar and fifty cents for each deed by him thus made out and recorded, to be paid by the territorial agent, out of any money in his hands arising from the proceeds of the sale of lots in Iowa City.

Approved February 17, 1842.

#### CHAPTER 110.

AN ACT to divorce James V. Hill, of Linn county, from his wife Eliza Hill.

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

SECTION 1. That the bonds of matrimony existing between James V. Hill, of Linn county, and his wife, Eliza Hill, be and the same are hereby dissolved.

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

Approved February 17, 1842.

#### CHAPTER 111.

AN ACT to divorce Clarissa Welch from her husband Samuel C. Welch.

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

SECTION 1. That the marriage contract heretofore existing between Clarissa Welch, and her husband Samuel C. Welch, be and the same is hereby dissolved.

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

Approved February 17, 1842.

## CHAPTER 112.

AN ACT to divorce Rebecca Fisher from her husband John Fisher.

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

SECTION 1. That the marriage contract heretofore existing between Rebecca Fisher, and her husband John Fisher, be and the same is hereby dissolved, from and after the passage of this act.

Approved February 17, 1842.

## CHAPTER 113.

AN ACT for the relief of James Davis, former sheriff of Muscatine county.

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

SECTION 1. That the board of commissioners of the county of Muscatine, be and they are hereby authorized, to give James Davis, former sheriff of Muscatine county, and ex officio collector of taxes, such further time as they may deem reasonable, to make out a list of delinquents as required by the laws regulating the collection of county revenue, and that they make such settlement with said James Davis, as collector aforesaid, as they may deem just and equitable.

SEC. 2. That said board of commissioners are hereby authorized, to require the present sheriff of said county, to collect all unpaid taxes heretofore assessed.

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

Approved February 17, 1842.

## CHAPTER 114.

AN ACT to amend the militia law.

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

SECTION 1. **Officers to be exempt from military duty.** That all military officers, who are now or may hereafter be commissioned, and who shall serve as such in the militia of this territory, or in that of one of the United States, for the space of [96] four years, shall be exempt from military duty in time of peace: provided, however, that no such officer who may have served in the militia of this territory, shall be so exempt, unless by his resignation after such term of service duly accepted, or in some other lawful manner, honorably discharged from his commission.

SEC. 2. **Non-commissioned officers and musicians exempt conditionally.** Every non-commissioned officer, musician, and private of every uniform company, raised or hereafter to be raised, who has uniformed himself or shall hereafter uniform and equip himself, and whose term of service in such company, may have amounted or shall amount to seven years, from the time of his enrollment therein, shall be exempt from military duty, except in cases of war, insurrection, or invasion.

SEC. 3. **Uniform members exempt conditionally.** If any member of such company, who shall have been regularly uniformed and equipped, shall upon his removal out of the district of such company, or upon the disbandment thereof, enlist into another uniform company and uniform and equip himself

therefor, and serve in the same, whenever the whole term of his services in such companies computed together shall amount to seven years, he shall be exempt from military duty, in like manner, as if he had served the whole period in the company in which he was first enrolled.

**SEC. 4. Officers elected to hold their commissions during the pleasure of commander-in-chief.** And be it further enacted, that all officers hereafter elected or appointed, who shall willingly consent to such election or appointment, may hold such office during the pleasure of the commander-in-chief, unless removed by a legal court martial, but no such officer shall, under the provisions of this act, be entitled to resign his office until he has served at least two years from and after his election or appointment, and no resignation shall be accepted for a shorter term of service, without good cause shown to the satisfaction of the officer to whom such resignation shall be presented.

**SEC. 5.** All acts or parts of acts, which may conflict with this act is [are] hereby repealed.

Approved February 17, 1842.

---

#### CHAPTER 115.

**AN ACT** relative to the survey of the town of Salem, in Muscatine county.

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

**SECTION 1.** That William Chambers, be and he is hereby authorized, to re-survey the north half of the town of Salem, in Muscatine county, and vacate the lots therein, in such manner as he may deem proper.

Approved February 17, 1842.

---

#### [97] CHAPTER 116.

**AN ACT** to repeal an act to regulate the mode of petitioning the legislature in certain cases.

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

**SECTION 1.** That an act entitled an act, to regulate the mode of petitioning the legislature, in certain cases, approved January 25, 1839, be and the same is hereby repealed.

Approved February 17, 1842.

---

#### CHAPTER 117.

**AN ACT** to locate and establish a territorial road, from Chas. Nealy's, in Muscatine county, to Iowa City, in Johnson county.

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

**SECTION 1. Names of commissioners to lay out a road—points—place and time of meeting.** That Charles Nealy, H. H. Winchester, and George Bum-

gardner, of Muscatine county, be and they are hereby appointed commissioners, to lay out and establish a territorial road, to commence in the county of Muscatine, at or near the dwelling house of Charles Nealy; thence on the nearest and best route to Iowa City. Said commissioners, or any two of them, shall meet at the house of Charles Nealy, in Muscatine county, on the first Monday of June next, A. D. 1842, or at such other time during said year as they may agree upon, and proceed to locate said road, and one of the above named commissioners may act as surveyor.

**SEC. 2. Compensation.** That each of the commissioners named in this act, together with all other hands employed by them, shall receive such compensation for their services, as the county commissioners of Muscatine county may direct: provided, however, that no part of the expense created in locating said road, shall be paid by the counties of Louisa and Johnson.

**SEC. 3.** That the commissioners aforesaid, shall, in all other respects, be governed by an act for opening and regulating roads and highways, approved January 17, 1840.

Approved February 17, 1842.

## CHAPTER 118.

### AN ACT for the organization of townships.

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

**SECTION 1. Board of county commissioners to divide counties into townships.** That the board of county commissioners in each county, not yet divided into townships, shall as soon as they are of opinion that a majority of the people of the county desire it, proceed to divide the county into townships in the following manner: They shall divide the county into townships of such shape and size as the convenience and interests of the citizens may require, confer upon each township the name preferred by the inhabitants of the same, and appoint the place where the first meeting of the electors shall be holden. The clerk of the said board shall record the name of each township, the time when it was set off, and a particular description of its boundaries.

**SEC. 2. Townships when organized to be formed into bodies politic.** That the several townships which have been or may hereafter be organized, be and they are hereby formed into bodies politic and corporate, capable of suing and being sued, pleading and being impleaded in any court of law or equity in this territory.

**SEC. 3. Time and place of election to choose a chairman—electors to choose judges of election.** That the electors of each township, shall on the first Monday in April, annually, after the organization of the same, assemble at some place within the township at the hour of 10 a. m., and when eight or more electors shall have assembled, they shall elect from their number a chairman, whose duty it shall be to preside over the meeting, and to direct any constable present to remove or arrest any disorderly person or persons, and if necessary to confine them until the close of the meeting, and it is hereby made the duty of such constable to obey such orders; said electors shall then proceed to elect by ballot three persons having the qualifications of electors as judges of the election, who shall appoint the necessary clerk, and take an oath or affirmation faithfully to discharge the duties of their office.

**SEC. 4. First meeting of electors.** That the first meeting of the electors of any township, shall be held at the place appointed by the board of county commissioners, but all future meetings shall be held at such place as the trustees of the township may direct.

**SEC. 5. Election of township clerk and other officers—oath.** That after the election of the chairman, and judges of the election, in the manner aforesaid, the electors shall proceed to the election of one township clerk, three trustees, two overseers of the poor, three fence viewers, a sufficient number of supervisors of highways, two constables, and one township treasurer, which several officers shall continue in office until their successors shall be chosen and qualified, and shall on their respective appointments take an oath or affirmation faithfully to discharge the duties of their respective offices.

**SEC. 6. Clerk to keep record.** That it shall be the duty of the township clerk, to keep fair and accurate records of all public transactions at the township meetings, to make out within two days after the elections of township officers a list of all of those of whom oaths are required by law, stating the offices to which they have been respectively chosen, and deliver the same to a constable of the township, requiring such constable forthwith to summons such officers to appear before a justice of the peace, or before such clerk within ten days, to take such oaths or affirmations as may by law be required, which oaths or affirmations the said clerk is authorized to administer, and of which he shall make a record, and in case any township officer shall take the oath of office before any justice of the peace, such justice shall file a certificate thereof with the clerk of the township, who shall record the same.

**SEC. 7. Clerk to record in book all private roads, cartways, brands of cattle, etc.—compensation for recording.** That it shall be the further duty of the township clerk, to record in a book to be provided by him for that purpose, all private roads or [99] cartways established by the trustees, together with the ear marks and brands of all cattle, sheep, and hogs, and such other marks as any person may wish to have recorded in said township, but he shall not record the same mark to two different persons, and the said clerk shall be entitled to receive of the person employing him as aforesaid for recording such marks or brands, the sum of twenty-five cents, and shall deliver a certified copy of such record to the owner if required, and for recording private roads or cartways, he shall be entitled to receive ten cents for every sheet of one hundred words, provided that in counties not divided into organized townships, the duties required of the township clerk in this section shall be performed by the clerk of the board of county commissioners.

**SEC. 8. Forfeiture for using marks or brands of others—Forfeiture to be recovered by action of debt.** If any person shall knowingly mark any of his horses, cattle, sheep, or hogs, with the same mark or brand previously recorded, and still used by any individual resident in the same organized township (or within five miles of such person in counties not divided into organized townships) the person so offending shall forfeit and pay for every such offense five dollars, to be recovered by action of debt before any justice of the peace, in the name and for the use of the person whose mark or brand shall be used, and if any person shall knowingly mark or brand the horses, cattle, sheep or hogs, of any other person with his own mark or brand, the person so offending shall forfeit and pay for every such offense, to the person injured, ten dollars, to be recovered by action of debt before any justice of the peace, in the name and for the use of such person; and if any person shall knowingly and wilfully destroy or alter any mark or brand upon any cattle, horses, sheep or hogs, the property of another, the person so offending shall on conviction thereof, before any justice of the peace, forfeit and

pay for every such offense a sum not exceeding ten dollars, and double damages to the party injured.

**SEC. 9. Township treasurers to give bond—in case of forfeiture of treasurer's bond, to proceed by motion in district court.** That every person elected to the office of township treasurer, shall previous to entering on the duties of his office, give bond with security to the trustees of such township, and their successors in office, in such sum as the trustees may deem proper, conditioned for the faithful performance of his duty in receiving and paying over all moneys which may come into his hands for the use of the township, which bond shall be lodged with the clerk of the township, and if the said bond shall become forfeited, the township clerk by order of the trustees, is hereby authorized to proceed in a summary manner by motion in the district court, to recover and collect the same for the use of the township or an other person or party entitled to the same.

**SEC. 10. Treasurers to retain 3 per cent of monies paid into township treasury.** That each township treasurer shall be allowed and may retain three per centum of all moneys paid into the township treasury for receiving, safe keeping, and paying over the same to the order of the trustees.

**SEC. 11. Trustees to settle accounts of supervisors and demands against the township—time and place of meeting—further duties of trustees—number of supervisors.** That it shall be the duty of the trustees of the township to settle the accounts of the supervisors of the highways and overseers of the poor, and to examine and settle all accounts and demands against the township, for which purposes the said trustees, supervisors of highways, overseers of the poor, and clerk, shall meet on the first Monday of March annually, at the place of holding the township meetings, and at the same time and place it shall be the further duty of the trustees to divide their respective townships into road districts where they have not already been [100] divided, to make any alteration they may deem proper in road districts previously made, and to determine the number of supervisors to be chosen at the annual township election, one of which supervisors shall be chosen in each road district: provided that the electors of any township set off by the board of county commissioners for organization, shall at their first meeting vote for four or more supervisors, as they may deem necessary, and after the trustees have taken the oath of office they shall proceed to divide the townships into road districts, and allot each district to such supervisor resident therein, as may have received the highest number of votes, and if no supervisor shall have been elected in any district then the trustees shall appoint the same.

**SEC. 12. Supervisors to buy scrapers and ploughs to repair roads.** That the supervisor of any road district, is hereby authorized to purchase, and keep in repair for the use of his district, one scraper, and such ploughs as he may deem necessary, which tools shall be used exclusively in making and repairing roads, and a receipt for the money paid in purchasing or repairing the same, shall [be] a competent voucher for the amount in the annual settlement of his accounts.

**SEC. 13. Majority of trustees power to levy a poor tax — articles subject to taxation—one mill on the dollar—clerk to make out assessment roll—constables collecting tax to give bond—penalty of neglect to collect and pay over amount of tax—treasurer to give notice and proceed by motion before district court.** That the trustees of each and every township, whenever a majority of the whole number of electors in said township shall deem it expedient, or when it shall become necessary for the support of the poor, shall have power and authority to lay a tax: provided, that such articles only shall be subject to taxation as are made liable by the laws for assessing and collecting county revenue, and that the amount of tax so

levied, shall not exceed the amount authorized to be levied on the same articles for county purposes, and if a poor tax, it shall not exceed one mill on the dollar, and when a tax is so assessed, either for township purposes, or for the support of the poor, it shall be the duty of the township clerk to make out from the county assessment roll for the township, an assessment of the tax voted for by the township, or ordered by the trustees for the support of the poor, a duplicate of which he shall deliver within twenty days to such constable of the township as the trustees shall direct, and the other duplicate within the like time to the township treasurer, and the constable receiving such duplicate, shall before he proceeds to the collection of the taxes charged therein, give bond with two or more securities, to be approved by the trustees of the township, to the treasurer of the township, conditioned to collect and pay over to the said treasurer, or his successor in office, the amount of said tax within four months, and in case the said constable shall neglect or refuse to collect and pay over the whole amount of said tax, within the time specified in said bond, it shall be the duty of the township treasurer, after giving ten days written notice to said constable and his securities, to proceed in a summary manner by motion before the district court, and recover the amount due from such constable with twenty per centum damages thereon for such neglect or refusal, and shall have execution therefor against said constable and his securities, and the constable collecting such tax shall receive like compensation as is or may be allowed at the time to the county collector for like services.

**SEC. 14. Trustees shall issue their warrants to constables to notify electors—constables shall warn electors.** That at least twenty days before the annual township meeting, the trustees shall issue their warrant to a constable of the township, directing him to notify the electors of such township to assemble at the time and place of their annual meeting, and said warrant shall enumerate the officers to be chosen at such meeting, and on the application of two or [101] more freeholders of the township for that purpose, said trustees shall insert in said warrant such other business as may be proposed, to be submitted to said township meeting, and no tax shall be laid at such meeting unless notice thereof shall have been given in said warrant, and the constable who shall receive such warrant, shall warn the electors of such township by setting up copies of said warrant in three of the most public places in each township, at least fifteen days before the meeting of such electors.

**SEC. 15. Persons chosen and refusing to serve shall forfeit.** That any person chosen to any office under this act and not exempted by law, who shall neglect, or refuse to serve in such office, shall forfeit and pay to, and for the use of the township the sum of two dollars, to be recovered before any justice of the peace, and it is hereby made the duty of the township treasurer to sue for the same, and for all fines and forfeitures under this act for neglect or misconduct in office of any township officer: provided, that no person chosen to any office by this law created shall be obliged to serve in such office two years successively.

**SEC. 16. Trustees to fill vacancies—in case of electors failing to assemble in time.** That when by reason of non-acceptance, death, or removal of any person chosen to an office in any township, at the annual meeting in April, or in any case where there is a vacancy, the trustees shall fill such vacancy, and the person thus chosen shall take the same oath and be liable to the same penalties as though he had been chosen at the annual meeting; and in case there should not at any annual meeting under this act be a sufficient number of electors assembled for the choice of a chairman, as is hereinbefore provided, between the hours of ten o'clock in the fore-



noon and four in the afternoon, so that no township officers can be chosen by the electors, it shall then be the duty of the trustees to appoint all officers in this law enumerated, and the township officers thus appointed shall take the same oaths and be liable to the same penalties as though they had been elected at the annual meeting.

**SEC. 17. Duty of officer to deliver over books, etc.** That it shall be the duty of all township officers, to deliver over to their successors in office under this act, all books and papers relating to their respective offices.

**SEC. 18. County commissioners may alter boundaries.** That whenever the board of county commissioners may deem it conducive to the public convenience, to alter the size and boundaries of any township, they shall be and are hereby authorized, to make such alteration.

**SEC. 19. Townships desirous of being organized.** That any township desirous of being set off for organization, shall apply to the board of county commissioners, and it shall be the duty of said board, when satisfied that a majority of the legal voters of said township are desirous of organization, to direct their clerk to record the boundaries of said township in a book provided for that purpose, and give said township such name as the citizens thereof may prefer: provided, that no townships in any one county shall have the same name.

**SEC. 20. Application for laying out private roads by petition—petitioners to enter into bonds.** That all applications for laying out any cart-way or private road, shall be by petition to the board of trustees, signed by at least six freeholders of the township, residing in the vicinity where the said private road or cart-way is to be laid out; and the said petition shall specify the place of beginning, intermediate points, if any, and place of termination of said road; and one or more of the signers of said petition shall enter into bonds with sufficient security, payable to the treasurer of said town-[102]-ship, conditioned for the payment of all costs and expenses arising from the view and survey of said private road or cart-way.

**SEC. 21. Notice to be given before petitioning—freeholders as reviewers—time to review—remonstrance may be filed—bar against damages—to provide gates.** That previous to the presentation of any petition, for such cart-way or private road, notice thereof shall be given, by posting up two written notices, one at the place of holding the township elections and one in the immediate vicinity of the proposed cart-way or road, at least three weeks before the sitting of the board at which said petition shall be presented, and the petition being presented, and the board being satisfied that notice has been given as aforesaid, they shall appoint three disinterested freeholders of said township as viewers of said road, and a surveyor if required by the petitioners to survey the same, and shall issue an order directing the viewers, after they have been duly sworn, to proceed on a day named in said order, or within five days thereafter, to view and lay out said road, or if a surveyor be appointed to lay out and survey said road and make report to the board aforesaid at their next meeting, and if no remonstrance signed by at least six signers shall be filed with said board, or presented the day on which said viewers make their report, and said viewers shall report in favor of establishing said road, then the same shall be recorded in the record of said township as a private road or cart-way, which said record shall be a bar to any application for damages, and the said trustees shall issue their order to the owner or owners of the land through which the said road or cart-way may be established, directing him or them within such time as they may deem proper to provide such gates as may be necessary for a quick and convenient passage through such fences as may cross said road.

**SEC. 22. Damages for injury of premises.** That if any person or persons, through whose land any such cartway or private road may be laid out, shall feel injured thereby, and remonstrance having been made as provided for in the preceding section, shall make application to the said trustees at their first session after the view of said cartway or private road, it shall be the duty of said trustees to appoint three disinterested freeholders of said township, whose duty it shall be to proceed, after being first duly sworn, to view that part of said cartway or private road through the premises of said complainant, and assess the damages of said complainant, if any, and make report in writing to said board, and if said viewers shall report that the advantages of said private road or cartway are not equal to the damages occasioned thereby to the premises of the complainant, and shall therein report the amount of damage the petitioners shall be required to pay the damages so assessed, and until he does so said trustees shall refuse to establish said private road or cartway, and all the expenses of the viewers and surveyor, if any, both at the first and second view, shall be paid by the said petitioners, and if they shall neglect or refuse so to do, it is hereby made the duty of the said treasurer to commence suit on the bond, and prosecute the same to final judgment and execution.

**SEC. 23. Constables to take an oath and file bonds.** That the constables shall take the oath and file the bond required in the "act for electing constables, and defining their duties," approved January 24, in the year 1839.

**SEC. 24. Trustees to be judges of elections held in townships—quorum for the transaction of business.** That the trustees by virtue of their office, shall be judges of all general and special elections held within their respective townships, and shall conform to the requirements in that respect of the act regulating [103] general elections, and a majority of the trustees at any township meeting, shall be a quorum for the transaction of any business.

**SEC. 25. Former acts repealed.** That the act providing for the organization of townships, approved January 10, 1840, and an act to amend an act providing for the organization of townships, approved January 15, 1841, are hereby repealed.

**SEC. 26. No compensation to judges and clerks.** That the judges and clerks of election in said township shall receive no compensation from the county treasury for services as such.

**SEC. 27.** This act shall take effect and be in force from and after its passage.

Approved, February 17, 1842.

## CHAPTER 119.

AN ACT to establish an insurance company, in the city of Dubuque.

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

**SECTION 1. Company established—name and style—amount of capital—may be increased—limits—shares.** That an insurance company to be called "The Dubuque Insurance Company," shall be established in the city of Dubuque, in the territory of Iowa, with a capital stock of one hundred thousand dollars, which may be increased at the will of the stockholders to any amount not exceeding two hundred thousand dollars, divided into shares

of one hundred dollars each, to be subscribed and paid for by individuals, companies, or corporations, in the manner hereinafter specified.

**SEC. 2. Ed. Langworthy and others authorized to open subscription books—place—time—when directors to be chosen—may reopen subscription books.** Edward Langworthy, Wm. Lawther, J. P. Farley, Charles D. Townsend, Timothy Davis, Patrick Quigley, Robert Waller, and Henry Simplot, or any three of them, be and they are hereby authorized to open books of subscription in said city, for the capital stock of said company on the first Monday in May next, and keep them open every day from ten o'clock, a. m. till four o'clock, p. m., for the space of six days, when the same shall be closed. If within six days five hundred shares shall have been subscribed for, it shall be lawful for the subscribers to meet after fifteen days' notice in the public prints of the time and place of meeting shall have been given, and choose their directors, who may at any time after ten days' public notice given, cause the subscription books to be opened and continue open until the whole amount of said stock shall have been taken.

**SEC. 3. Company declared a body corporate—name and style—may sue and be sued, etc.** The subscribers for the stock of the company aforesaid, their associates, successors, and assigns, shall be and they are hereby ordained, constituted, and declared a body corporate and politic, by the name and style of "The Dubuque Insurance Company," and by that name they and their successors shall have perpetual succession, and shall be capable in law of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and being answered unto, of defending and being defended against in all courts and places whatever, in all manner of actions, suits, complaints, and causes, and they and their successors may have and use a common seal.

**SEC. 4. Time and manner of payment of shares—company not to make any policy until all the shares subscribed for are paid.** The payment of the stock subscribers shall be made and completed by the subscribers respectively, at the time and in the manner following, that is to say: at the time of subscribing there shall be paid on each share one dollar; after the election of directors and before the company shall go into operation, there shall be paid upon each share ten dollars, and the balance upon each share shall be subject to the call of the directors. And the said company shall not be authorized to make any policy, or contract, or insurance, until the whole amount of shares subscribed shall be actually paid or satisfactorily secured to be paid on demand by approved notes, or by mortgage on real estate.

**SEC. 5. Power of corporation to make insurance—kinds—may lend their surplus money—per cent—may be insured themselves—not to loan anything but gold and silver.** The corporation hereby created, shall have full power and authority to make all kinds of insurance against losses on goods or merchandise in the course of transportation, whether happening on the land or on the water, and to make such other insurances as they may deem expedient; to lend their surplus or unemployed money, or capital on interest not exceeding ten per cent. per annum, to companies, corporations, and individuals upon personal or real security, and generally to do and perform all necessary matters and things relating to, or connected with, these objects, or with either of them, and they may also cause themselves to be insured against risks upon their interest which they may have in any vessel, goods or merchandise: provided, that said corporation shall loan nothing but gold and silver, or the notes of specie paying banks, such as are of par value in the city of Dubuque, or the city of St. Louis.

**SEC. 6. Number of directors—when elected—for how long—inspectors of election—one vote for each share—absentees may vote by proxy—election**

may be held on other days. The stock and affairs of the said company aforesaid, or corporation, shall be managed and conducted by nine directors, who shall be stockholders of the company, and residents within the territory. They shall after the first year be elected on the first Monday in May, in each year, at such time and place in the city of Dubuque, as the board of directors for the time being shall appoint, and shall hold their offices for one year and until others shall be chosen to supply their places, and no longer; ten days public notice of such election shall be previously given, and the election shall be held under the inspection of three stockholders, to be previously appointed for that purpose by the board of directors, and shall be made by ballot by plurality of the stockholders present, allowing one vote for every share, and stockholders not personally present, may vote by proxy made in writing directly to the person representing them at such election. In case that it should happen at any time that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to make and hold an election of directors in such manner as shall be regulated by the by-laws and ordinances of the company.

**SEC. 7. President—death or resignation—vacancy how filled.** The directors chosen regularly by the stockholders of said company, shall as soon as may be, after every annual election, proceed to choose out of their own body one person to be president, who shall preside until the next annual election thereafter, or in case of the death, or resignation of the president, or any director, the vacancy may be filled by the board of directors, and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have all powers, and perform all the duties of the president regularly chosen.

**SEC. 8. Board—powers—to appoint assistants—to appoint secretary and clerks—to make dividends—to make by-laws, etc.—proviso.** The directors may by the by-laws, or ordinances of said com-[105]-pany, direct what number of directors shall constitute a board and be competent for the transaction of the business of the corporation, and they shall have power (subject to said by-laws) to appoint from their own body, one or more persons to act or assist in the performance of the business of the company with such salaries and allowances as they may think proper, and also appoint a secretary and such clerks and other servants as they may deem expedient, and they shall also have power to declare and make dividends of the profits of the business arising from the company, and make and prescribe such by-laws, rules and regulations as to them may seem proper, touching the business and interest of said company: provided that a majority of the whole number of directors shall be necessary to make any such by-laws.

**SEC. 9. Stock considered personal property, transferable, etc.—proviso.** The stock of said company shall be considered personal property, and shall be assignable and transferable, according to such rules and restrictions as the board of directors shall from time to time make and establish, subject, however, to the general law of the territory, or future state, as the case may be, as the same exists or may be changed hereafter.

**SEC. 10. May purchase real estate—may hold it as security—may purchase real estate when sold in virtue of judgment in favor of company—shall not employ stock funds to buy goods, wares, etc.—nor funded debt—nor make payment without seal—but may purchase to use in ordinary transactions—may transfer the same.** It shall be lawful for said company, to purchase and hold such real estate, as may be convenient for the transaction of its business not exceeding twenty thousand dollars in value, and

also to take and hold any real estate as a security, or in mortgage, or in pledge, to secure the payment of debts due, in good faith to the company, either for shares of capital stock or otherwise, and also to purchase real estate at any sale, made in virtue of any judgment at law, or decree in equity, made in favor of said company, to receive and take in satisfaction of any debt previously due to said company, any real estate, to hold all such real estate, except that herein first mentioned, which is intended for the ordinary use and accomodation of said company, so long only as may be necessary to enable said company to make sale of the same for money or other property; but it shall not be lawful for the said company, to use and employ any part of its stock funds as capital in buying and selling goods, wares, and merchandise, or any commodities whatever, nor in brokering operations, or business, nor the purchase of any stock or funded debt, created or to be created by, or under any act of the United States, or of any particular state, nor make any contract for the payment of money, only except under the seal of said corporation; but it shall nevertheless be lawful for the said company, to purchase any such stock, or funded debts, as aforesaid, for the purposes of vesting any part of the stock, funds, or money of said company, therein to be made available in the line of its ordinary business, and also to sell and transfer the same, and reinvest the proceeds thereof in other stocks or funded debt, when and as often as the exigencies of the said corporation may require.

**SEC. 11. Policies to be subscribed by president — attest of secretary — policies may be given without the presence of directors.** All policies, or contracts of insurance, which may be made or entered into by said corporation, shall be subscribed by the president, or president pro tempore, or by such other officers as shall be designated for that purpose by the by-laws, and attested by the secretary, and being so signed and attested, shall be binding upon said corporation, without the seal thereof, according to the tenor, and effect, true intent, and meaning of such policies and contracts, and all such policies and contracts, may be signed, and carried on, without the presence of the board of directors, by [106] assistants, or committee, if done in conformity with the by-laws, shall be binding upon the company to all intents and purposes.

**SEC. 12. Construction of this act—when to take effect—to continue in force 30 years—name may be used longer for final settlement.** That this act shall be liberally construed, for the beneficial purposes intended, and shall take effect from and after its passage, and shall continue in force for thirty years, and no longer; but after the expiration of said term, it may use said corporate name, style, and capacity, for the purpose of suits, and other necessary transactions for the final settlement and liquidation of the accounts and business of said company, and for the sale of real estate and other property, but not for any other purposes.

**SEC. 13. Stockholders personally liable.** That the stockholders of said company, shall be personally liable for all contracts, and obligations, made and entered into by said institution.

**SEC. 14. May be amended or repealed.** That any subsequent legislature may amend or repeal this act.

Approved, February 17, 1842.

## CHAPTER 120.

AN ACT to change the name of Rising Sun, to Pittsburgh.

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

SECTION 1. That the name of that part of the town of Rising Sun, in Van Buren county, which lies above the mouth of Chegnest Creek, known as Clayton's addition, is hereby changed, and shall hereafter be known by the name of Pittsburgh, in common with that part of said town, lying below the mouth of said creek.

Approved February 17, 1842.

## CHAPTER 121.

AN ACT relative to the "Davenport Institute."

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

SECTION 1. **Names of persons constituted a body corporate — name and style—powers—proviso.** That Thomas S. Hoge, David Hoge, Alfred Sanders, James Thorington, E. Tichenor, L. E. Johnson, J. L. Davies, A. B. Hichcock, John Owens, jr., A. H. Brownlee, G. McKown, J. W. McCaunnon, H. W. Cheever, E. M. Mackemer, Z. H. Goldsmith, A. W. McGregor, James Hall, and their associates and successors, who may become members of such incorporation, are hereby created a body politic and corporate by the name of the "Davenport Institute," and by that name shall have perpetual succession, and shall possess the necessary powers of a corporation, and such as are usually granted to a corporation for literary and scientific purposes: provided, that the yearly value of the real and personal estate, held by such institute, shall not exceed five thousand dollars.

[107] SEC. 2. **By-laws.** Said institute may establish such by-laws as may be deemed necessary, not contrary to law.

SEC. 3. **Officers—how elected.** The officers of the said institute, shall consist of a president, vice president, secretary, and treasurer, and such other officers as may be deemed necessary, to be elected in such manner and to serve for such time as the society, by their by-laws, shall determine.

SEC. 4. **May be altered, amended, or repealed.** That any subsequent legislature shall have power to alter, amend, or repeal, any or all of the foregoing provisions of this act.

Approved, February 17, 1842.

## CHAPTER 122.

AN ACT to incorporate the city of Keosauqua.

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

SECTION 1. **Boundaries—name and style.** That all that part or tract of land, recorded by James Hall, and company, in the office of the recorder of

deeds, for Van Buren county, Iowa territory, as the town of Keosauqua, and the northwest quarter of section thirty-six, in township number sixty-nine, north of range, ten west of the fifth principal meridian, be and the same is hereby constituted an incorporated city; and shall hereafter be known by the name or title of the "City of Keosauqua."

**SEC. 2. Qualification of voters—election—officers—to be a board—proviso.** It shall be lawful for the free white male inhabitants of said city, being of twenty-one years of age, and having resided therein for three months previous, to meet at some convenient place in said city of Keosauqua, on the first Monday of May, and annually thereafter, and then and there proceed by a majority of votes, to elect by ballot, a mayor, five aldermen, and one recorder, who shall hold their offices one year, and until their successors are elected and qualified; and any three of them excepting the recorder, shall be a board for the transaction of business, but a less number may adjourn from time to time: provided, that if an election of a mayor, aldermen, and recorder, shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall, and may be lawful, to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter prescribed.

**SEC. 3. First election—judges and clerks of election—result of elections to be proclaimed—persons notified of their election—notice of election to be posted up.** At the first election to be held under this act, there shall be chosen viva voce by the electors present, two judges and a clerk of said election, who shall each take an oath or affirmation, faithfully to discharge the duties required of him by this act; and at all subsequent elections, the council shall appoint three judges and a clerk of the election; and at all elections to be held under this act, the polls shall be opened between the hours of nine and ten o'clock a. m., and remain open until five o'clock p. m., of said day; at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present, by one of the judges, and the clerk shall make a true record thereof; and within five days after such election, the said clerk shall give notice to the persons elected of their election, and make true returns to the recorder; and it shall be the duty of said city council, at least ten days before each [108] annual election, to give notice of the same by posting up notices in three of the most public places in said city.

**SEC. 4. Duties of recorder.** It shall be the duty of the recorder, or his deputy, to attend all meetings of the council, and keep a fair and accurate record of all their proceedings; and the said recorder is authorized under his hand and seal, to appoint some competent person as his deputy, who, in his absence, shall do and perform all and singular the duties enjoined upon said recorder, and for whose acts the said recorder shall be liable.

**SEC. 5. Power of mayor and aldermen — to acquire property—seal—sue and be sued—summons with whom left.** That the mayor and aldermen and inhabitants of said city, shall be a body corporate and politic, with perpetual succession, to be known by the name of the mayor and aldermen of the city of Keosauqua; and shall be capable in law, by their corporate name, to acquire real and personal property, within and for the use of said city; to sell and convey the same; may have a common seal, and may alter and change the same at pleasure; they may sue and be sued, plead and be impleaded, defend and be defended, in all manner of courts of judicature in this territory, and in all manner of actions whatever; and when any suit shall be brought against the city, an attested copy of the summons shall be left with the mayor, or at his place of residence, ten days before the return thereof, or in his absence with the recorder of said city.

**SEC. 6. By-laws and regulations—to fix compensation of officers—fines—proviso—collection of fines—ordinances to be published.** The mayor and aldermen shall have power to make and establish by-laws, regulations and ordinances, for the government of the city, and alter and repeal the same at pleasure; to prescribe the duties and compensation of such subordinate officers, as they may deem proper; to appoint and remove them at pleasure; to fix reasonable fines and penalties for any violation of the laws and ordinances of the corporation: provided, that no person shall be fined exceeding fifty dollars for any one offense, against any one ordinance, and may be recovered by action of debt, before any justice or any magistrate of competent jurisdiction, within the limits of the city, and to provide for the collection and disposition of the same; and no by-laws and ordinances shall take effect, until they shall have been published; and the recorder shall keep a record of the publication of all by-laws and ordinances, which record shall be sufficient evidence of the publication of the same in all cases whatsoever.

**SEC. 7. Streets and alleys—sewers, landings—liquor houses—pedlars—shows—races—dogs—hogs—markets—houses of ill-fame—tax—proviso—assessor and collector—fire company—gunpowder—to pass all laws necessary to carry the foregoing into effect.** The city council shall have power to improve streets, lanes and alleys, within the said corporation; to grade, ditch, and cut sewers; to make and repair wharves or public landings, within the corporation; to license houses where liquor is sold; to license the vending of merchandise; to license pedlars; to license and prohibit shows and other public exhibitions; to prohibit the discharging of fire-arms, and the racing or immoderate running of horses within the corporation; to levy and collect a tax on dogs; to restrain or prohibit the running at large of hogs and ferocious animals; to establish and regulate public markets; to establish a ferry and for annually leasing the same; to restrain and prohibit houses of ill fame, and all indecent exhibitions within the city; to levy and collect a tax on real and personal property within the corporation, and subject to a county tax: provided, it shall not exceed in any one year, more than the one-fourth of one per centum of the aggregate amount of all such taxable property; the said tax shall be assessed and collected by such officer or officers, as the city council may from time to time appoint, in such manner, and under the same regulations, as are or [109] may be provided by law, for the assessment and collection of county taxes, to provide against danger by fire, and for this purpose there may be organized within the limits, one fire company, not to exceed twenty-five members; and when so organized, the members thereof shall be exempt from militia duty; to prohibit the keeping in any one place, large quantities of gun-powder; they shall have power to pass all laws and ordinances, not inconsistent with the laws of the United States and the laws of this territory, for the purpose of carrying the aforesaid powers into effect, and for the preservation of the peace, health, and cleanliness of said city.

**SEC. 8. Marshal—Power and duties of marshal—fees—extent of jurisdiction—fines, to whom paid.** The council shall appoint a suitable person to be marshal of the city, whose duty shall be to execute and return all process directed to him by the mayor, or any justice of the peace, within the limits of the corporation, in the name of the mayor and aldermen of the city of Keosauqua, and shall have the same authority, and perform the same duties, and be subject to the same liabilities, that constables are in their respective counties; and shall receive the same fees for services that are or may be allowed by law to constables within this territory, and do and perform all other duties that may be imposed on him by ordinance; and the mayor or



any justice of the peace, residing within the limits of said corporation, shall have jurisdiction co-extensive with the county, in all cases, where the mayor and aldermen of said city are plaintiffs or complainants; and all fines collected for any violation of the laws of this territory, where the offense has been committed within the limits of the corporation, shall be paid into the city treasury.

**SEC. 9. Writs—how served and returned.** All writs and process issued by any justice of the peace, or any other court, under any of the ordinances of the corporation, shall be served and returned in like manner, and with like effect, as writs and process are now served and returned under the laws of this territory.

**SEC. 10. Power and duty of mayor.** The mayor shall not vote except in case of a tie, when he shall give the casting vote; he shall sign all laws or ordinances passed by the board, and see that they are faithfully executed; he shall sign all bonds and drafts ordered by the city council, and attested by the recorder; and all such bonds or drafts so signed, shall bind the said corporation, and shall be good in law and equity in every court in the territory, for what is therein expressed.

**SEC. 11. Resignation or absence.** In case of the resignation, absence, sickness, or death of the mayor, the aldermen shall elect one of their number mayor pro tem., who shall be invested with all the authority, and perform all the duties of mayor during his absence, or until another is elected and qualified.

**SEC. 12. Oath to be taken.** The mayor and aldermen, and all other officers of the city, shall, before entering upon their respective duties, take and subscribe an oath, to support the constitution of the United States, and the laws of this territory, and faithfully perform the duties for which they were elected, which oath shall be filed with the clerk.

**SEC. 13. Treasurer—to settle quarterly with council—to give bond.** The council shall also appoint a city treasurer, who shall receive and safely keep all moneys which may come into his hands, and when he receives moneys from the marshal, or any other person, for the use of said city, he shall give a receipt for the same; he shall, once in every three months, make out a list of all moneys by him received and paid out, and make a complete settlement with the council; he shall not [110] purchase, buy, or in any way trade for any city orders, at a less value than the amount called for by the same; he shall give to the council a bond, with security to their satisfaction, and be in all things governed by the by-laws and ordinances.

**SEC. 14. Streets and alleys—persons liable for expense of sidewalk—proviso—proviso.** When any street, lane, or alley shall be improved, the city council shall assess the cost thereof to the owners of the property on each side of the street, lane, or alley, so made, according to the number of feet front each person does own on said street, lane, or alley; and in like manner if sidewalks are only made, each person shall be liable for the expense incurred in front of his, her, or their property; and if the said assessment is not paid, after giving due notice thereof, the property shall be sold after giving the usual notice, as in case of execution, for to satisfy the amount with costs: provided, that if the owner of any such property is a non-resident, a notice posted in the office of the recorder, for sixty days, shall be a legal notice, and the owners of any property sold under this act may redeem the same within one year after such sale, by paying the costs, assessment, and twenty-five percent. interest per annum: provided, the city council shall have discretionary power to charge to the owners of property, such part of the expenses of improving any street, lane, or alley, as they may deem just, the balance to be paid out of the city treasury.

**SEC. 15. - Resignation or absence of mayor [aldermen]—vacancy—recorder pro tem.** In case of the death, resignation, or absence of one month, without leave of the mayor, or [of] any of the aldermen, it shall be the duty of the recorder to give ten days' notice of an election to be held, to supply the vacancy, and in case of the death, or resignation of the recorder, the council shall in like manner call an election to fill the vacancy, and may appoint a recorder pro tem., until one is elected and qualified.

**SEC. 16. Limits of city a road district.** The limits of the said city shall form a road district, and persons residing therein shall be liable to work the roads, according to the laws of this territory for other districts.

**SEC. 17. This act not to interfere with county or territory.** That nothing in this act shall be so construed, as to interfere with the rights of the county or territory, to tax the people within the limits of said city.

**SEC. 18. Election of justice of peace—term of service.** At the first election, under this act, there shall be elected two justices of the peace, the one having the highest number of votes to be elected for two years, and the other for one year, and annually thereafter there shall be elected a justice of the peace, who shall hold his office for two years, and until his successor is elected and qualified.

**SEC. 19. Repealing clause.** That on application of a majority of legal voters of said city, any future legislature of the territory or state of Iowa, may alter, amend, or repeal this act.

**SEC. 20.** This act to take effect and be in force from and after its passage. Approved, February 17, 1842.

[111] CHAPTER 123.

AN ACT to incorporate the Mount Pleasant Literary Institute.

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

**SECTION 1. E. Kilpatrick and others declared a body corporate—name and style—powers.** That E. Kilpatrick, Esq., Samuel Nelson, Esq., J. D. Payne, L. B. Hughes, Charles Stoddard, N. J. Smith, John P. Grantham, J. C. Hall, Esq., G. W. Patterson, John Monroe, N. Lagthroop, H. M. Snyder, Robert Monroe, G. W. Kesler, Samuel Brazelton, William Thompson and their associates, are hereby ordained, constituted and declared, a body corporate, by the name of "The Mount Pleasant Literary Institute," and by that name they and their successors shall have perpetual succession, and shall be capable of suing and being sued, impleading and be impleaded, answering and being answered, defending and being defended against, in all manner of actions, suits, and complaints, in any of the courts in this territory; that they and their successors shall have a common seal, and have power to alter, or change the same at pleasure.

**SEC. 2. Charter to be accepted by a vote of two-thirds members present—officers.** That said corporation shall meet on the first Monday in April, A. D. 1842, at the office of the clerk of the district court, of Henry county, and after they shall have agreed to accept this charter, by a vote of two-thirds of the members present, which vote and acceptance shall be recorded in a book to be kept by the secretary thereof, they shall proceed to elect from their number, to act as the fiscal board of the said incorporation, a president, secretary, treasurer, and six trustees, who shall hold their offices until the first Monday in September next, following said election, and until their successors are elected.

**SEC. 3. Power and duties of the president—secretary—treasurer—to give bond—payable to the institute—board of trustees—powers—same.** That the president shall be ex-officio president of the board of trustees, and shall have a vote in all matters that shall come before the board, shall have the power to call special meetings of the trustees, and present such matters to said board for their consideration, as he shall deem expedient and proper; that the secretary shall keep a faithful record of the proceedings of said board. The treasurer shall receive and disburse all moneys and effects of said corporation, by order of the board, attested by the secretary, and prior to his entering on the duties of his office, the said treasurer shall give bond with sufficient security, in such sum as the board may designate, conditioned for the faithful discharge of his duties as treasurer. Said bond shall be made payable to the Mount Pleasant Literary Institute, and on failure of said treasurer to fulfill the condition thereof, the secretary shall cause suit to be instituted thereon, and proceed to final judgment, as in other cases. The board of trustees shall have power to make by-laws, rules and regulations, to govern said institution not contrary to the constitution of the United States, or the laws of this territory, shall be capable of purchasing, holding, being seized of by purchase, donation, deed of gift, grant or devise, lease or release, of any estate, real in fee simple, life estate, estate for years, and of holding any personal estate, goods and chattels, for the purpose of carrying into effect the objects of said incorporation, and advancing science and literature; and that for that purpose aforesaid, said board shall have power to sell, and convey by deed of grant, warranty, lease, mortgage, or otherwise, all or [112] any part of the real and personal property of which they may be seized or possessed, and do all other acts, necessary for the advancement of said institution; that all process shall be served upon the secretary, and all deeds executed by the incorporation, shall be signed and acknowledged by the secretary by order of the board, and attested by the seal of the same.

**SEC. 4. Membership—privileges of members.** All persons who shall subscribe the sum of twenty-five dollars, for the benefit of said institution, shall be entitled to membership in said incorporation, and entitled to at least one vote in all business properly before [the] corporation, for each twenty-five dollars subscribed, and moreover eligible to any office or situation in the fiscal board.

**SEC. 5. Election.** There shall be an election of the fiscal board on the first Monday in September, in every year.

**SEC. 6. Fiscal board to be elected—powers of fiscal board.** That the members of said corporation, shall meet annually, on the first Monday in September, at such place as the president of the fiscal board may direct, and proceed to elect the officers named in the second section of this bill, which officers when elected and qualified, shall continue the fiscal board of said incorporation, said board shall manage the literary department of said institution, shall appoint such number of professors, tutors, and teachers, as they shall deem expedient and proper, and shall regulate their salaries; said board shall make, and ordain such wholesome rules and regulations, as will secure good order and propriety of conduct of the students, and persons attached to said institution.

**SEC. 7. Price of tuition.** The fiscal board shall have the power to fix the price of tuition, which shall in all cases be applied for the payment of the officers, professors, tutors, and teachers of said institute.

**SEC. 8. Vacancy—how filled.** That whenever a vacancy shall occur in any of the offices as above named, by death, resignation, removal, or otherwise, the fiscal board shall fill such vacancy by appointment, which appointment shall continue until the next annual election of said corporation, and until their successors are qualified.

**SEC. 9. Application of funds.** That all funds and property, held by this institution, and all rents, interests, and annuities, shall be faithfully applied, for the benefit of education and science.

**SEC. 10. No religious test of admission.** That said institution shall be under charge of the Methodist Episcopal Church, but there shall be no religious test for the admission of students to said institute.

**SEC. 11.** That any future legislature, shall have power to alter, amend or repeal this act.

Approved February 17, 1842.

## CHAPTER 124.

AN ACT to incorporate an insurance company at the town of Farmington, Van Buren county.

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

**SECTION 1. Company established—amount of capital may be increased—proviso—amount of shares.** That an insurance company shall be, and is hereby established, in the town of Farmington, with a capital stock of not less [113] than fifty thousand dollars, which may be increased from time to time, in such manner as the directors of said company may prescribe, to any amount not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, to be subscribed and paid for by individuals, companies, or corporations, as herein directed.

**SEC. 2. Payments—forfeit—balance subject to call of directors—not to make a policy until shares paid.** That at the time of subscribing, there shall be paid on each share one dollar, and nine dollars more within thirty days after the first election of directors. If any stockholder fail to make such payment, such stockholder shall forfeit the amount paid on such stock, at the time of subscribing; the balance due on each share shall be subject to the call of the directors, and the said company shall not be authorized to make any policy or contract of insurance until the whole amount of shares subscribed shall be actually paid in, or secured to be paid on demand, by approved notes, or mortgages on real estate.

**SEC. 3. Names of commissioners to open subscription books—place or places—when first election to be held—books, papers, monies, etc., of commissioners to be delivered to directors as soon as elected—books may be reopened.** That Jonas Houghton, Isaac A. LeFever, Jesse Wright, Lawrence Scott, and Solomon Beckley, or any three of them, are hereby constituted commissioners to open books for the subscription for the capital stock of said company, at such time as they may deem expedient, in Farmington, and at such other places as they may think proper, under their own superintendence, or such other persons as they may appoint, and keep them open until one hundred shares at least, are subscribed; and whenever one hundred shares, or upwards, shall have been subscribed, the said commissioners, shall by public notice, appoint the time and place of holding the first election of directors, who shall continue in office until their successors are chosen at the next annual election. It shall be the duty of the commissioners as soon as the board of directors are elected, to deliver over [to] them all books and papers, and pay over all moneys they may have received, belonging to said company, deducting therefrom their reasonable expenses; and the said directors shall have power to reopen said subscription books at any time and place, until the whole stock be taken.

**SEC. 4. President—vacancy or resignation—secretary, clerks, agents, etc. salaries, how fixed.**—That the directors regularly chosen by the stockholders, shall as soon as may be, after the first and every annual election, choose out of their own body, a president, who shall preside in the board until the next annual election. In case of death, removal, or resignation of the president, or any director, the vacancy shall be filled by the board of directors; they may appoint a president pro-tempore in case of the absence of the president, they shall also appoint a secretary and all subordinate officers, clerks, agents, and servants, who shall hold their offices during the pleasure of the board, they may, from time to time, appoint one or more persons from their body, to assist in transacting the business of said company, with such salaries as they may think proper, they shall fix the president, and all other officers, define their powers, and prescribe their duties.

**SEC. 5. Company made a body corporate—name and style—may sue and be sued, etc.—seal.** That the subscribers for the stock of said company, their associates, successors, and assigns, shall be and they are hereby ordained, constituted, and appointed a body corporate and politic, by the name and style of "The Farmington Insurance Company," and by that name they and their successors shall have perpetual succession, and shall be capable in law, of contracting and being contracted with, of suing and being sued, of impleading and being impleaded, of answering and being answered unto, of defending and being defended against, in all courts and places whatever, in all manner of actions, suits, and complaints, and causes, and they [114] and their successors may have and use a common seal, and may alter or change the same at pleasure.

**SEC. 6. Powers of corporation—kinds of insurance—fix the premium of insurance—may loan—proviso—per cent—may be insured themselves.** That the corporation hereby created, shall have full power and authority, to make all kinds of insurance against loss on ships, steamboats, or other vessels, their cargoes, goods, wares, merchandise, freight, produce, property of every kind, in the course of transportation by land or water, and to make insurance against loss or damage by fire, on land or water, on every description of property or merchandise; to make all kinds of insurance upon lives, and to make such other insurance as they may judge expedient; to fix the premium of insurance, to lend money on bottomry and respondentia, to lend their surplus, or unemployed capital; provided, said corporation shall loan nothing but gold and silver, or the notes of specie paying banks, such as are at par credit in said town of Farmington, or city of St. Louis, Missouri, on real or personal securities, to companies, corporations, or individuals, at a reasonable rate of interest, not to exceed in any case ten per cent. per annum; the said company may also cause themselves to be insured, against all maritime and other risks, and upon the interest they may have in any vessel, goods, or merchandise, in virtue of any loans they may have on bottomry or respondentia, or against all losses they may incur by reason of any insurance made by them on any life or lives, or against losses by fire, the perils of the sea, or inland navigation and transportation.

**SEC. 7. Directors—shall be elected by stockholders—term of service—election by ballot—notice of elections, etc., to be made public—votes—proxy—proviso.** That the stock, property, and affairs of the company or corporation aforesaid, shall be managed and conducted by five directors, who shall be stockholders of said company, residing within this territory, and after the first election, they shall be elected by the stockholders, annually, on the first Monday in January, at the office of the company, unless the directors appoint some other place, and they shall hold their office one year, or until their successors are chosen in like manner and no longer; such election shall be by ballot, under the inspection of the stockholders, (holding no office in said company) to be previously appointed by the board of directors; notice of every election of directors, and all other general meetings of the stockholders, shall be made public for at

least twenty days previous to such meeting, and at every such meeting or election, each share shall entitle the holder to vote. Absent stockholders may vote by proxy, such proxy being made in writing to a stockholder present at such meeting. In case it shall happen, that an election of directors shall not be made on any day that it ought to have been made, pursuant to this act, the said corporation shall not for that cause be dissolved, but it shall be lawful, on any other day, to hold an election of directors, in such manner, as the by-laws and ordinances of the said company may direct.

**SEC. 8. Board—power to make by-laws—to manage funds—to insure—to settle and adjust losses—to make dividends—president may insure, fix premiums, etc.—and do all acts necessary to the management of the corporation.** That a majority of the directors of said company, shall constitute a board, competent to transact the business of the corporation; they shall have power and authority to make all necessary by-laws, rules and regulations, for their own government, and for the management and disposition of the stock, property, and funds of the business of said company, to insure against all risks, authorized by this act, to receive for the amount of premiums and guarantees, such notes, endorsed and payable in such manner, and at such times as they may think proper, in conformity to the by-laws made on the subject, to settle and adjust all losses for which [115] the company may become liable, to arbitrate and compromise all doubtful claims against said company for loss or damages, to declare and make dividends semi-annually, of so much of the clear profits arising from the business of the company, as shall appear to them advisable, and cause the same to be paid to the stockholders, in proportion to the amount paid by each respectively; the board of directors may, however, confide to the president, or any two of the directors, the power of insuring risks, fixing, and receiving premiums and guarantees, adjusting and paying losses, to such an amount as they may think prudent, and the power to do and perform all acts, necessary and convenient for the management of the affairs of said corporation, and to carry into effect the powers and purposes of this act.

**SEC. 9. Policies, etc., to be subscribed by the president.** That all policies or contracts of insurance, and instruments of guarantee, made by said company, shall be subscribed by the president, or the president pro tempore, and attested by the secretary.

**SEC. 10. Duty of secretary.** That it shall be the duty of the secretary, at every annual election, or other general meeting of the stockholders, to lay before them a correct and particular statement of the condition and affairs of the company.

**SEC. 11.** That the board of directors shall convene according to their by-laws, or whenever required by the president, or any two of the directors.

**SEC. 12. Stock to be considered personal property.** That the stock of said company, shall be considered personal property, and shall be assignable and transferrable on their books, or otherwise, according to such rules and restrictions as the board of directors shall make and establish.

**SEC. 13. May purchase real estate—limits.** That it shall be lawful for the company to purchase and hold such real estate as shall be necessary for the transaction of its business, not exceeding the yearly value of five thousand dollars.

**SEC. 14. May hold real estate security—may purchase in virtue of judgment.** That the company may also take, and hold real estate, as security, or on mortgage, or pledge, to secure the payment of debts due to the company, either for shares of capital stock, or otherwise, to purchase and hold real estate sold in virtue of any judgment, or decree, in favor of said company, and to receive and hold real estate in satisfaction of any debts due to the company, previously contracted in the course of its lawful dealings.

**SEC. 15. Not to deal in goods, wares, etc.** That the said company shall not

employ any of its stock, funds, or money, in buying or dealing in goods, wares, merchandise or other commodities.

**SEC. 16. Premiums agreed on—vender may under notice assign to vendee—company may be exonerated.** That said company may charge such premiums on its policies as may be agreed on by the parties, and if the property insured, be sold, the vender may assign to the vendee the policy, but shall give notice of such assignment to the company before any loss happen, and said company when notified, shall be at liberty to return a ratable proportion of the premium, and be exonerated therefrom.

**SEC. 17. Loss to be paid within 60 days.** That when the company shall be notified of any loss incurred on any policy made by it, without any misconduct or violation of the policy, on the part of the insured, it shall pay the amount lost, within sixty days after notice.

**SEC. 18. Officers to give bond.** That the directors of said company, may require sufficient bond and security from any officer of the company, conditioned for the faithful performance of his duties.

[116] **SEC. 19. To continue in force 30 years only—name and style may be used longer for final settlement.** That this act shall be liberally construed for the beneficial purposes intended, and shall take effect from and after its passage, and shall continue in force for thirty years, and no longer, but after the expiration of said term, it may use said corporate name, style and capacity for the purpose of suits, and other necessary transactions, for the final settlement and liquidation of the accounts and business of said company, and for the sale of real estate and other property, but not for any other purposes.

**SEC. 20. May be altered, amended or repealed.** That this act may be altered, amended, or repealed, by any subsequent legislature, for any fraud or abuse of any of the provisions herein contained.

**SEC. 21. Stockholders individually liable.** That the stockholders of said company shall be individually liable for the payment and fulfillment of all debts or contracts made by said institution, if it should at any time become insolvent.

Approved February 17, 1842.

## CHAPTER 125.

AN ACT to provide for the compensation of members, officers, and printers of the legislative assembly, and for other purposes.

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

**SECTION 1. Monies appropriated.** That the following sums are hereby appropriated, out of any monies in the hands of the Secretary of the Territory, for the following purposes, viz.:

**SEC. 2. Pay of members of house of representatives.** For pay and mileage of the members of the house of representatives, the sum of six thousand four hundred and thirty-four dollars and eighty cents.

**SEC. 3. Pay of officers of house of representatives.** For pay of officers of the house of representatives, two thousand seven hundred dollars.

**SEC. 4. Pay of members of council.** For pay and mileage of the members of the council, three thousand two hundred and fourteen dollars and fifty cents.

**SEC. 5. Pay of officers of council—proviso.** For pay of officers of the council, two thousand twenty-five dollars: provided, that Daniel Chance, shall receive the sum of ninety dollars, out of the allowance hereby made to firemen of the

council, and Samuel Wilson, the sum of one hundred and thirty-five dollars, the balance of said allowance.

SEC. 6. **W. Lewis.** To W. Lewis, for extra pay as speaker of the house of representatives, two hundred and twenty-five dollars.

SEC. 7. **J. W. Parker.** To J. W. Parker, for extra pay as president of the council, two hundred and twenty-five dollars.

SEC. 8. **John S. David.** To John S. David, for rent of library room, from May 10, to Nov. 10, 1841, and for rent of executive office from Feb. 1 to May 22, 1841, seventy-eight dollars and sixty-six cents.

SEC. 9. **J. B. Newhall.** To J. B. Newhall, for thirty-eight copies of Sketches of Iowa, fifty-seven dollars.

SEC. 10. **Secretary of territory.** To secretary of the territory, being the amount paid out [117] by him for stationery, candles, &c., as per vouchers, for the use of the legislature, for the present year, one thousand six hundred and fifty-one dollars and forty-one cents.

SEC. 11. **Secretary of territory.** To secretary of the territory, for amount of mileage to Linn and Cedar counties, for returns of election, two hundred and sixty-five miles, at ten cents per mile, twenty-six dollars and fifty cents.

SEC. 12. **Secretary of territory.** To the secretary of the territory, for amount paid J. W. Grimes, for rent of room for executive office, from 13 May, 1841, to 12 May, 1842, the sum of one hundred dollars.

SEC. 13. **Van Antwerp & Hughes.** To Van Antwerp & Hughes, for papers furnished the house of representatives, four hundred and ninety-one dollars.

SEC. 14. **N. Jackson.** To N. Jackson, for papers furnished the house of representatives, two hundred and fifteen dollars.

SEC. 15. **W. Crum.** To W. Crum, for papers furnished the house of representatives, two hundred and eighty-seven dollars.

SEC. 16. **Van Antwerp & Hughes.** To Van Antwerp & Hughes, for printing bills, reports, etc., for the council and house of representatives, two thousand six hundred and seventy-four dollars and forty-four cents.

SEC. 17. **Jas. W. Woods.** To J. W. Woods, for transcribing, indexing, and preparing the journals of the council for publication, and distributing the same to the clerks of the several boards of county commissioners, the sum of three hundred and fifty dollars.

SEC. 18. **J. T. Fales.** To J. T. Fales, for transcribing, indexing, and preparing the journals of the house of representatives, for publication and distributing the same, the sum of three hundred and fifty dollars.

SEC. 19. **Wm. W. Coriell.** To Wm. W. Coriell, for printing the journal of the house of representatives, of 1841, nine hundred dollars.

SEC. 20. **Russell & Hughes.** That the sum of seven hundred and fifty dollars be allowed to Russell & Hughes, for publishing the journal of the council of 1840, and '41, to be paid out of any funds in the hands of the Secretary of the Territory, not otherwise appropriated.

SEC. 21. **James M. Hawkins.** To James M. Hawkins, (postmaster) for postage of letters, papers, documents, &c., during the present session, for the house of representatives, the sum of three hundred and nine dollars and twenty-one and three-quarter cents; and also for postage of letters, papers, documents, &c., for the council the present session, two hundred and nineteen dollars and thirty-eight cents.

SEC. 22. **Francis Reyno.** To Francis Reyno, for dusting and renovating carpet and other labor, making in all three days, also one basket, the sum of five dollars.

SEC. 23. **T. S. Parvin.** To T. S. Parvin, for services rendered as assistant secretary of the council, pro tem., the sum of thirty dollars.

SEC. 24. **B. F. Wallace.** To B. F. Wallace, late secretary of the council,



for his attendance and services, during the present session of the council the sum of thirty-six dollars.

SEC. 25. **L. B. Hughes.** To L. B. Hughes, for two days service as sergeant-at-arms of the council, pro tem., at the commencement of the session of 1840 and 1841, the sum of six dollars.

SEC. 26. **John Hawkins.** To John Hawkins, (justice of the peace) for swearing in twenty-two members of the house of representatives, the sum of three dollars.

[118] SEC. 27. **Jesse Williams.** That Jesse Williams, be allowed for two maps and books furnished, one to each house, at session of 1840 and '41, eight dollars.

SEC. 28. **John Boyden.** To John Boyden, for two days service as fireman of the house of representatives, four dollars.

SEC. 29. **Secretary of territory.** To secretary of the territory, for fuel and candles, up to 12th May, 1842, for executive office, forty-six dollars.

SEC. 30. **Walter Butler.** To Walter Butler, for 75 cords of wood, furnished during the present session, one hundred and fifty dollars.

SEC. 31. **William Abbee.** To William Abbee, (fireman) for cutting wood for the use of the house, thirty dollars.

SEC. 32. **N. Jackson.** To N. Jackson, for papers furnished the legislative council, one hundred and eighteen dollars.

SEC. 33. **Wm. Crum.** To W. Crum, for papers furnished the legislative council, one hundred and forty-nine dollars.

SEC. 34. **Van Antwerp & Hughes.** That Van Antwerp & Hughes, editors of the Iowa Capitol Reporter, be allowed the sum of two hundred and fifty-nine dollars, for 259 copies of said paper, furnished to the members of the council, during the present session of the legislative assembly.

SEC. 35. **B. W. Gillock.** That Braxton W. Gillock, be allowed the sum of twenty-six dollars, for thirteen days service in assisting the Secretary of the Territory, to convey a portion of the annual appropriation for the expenses of the present legislative assembly, from Dixon, Ill., to Iowa City.

SEC. 36. **S. Parker.** To S. Parker, for inkstands, seventy-five cents.

SEC. 37. **Morgan Reno**—To Morgan Reno, for services rendered in assisting the secretary, in arranging the halls for the reception of the legislature, and for fuel and candles furnished for the use of the library, and for other services and expenses rendered in removing the furniture from Burlington to Iowa City, the sum of seventy-six dollars and twenty cents.

SEC. 38. **Morgan Reno**—That the said Morgan Reno, be allowed the sum of eleven dollars and fifty cents, to be by him appropriated, to pay for one copy of Niles' Register, from the first of January, 1840, to the first of January, 1842.

SEC. 39. **William Greene**—To William Greene, for binding books for the secretary's office, and for binding various volumes for the library, sixteen dollars and seventy-five cents.

SEC. 40. **Walter Butler**—To Walter Butler, eighteen dollars and fifty cents, for receiving furniture of the territory, cutting wood, putting up stoves, etc.

SEC. 41. **Miles Driskell**—To Miles Driskell, for furnishing paste for enveloping for council, two dollars.

SEC. 42. **E. J. Darken.** To E. J. Darken, for preparing abstracts of council journals, during the present session, seventy-five dollars.

SEC. 43. **Rev. Samuel Mazzuchelli**—To the Rev. Samuel Mazzuchelli, for rent of room to store the furniture of the legislature and council, 12 months, as per contract with former secretary, sixty dollars.

Approved February 17, 1842.

## [119] CHAPTER 126.

## AN ACT for the encouragement of agriculture.

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

SECTION 1. **Money appropriated—objects—to whom appropriated.** That the sum of twelve hundred dollars per annum, or such other sum as the congress of the United States may grant for that purpose, shall be and is hereby appropriated for the promotion of agriculture, and household manufactures in this territory, in the manner following, to-wit: The county of Clayton, thirty dollars; the county of Clinton, twenty dollars; the county of Cedar, thirty dollars; the county of Dubuque, seventy dollars; the county of Des Moines, one hundred and forty dollars; the county of Henry, eighty dollars; the county of Jones, twenty dollars; the county of Jackson, thirty-five dollars; the county of Johnson, thirty-five dollars; the county of Linn, thirty dollars; the county of Lee, one hundred and forty dollars; the county of Louisa, forty-five dollars; the county of Muscatine, forty-five dollars; the county of Scott, forty-five dollars; the county of Washington, thirty-five dollars; the county of Jefferson, sixty dollars; the county of Van Buren, one hundred and forty dollars; Iowa Territorial Agricultural Society, two hundred dollars.

SEC. 2. **When a territorial agricultural society may be formed—its privileges and duties.** A Territorial Agricultural society may be organized at the seat of government, in the same manner as county agricultural societies are now organized, and shall have the same privileges, and perform the same duties for the whole territory, and shall have its meetings and fairs, at such times and places as the proper officers of the society may direct.

SEC. 3. **Other societies organized—powers and limits—membership.** Whenever the citizens of any township or townships, whether organized or not, shall desire to form an agricultural society, they shall be organized in the same manner as county societies are organized; shall be called together for the purpose of organization, at such time and place as those requiring the call shall direct; and shall have the same powers and duties for their respective limits, as county societies now have; territorial, county and township societies shall regulate the price of admission to membership, and the price of annual subscription.

SEC. 4. **Sum to be given to county society when the amount of subscription made is reported to the secretary of territory—proviso.** When any county agricultural society, now formed, or to be formed in this territory, shall raise by voluntary subscription any sum of money, the president and treasurer shall make and subscribe an affidavit of the facts of the formation of such society, and of their having raised a certain sum, specifying the amount thereof, which affidavit shall be filed with the secretary of the territory, who shall, if congress shall appropriate the sum herein mentioned, pay to the treasurer of the society a sum equal to the amount of such subscription, not exceeding the amount to which such society would be entitled, under the apportionment aforesaid; and when there are two or more societies in any county, the said secretary shall divide the sum appropriated to such county among them: provided, each society shall raise, by voluntary subscription, a sum equal to the amount set apart for such county.

SEC. 5. **Officers—duty of officers—premiums—how awarded—proviso.** The Iowa Territorial Society, and the several societies in counties now formed, or to be formed in this territory, shall annually elect such officers, as they may deem proper; and it shall be the duty of [120] such officers, annually to regulate and award premiums, on such articles, productions, and improvements, as they may deem best calculated to promote the agricultural, and household

manufacturing interests of this territory; having especial reference to the net profits which accrue, or are likely to accrue, from the mode of raising the crops or stock, or the fabrication of the article, with the intention that the reward shall be given to the most profitable or economical mode of competition: provided, always, that before any premium shall be delivered to the person claiming the same, shall deliver to the president of the society, as accurate a description of the process, in preparing the soil, raising the crop, or feeding the animal, as may be; also the product of the crop, or of increase in the valuation of the animal, with a view of showing accurately the profit of cultivating the crops or feeding and fattening the animal.

**SEC. 6. Abstract of expenditures to be transmitted to the secretary of territory—county societies to transmit annual reports to territorial society.** The president of the territorial society, and the several presidents of the societies in counties who shall receive or expend any of the moneys hereby appropriated, shall annually, in the month of November, transmit to the secretary of the territory, a detailed account of the expenditure of all moneys, which shall come into their hands under this act, stating to whom and for what purpose paid, with the vouchers therefor; and said presidents of said societies in counties, shall annually transmit in the month of November, to the executive committee of the territorial society, all reports or returns which they may demand, and receive from the applicants for premiums, together with an abstract of their proceedings during the year.

**SEC. 7. Executive committee to report to secretary of territory.** The executive committee of the territorial agricultural society, shall examine all reports and returns, made by the presidents of societies in counties, and condense and arrange the same, together with a report of their own proceedings during the year, to the secretary of the territory, in the month of December in each year.

**SEC. 8. Ex officio members.** The presidents of the several county societies, or delegates from them, to be chosen annually for that purpose, shall be ex-officio members of the Iowa Territorial Agricultural Society.

## CHAPTER 127.

AN ACT to amend an act, for the incorporation of the town of Bloomington.

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

**SECTION 1. Corporation extended.** That the corporation of the town of Bloomington, be and the same is hereby made to extend to the middle of the main channel of the Mississippi river, opposite said town.

**SEC. 2. Powers of president and trustees to license—proceeds of license, how applied.** That the president and trustees of said corporation, shall have the exclusive power to grant licenses for the retailing ardent spirits within the limits of the corporation; and the proceeds of such licenses shall be appropriated, the one half for the benefit of said corporation, and one half to be paid into the county treasury.

**SEC. 3. Taxes—streets and alleys—special tax—rate of tax.** That if the electors of said town, shall have directed the levy of taxes, according to the seventh section of the act, to which this is [121] amendatory, and if it is deemed necessary to improve the streets and alleys, and if such improvements will considerably increase the value of lots in the vicinity of such improvements, and if a majority of the owners of such lots shall apply for such improvements, the president and trustees shall have power to levy a special tax for that purpose,

on the lots thus increased in value, not exceeding twelve per cent. on the first assessment, provided such special tax shall not be more than one half of cost of such improvement; the other half or more, as the case may be, to be paid by the corporation.

**SEC. 4. Personal or real estate may be sold by collector for taxes—notice of sale to be published—to be posted up ten days before sale—terms of sale.** The collector of taxes of said corporation, shall have power to sell personal estate, and for want thereof, to sell real estate for the non-payment of taxes in said town; but no real estate shall be sold by reason of the non-payment of such taxes, until notice of the intended sale shall have been published in a public newspaper, printed in the town of Bloomington, if any be printed there, if not, in a newspaper printed at the seat of government of this territory, once every week, for at least four weeks previous to such sale; and notice of the said tax sale, shall be posted in three public places in said town, ten days before the said sale; and there shall also be a list of the delinquent lots, which are to be sold, posted up in some conspicuous place in the town, for public inspection, at least ten days previous to the sale. The sale and terms of redemption shall be governed by the laws governing the sale of real estate for county taxes.

**SEC. 5. Owners of entire blocks to have the possession and use of alleys therein.** That the president and trustees are hereby authorized, to permit any person owning all the lots in any block in said town, to enclose and have the possession and use of the alley of said block, so long as such person may own every lot of such block.

**SEC. 6. When to take effect.** This act to take effect from and after its passage.

**SEC. 7. May be amended or repealed.** This act may be amended or repealed by any future legislature.

**SEC. 8. Repealing clause.** All parts conflicting with this act, of the act to which this is amendatory, be and the same are hereby repealed.

Approved February 18, 1842.

## JOINT RESOLUTIONS

---

[123] No. 1.

A JOINT RESOLUTION authorizing the secretary of the territory to effect a loan of money to pay the members of both branches of the legislature their mileage.

*Resolved, by the Council and House of Representatives of the Territory of Iowa:*

**Loan to be authorized.** That the Honorable O. H. W. Stull, secretary of the territory, be authorized to effect a loan of sufficient amount of money, to pay the respective members of both branches of the legislative assembly their mileage in traveling to and from the seat of government, the present session.

Approved December 14, 1841.

---

No. 2.

A JOINT RESOLUTION to provide for the sale of the surplus copies of the statutes of this territory.

*Resolved, by the Council and House of Representatives of the Territory of Iowa:*

**Laws of the Territory to be distributed.** That the secretary of the territory be and he is hereby authorized and required to distribute all the surplus copies of the acts of the several sessions of the territorial legislature (after retaining one hundred and fifty copies of each in the territorial library) in equal portions to the several boards of county commissioners in this territory.

**Duty of county commissioners.** That the said commissioners are hereby authorized to receive and sell the same for the following prices, to-wit: The acts of the first session of said legislature for one dollar each, and the acts of the subsequent sessions for fifty cents each, except the acts of the extra session held in the [124] year 1840, which they are hereby authorized to sell at twenty-five cents each.

That the several boards of county commissioners shall so soon as the said acts shall be sold, or any part of them, pay over to the order of the treasurer of the territory, the amount of money for which the same may sell, and return all copies remaining unsold, and deliver the same at their respective offices.

Approved January 3, 1842.

## No. 3.

A JOINT RESOLUTION authorizing the secretary to pay George C. Robbins, for furnishing seals for the district courts of Linn and Jones counties.

*Resolved, by the Council and House of Representatives of the Territory of Iowa:*

**Compensation to G. C. Robbins.** That George C. Robbins be allowed the sum of twenty dollars, for engraving and furnishing seals for the district courts for the counties of Linn and Jones, and the secretary of the territory is hereby authorized to pay the above amount out of any money in his hands not otherwise appropriated.

Approved January 28, 1842.

## No. 4.

A JOINT RESOLUTION providing for the distribution of the reports of the supreme court.

*Resolved, by the Council and House of Representatives of the Territory of Iowa:*

**Acts of extra session amended—number of copies distributed.** That the joint resolution passed at the extra session of the territorial legislature in July, A. D. 1840, approved August 1st, 1840, providing for distributing the reports of the supreme court of the territory, be so amended as to entitle the clerks of the several district courts in this territory, to five copies each, for the use of the district courts of the several counties.

Approved January 28, 1842.

## No. 5.

A JOINT RESOLUTION relative to compensation to William L. Gilbert and C. Ruggles.

*Resolved, by the Council and House of Representatives of the Territory of*  
[125] *Iowa:*

That William L. Gilbert be allowed the sum of fifteen dollars, for five days' services in assisting engrossing and enrolling clerk, and that C. Ruggles be allowed the sum of three dollars and fifty cents, for repairing chairs.

Approved February 17, 1842.

## No. 6.

A RESOLUTION for the relief of John Lorton and Hawkins Taylor.

*Resolved, by the Council and House of Representatives of the Territory of Iowa:*

**Compensation to John Lorton and Hawkins Taylor.** That the treasurer of the territory be, and he is hereby authorized to pay John Lorton the sum of twenty-one dollars, and to Hawkins Taylor, twelve dollars, for services rendered under an order of the executive, in demanding a fugitive from justice, of the executive of the State of Missouri.

Approved February 17, 1842.

## No. 7.

JOINT RESOLUTION authorizing the payment of money to the secretary of the territory.

*Resolved, by the Council and House of Representatives of the Territory of Iowa:*

**Appropriation to secretary of territory, \$200—preparing halls, etc.** That the sum of two hundred dollars, be and the same is hereby allowed to O. H. W. Stull, secretary of the territory, for preparing the legislative halls for the accommodation of the legislative assembly, removing furniture from Burlington to Iowa City, personal expenses, etc.

Approved February 17, 1842.

## No. 8.

A RESOLUTION authorizing the payment of money to James F. Hanby.

*Resolved, by the Council and House of Representatives of the Territory of Iowa:*

That Jesse Williams, the territorial agent, be and he is hereby instructed to pay James F. Hanby, the certificate drawn in favor of Herrin & Hanby, to-wit: thirty-six dollars and twenty-eight cents.

Approved February 17, 1842.

## [126] No. 9.

A JOINT RESOLUTION relative to the printing of the laws of the present session.

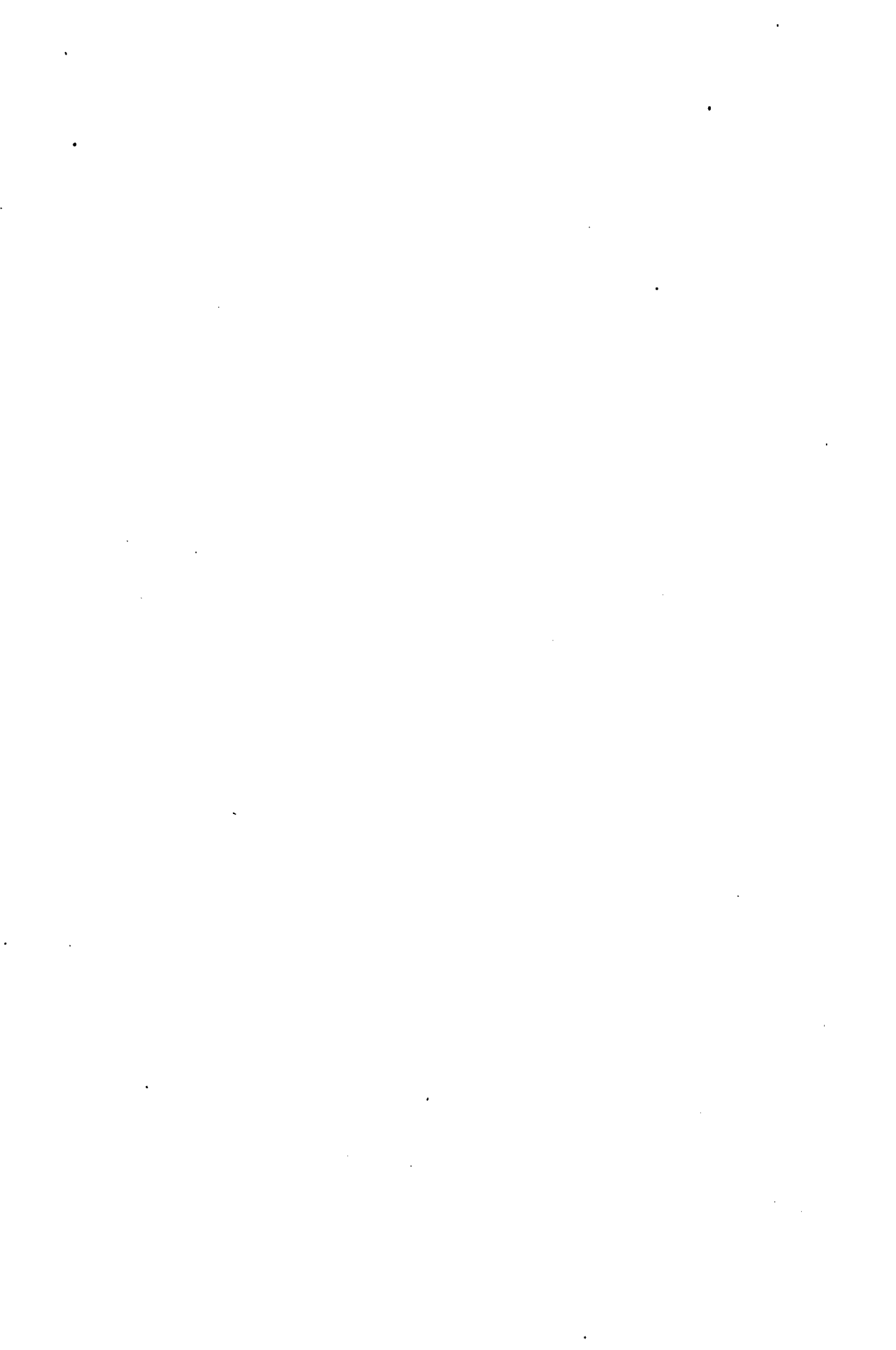
*Resolved, by the Council and House of Representatives of the Territory of Iowa:*

**Van Antwerp & Hughes appointed printer—to give bond in the sum of \$10,000—1,500 copies to be printed—index—90 days time.** That Van Antwerp & Hughes, be the printers of the laws the present session, and that they enter into bond immediately to the governor, in the sum of ten thousand dollars, with sureties to be approved of by the governor, conditioned that the said Van Antwerp & Hughes, and their heirs or legal representatives, print in pamphlet form, in a workmanlike style, fifteen hundred copies of all the laws passed, and to be passed by the legislative assembly at its present session, with an index thereto, and deliver said copies to the secretary of the territory, within ninety days, next after the adjournment of the present session.

**Pay of printer.** *Resolved further:* That the said secretary is hereby required, to pay said printers for doing the said work the sum of eleven hundred dollars.

**Secretary to prepare laws, etc.—index—distribution of laws—compensation \$500—mode of preparation, etc.—proviso.** *Resolved further:* That the secretary of the territory is hereby required to prepare for publication, and to supervise the printing of the laws of the present session of the legislative assembly, and make an index thereto; and that he distribute the laws in the like manner, the laws of the last session were required to be distributed, and that he be allowed for said service, the sum of five hundred dollars, and that he furnish the printers with copies of said laws as soon as practicable, in the order in which they are approved by the governor: provided, that the joint resolutions be printed in their order at the end of the acts.

Approved February 17, 1842.





## TITLES OF ACTS

---

	Page	Reprint Page
Chapter 1. An act authorizing the commissioners of Linn county, to re-locate all that portion of the territorial road, established from Iowa City to Prairie du Chien, that passes through Marion, in said county.....	3	111
Chapter 2. An act to divorce John Haynes from his wife Celia Haynes, late Mrs. Celia Farley.....	3	111
Chapter 3. An act to locate a territorial road, from West Point, in Lee county, to the landing on the Des Moines river, opposite Saint Francisville, in Missouri.....	4	111
Chapter 4. An act to incorporate the Iowa City Mechanics' Mutual Aid Association.....	4	112
Chapter 5. An act to legalize the election of George L. Coe, as judge of probate in the county of Louisa.....	6	113
Chapter 6. An act to locate a territorial road from Keokuck, in Lee county, to Fairfield in Jefferson county.....	6	114
Chapter 7. An act to locate a territorial road from Deeds' mill, on Skunk river, to the boundary line.....	7	115
Chapter 8. An act to locate and establish a territorial road from Marion in Linn county, to intersect the territorial road from Bellview to Iowa City.....	7	115
Chapter 9. An act to authorize Martin W. Smith to keep a ferry across the Mississippi river, in Scott county.....	8	116
Chapter 10. An act to incorporate the Mechanics' Institute of Dubuque..	9	116
Chapter 11. An act to locate and establish a territorial road from the county seat of Delaware county, to the town of West Cascade, in Dubuque county.....	9	117
Chapter 12. An act to authorize Perriander Pollock, and others, to erect a dam across the Wabesipinicon river.....	10	117
Chapter 13. An act to divorce Naomy Williams from her husband Edward Y. Williams.....	11	118
Chapter 14. An act to locate and establish a territorial road from Thomas Lingle's mill, in Johnson county, to Marion, via Westport, in Linn county.....	11	118
Chapter 15. An act defining a lawful fence, and providing against trespassing animals.....	11	119
Chapter 16. An act to legalize certain acts of the board of commissioners of Clinton county.....	13	120
Chapter 17. An act to legalize the location of a territorial road in Henry county.....	13	120
Chapter 18. An act to divorce Sarah East from her husband Hardman E. W. East.....	13	121
Chapter 19. An act for the incorporation of the town of Mount Pleasant, in Henry county, Iowa territory.....	14	121
Chapter 20. An act to authorize Rachael Holcomb, as administratrix of the estate of Milo Holcomb, deceased, and as guardian of Elvin Milo Holcomb, minor heir of Milo Holcomb, deceased, to sell and convey certain real property.....	17	124
Chapter 21. An act to authorize Jason Wilson, to erect a dam across Skunk river, in Lee county.....	18	125
Chapter 22. An act to authorize Thomas S. Parks to keep a ferry across the Mississippi river.....	19	126

	Page	Reprint Page
Chapter 23. An act to locate a territorial road from Richmond, in Washington county, to intersect a road from Iowa City, to the county line of Washington county.....	19	126
Chapter 24. An act to district the county of Jackson into three commissioners' districts.....	20	127
Chapter 25. An act supplementary to an act entitled "An act to authorize evidence by the oath of parties".....	21	128
Chapter 26. An act to authorize the county commissioners of Van Buren county, to grant a license to Jesse Wright and Henry Bateman, to keep a ferry across the Des Moines river at Watertown .....	21	128
Chapter 27. An act to authorize Robert M. G. Patterson to establish and keep a ferry across the Mississippi River at the mouth of Nassau Slough.....	21	128
Chapter 28. An act to incorporate the Washington Manufacturing Company .....	22	129
Chapter 29. An act to incorporate a college at Washington, in Washington county .....	23	130
Chapter 30. An act to locate and establish a territorial road from Keosauqua to the southern boundary of the territory.....	25	132
Chapter 31. An act to revive an act to incorporate Iowa City, and for other purposes.....	25	132
Chapter 32. An act amending an act defining the duties of supervisors of roads and highways.....	26	133
Chapter 33. An act to amend an act entitled an act for the benefit of settlers, etc., on the Half Breed lands.....	26	133
Chapter 34. An act to re-locate a certain part of the territorial road, running from Burlington to the mouth of the Des Moines river .....	26	133
Chapter 35. An act to amend an act entitled "An act for opening and regulating roads and highways," approved January 17, 1840 .....	27	134
Chapter 36. An act to locate and establish a territorial road from Denson's ferry, on the Wabesipinicon river, towards Dubuque....	28	135
Chapter 37. An act to divorce Sarah Wilson from her husband John Wilson .....	28	135
Chapter 38. An act to amend an act organizing a board of county commissioners in each county.....	29	135
Chapter 39. An act to amend an act entitled "An act establishing a certain territorial road therein named," approved January 13, 1841 .....	30	137
Chapter 40. An act to divorce Nicey Hull from her husband Charles Cornelius Hull.....	30	137
Chapter 41. An act to divorce Sarah Connelly from her husband Wm. Connelly .....	31	137
Chapter 42. An act to provide for opening and improving the military road .....	31	138
Chapter 43. An act to authorize William Smith and Vincent G. Smith, to keep a ferry across the Mississippi river, in Jackson county .....	31	138
Chapter 44. An act to provide for a special term of the supreme court, and to change the time of holding the annual session of the same .....	32	139
Chapter 45. An act to locate and establish a territorial road from Marion, in Linn county, to the Indian boundary, in Benton county	33	139
Chapter 46. An act to amend an act entitled "an act in relation to the safe custody of persons, arrested for crimes and misdemeanors	33	140
Chapter 47. An act defining the jurisdiction of the supreme and district court .....	34	140
Chapter 48. An act concerning oaths and affidavits.....	36	142

	Page	Reprint Page
Chapter 49. An act to revive the twelfth section of "an act establishing certain territorial roads therein named," approved July 14, 1840 .....	36	143
Chapter 50. An act amendatory to an act to authorize John R. Sparks and his associates, to erect a dam across the Des Moines river .....	37	143
Chapter 51. An act to authorize the county commissioners of Delaware county, to pay William Smith, senr., William Jones, and Thomas Denson, for their services as commissioners to locate the county seat of said county.....	37	144
Chapter 52. An act to amend an act to district the territory of Iowa into electoral districts, approved July 30, 1840.....	38	144
Chapter 53. An act to make certificates of purchase of lands, from any register or receiver of any land office in this territory, evidence of title in the purchaser.....	38	144
Chapter 54. An act to re-view and re-establish a part of the territorial road from Keokuck, in Lee county, to Iowaville, on the Des Moines river .....	39	145
Chapter 55. An act to re-locate a part of a territorial road from Farmington to Dubuque.....	39	146
Chapter 56. An act to authorize the establishment of certain dams across Skunk river .....	40	146
Chapter 57. An act to incorporate the town of Davenport.....	41	147
Chapter 58. An act to authorize Ransom Long to keep a ferry across the Mississippi river, opposite Salem, in Muscatine county...	47	153
Chapter 59. An act to re-locate a part of a territorial road in Jefferson county .....	47	153
Chapter 60. An act to re-locate a territorial road from Farmington to the Missouri line.....	48	154
Chapter 61. An act authorizing James Muir, a minor, to execute a deed to Anson L. Deming and Jesse C. Smith.....	49	154
Chapter 62. An act to revive and amend "an act to incorporate the Bloomington Insurance Company," approved January 13, 1840..	49	155
Chapter 63. An act to amend an act entitled "an act regulating criminal proceedings," passed January 4, 1839.....	49	155
Chapter 64. An act to amend an act concerning costs and fees.....	51	157
Chapter 65. An act relative to the survey of the town of Marion.....	57	162
Chapter 66. An act to authorize David G. Bates and John Forbes, to establish and keep a ferry across the Mississippi river, in Jackson county .....	57	163
Chapter 67. An act for the relief of the poor.....	58	163
Chapter 68. An act to amend an act entitled "an act to prevent and punish gaming" .....	60	166
Chapter 69. An act to re-locate and mark out a portion of the territorial road leading from Farmington, in Van Buren county, to Prairie du Chien.....	61	166
Chapter 70. An act to locate and establish a territorial road from Crawfordsville, in Washington county, to Smith's mills, in Henry county .....	61	167
Chapter 71. An act repealing a portion of an act to locate and establish a territorial road from the town of Dubuque to camp Atkinson, approved January 13, 1841.....	62	167
Chapter 72. An act to authorize the appointment of a county agent, in and for the county of Johnson.....	62	168
Chapter 73. An act to amend an act establishing the court of probate....	64	169
Chapter 74. An act to authorize Joseph Stephens, to erect a dam across Skunk river .....	64	170
Chapter 75. An act to locate a territorial road from Fairfield, in Jefferson county, to the forks of Skunk river, in Washington county .....	65	171
Chapter 76. An act making the clerk of the board of county commissioners elective by the people.....	66	171

	Page	Reprint Page
Chapter 77. An act to divorce Seth Baker from his wife Sally Baker....	66	172
Chapter 78. An act to vacate the survey and plat of a part of the town of Toolesborough, in Louisa county.....	67	172
Chapter 79. An act relative to the navigation of the Maquoketa river..	67	173
Chapter 80. An act amendatory of an act to regulate ferries, approved December 20, 1838.....	68	173
Chapter 81. An act to authorize Samuel Wells to build a dam across Skunk river .....	68	173
Chapter 82. An act to authorize John R. Sloan to keep a ferry across the Mississippi river, at the town of Camanche, in Clinton county .....	69	174
Chapter 83. An act to provide for levying a tax on real and personal property for road purposes.....	69	174
Chapter 84. An act to provide for the expression of the opinion of the people of the territory of Iowa, upon the subject of the formation of a state constitution and government, and to enable them to form a constitution for the state of Iowa..	70	175
Chapter 85. An act to divorce John E. Ely from Minerva Ely.....	73	178
Chapter 86. An act for the re-location of a part of the territorial road from Iowa City to Prairie du Chien.....	73	178
Chapter 87. An act to re-locate that portion of the territorial road leading from Fairfield, in Jefferson county, to Wapello, in Louisa county, that lies between Checague river and Jefferson, in Henry county.....	74	179
Chapter 88. An act to review a part of the territorial road from Moscow via Rochester, to Marion in Linn county.....	74	179
Chapter 89. An act to incorporate the town of Fort Madison.....	74	179
Chapter 90. An act relative to officers of the Legislative Assembly.....	80	185
Chapter 91. An act to incorporate the Cedar Rapids Manufacturing Company .....	81	185
Chapter 92. An act to re-locate a part of a territorial road in Washington county .....	82	187
Chapter 93. An act to authorize the establishment of Poor Houses.....	83	187
Chapter 94. An act to amend an act subjecting real and personal estate to execution .....	86	190
Chapter 95. An act regulating the keeping of Stallions and Jacks.....	86	191
Chapter 96. An act to provide for receiving the proportion of money to which Iowa will be entitled under the Distribution law..	87	191
Chapter 97. An act supplementary to an act regulating marriages, approved January 6, 1840.....	87	192
Chapter 98. An act to amend an act relative to Divorce, Alimony, and for other purposes.....	87	192
Chapter 99. An act supplemental to "an act relative to incorporated Religious Societies" .....	88	193
Chapter 100. An act to authorize boards of commissioners to appoint agents to dispose of real estate.....	89	193
Chapter 101. An act supplemental to an act regulating criminal proceedings .....	89	194
Chapter 102. An act to provide for the assessment and collection of taxes from the town of Zarahemla, in Lee county.....	90	194
Chapter 103. An act authorizing the reduction of the minimum price of the unsold lots in Iowa City, and their sale for work and materials, and for other purposes.....	90	195
Chapter 104. An act to re-locate a part of a territorial road in Louisa county .....	91	195
Chapter 105. An act to re-locate a part of the territorial road from Iowa City to Burlington.....	92	196
Chapter 106. An act to authorize James Leonard to establish and keep a ferry across the Mississippi river, at the town of Charleston, in Jackson county.....	92	196
Chapter 107. An act to change the name of the town of Vandenburg, in Clinton county, to that of "De Witt".....	93	197

	Page	Reprint Page
Chapter 108. An act to repeal an act to create the office of Superintendent of Public Instruction.....	93	197
Chapter 109. An act entitled an act supplementary to an act providing for the appointment of a Superintendent of Public Buildings at Iowa City, and the appointment of a territorial agent, and for other purposes.....	93	197
Chapter 110. An act to divorce James V. Hill, of Linn county, from his wife Eliza Hill.....	94	198
Chapter 111. An act to divorce Clarissa Welch from her husband Samuel C. Welch.....	94	198
Chapter 112. An act to divorce Rebecca Fisher from her husband John Fisher.....	95	199
Chapter 113. An act for the relief of Jas. Davis, former sheriff of Muscatine county.....	95	199
Chapter 114. An act to amend the Militia law.....	95	199
Chapter 115. An act relative to the survey of the town of Salem, in Muscatine county.....	96	200
Chapter 116. An act to repeal an act to regulate the mode of petitioning the Legislature in certain cases.....	97	200
Chapter 117. An act to locate and establish a territorial road from Charles Nealy's in Muscatine county, to Iowa City, in Johnson county.....	97	200
Chapter 118. An act for the organization of townships.....	97	201
Chapter 119. An act to establish an Insurance Company in the city of Dubuque.....	103	206
Chapter 120. An act to change the name of Rising Sun to Pittsburgh....	106	210
Chapter 121. An act relative to the "Davenport Institute".....	106	210
Chapter 122. An act to incorporate the city of Keosauqua.....	107	210
Chapter 123. An act to incorporate the Mount Pleasant Literary Institute.....	111	214
Chapter 124. An act to incorporate an Insurance Company, at the town of Farmington, Van Buren county.....	112	216
Chapter 125. An act to provide for the compensation of Members, Officers, and Printers of the Legislative Assembly, and for other purposes.....	116	219
Chapter 126. An act for the encouragement of Agriculture.....	119	222
Chapter 127. An act to amend an act, for the incorporation of the town of Bloomington.....	120	223

RESOLUTIONS.

Number 1. A joint resolution authorizing the Secretary of the Territory to effect a loan of money to pay the members of both branches of the Legislature their mileage.....	123	225
Number 2. A joint resolution to provide for the sale of the surplus copies of the statutes of this Territory.....	123	225
Number 3. A joint resolution authorizing the Secretary to pay George C. Robins, for furnishing seals for the District Courts of Linn and Jones counties.....	124	226
Number 4. A joint resolution providing for the distribution of the reports of the Supreme Court.....	124	226
Number 5. A joint resolution relative to compensation to William L. Gilbert and C. Ruggles.....	124	226
Number 6. A resolution for the relief of John Lorton and Hawkins Taylor.....	125	226
Number 7. Joint resolution authorizing the payment of money to the Secretary of the Territory.....	125	227
Number 8. A resolution authorizing the payment of money to James F. Hanby.....	125	227
Number 9. A joint resolution relative to the printing of the Laws of the present session.....	126	227



# INDEX

## A.

	Page	Reprint Page
<b>ACTS—</b>		
Titles of .....	127	229
<b>AGRICULTURE, ACT FOR THE ENCOURAGEMENT OF—</b>	119	222
moneys appropriated .....	119	222
objects .....	119	222
to whom money is appropriated.....	119	222
territorial society formed.....	119	222
its privileges and duties.....	119	222
other societies organized.....	119	222
powers and limits.....	119	222
membership .....	119	222
sum to be given to county society, and when.....	119	222
officers of territorial society.....	119	222
duties of officers.....	119	222
premiums and how awarded.....	120	223
abstract of expenditures transmitted to Secretary of Territory.....	120	223
county societies to report to territorial society.....	120	223
executive committee to report to Secretary of Territory.....	120	223
ex-officio members.....	120	223
<b>AGENT FOR THE COUNTY OF JOHNSON—</b>	62	168
county commissioners to appoint agent.....	62	168
agent to take oath.....	62	168
to take charge of property, bonds, &c.....	62	168
treasurer to hand over monies to agent.....	62	168
treasurer to be sued.....	63	168
agent to pay over monies.....	63	168
authorized to sell lots and other property.....	63	168
notes to be made payable to himself or successor.....	63	168
to make deed of conveyance.....	63	168
qualification for office of agent.....	63	169
power of commissioners to remove him.....	63	169
vacancy to be filled by board.....	63	169
agent to obey orders of commissioners.....	63	169
to make duplicate receipts for monies received.....	63	169
to report annually, oftener if required.....	63	169
books to be inspected by commissioners.....	63	169
compensation to agent.....	64	169
failure to perform his duty, penalty for.....	64	169
<b>ASSEMBLY, LEGISLATIVE OFFICERS OF—</b>	80	185
election for secretary and sergeant-at-arms for the Council.....	80	185
for the House.....	80	185
duties of officers.....	80	185
employment of assistants.....	80	185
Sergeant-at-arms to act as doorkeeper.....	80	185
employment of firemen.....	80	185
boys as messengers.....	80	185
duty of sergeant-at-arms.....	80	185
control of officers.....	81	185
per diem .....	81	185

	Page	Reprint Page
<b>AGENTS APPOINTED TO DISPOSE OF REAL ESTATE—</b>	89	193
power of commissioners to appoint.....	89	193
oath and bond of Agent.....	89	193
Agent in selling to give certificate.....	89	193
commissioners to execute deeds.....	89	193
sales by agent made valid.....	89	194
<b>APPROPRIATION BILL, (General)—</b>		
Act providing for the compensation of members, officers and printers of the Legislative Assembly, and for other purposes....	116 to 119	219
<b>B.</b>		
<b>BLOOMINGTON INSURANCE COMPANY—</b>	49	155
former act of incorporation revived and amended.....	49	155
names of commissioners.....	49	155
stockholders personally responsible.....	49	155
<b>BLOOMINGTON, Act Incorporating Amended—</b>	120	223
corporation extended.....	120	223
powers of president and trustees to license.....	120	223
proceeds of license how applied.....	120	223
taxes.....	120	223
special tax for the improvement of streets, &c.....	121	223
rate of tax.....	121	223
personal and real estate may be sold for taxes.....	121	224
terms of sale.....	121	224
owners of entire blocks to have the use of alleys therein.....	121	224
act when to take effect.....	121	224
may be amended or repealed.....	121	224
<b>C.</b>		
<b>GEORGE L. COE—</b>		
election as Judge of Probate in Louisa county legalized.....	6	113
<b>COMMISSIONERS OF CLINTON COUNTY—</b>		
relieved from penalty of selling lots in town of Vandenburg before record of plat.....	13	120
<b>COUNTY OF JACKSON—</b>		
divided into three commissioners' districts.....	20	127
first, second, and third district.....	20	127
election of commissioners.....	20	127
term of service, vacancy in office.....	20	127
<b>COLLEGE AT WASHINGTON—</b>	23	130
names of corporators.....	23	130
powers, sue and be sued.....	24	130
meeting, seal.....	24	130
president and directors.....	24	131
by-laws and regulations.....	24	131
qualification of membership.....	24	131
<b>COUNTY COMMISSIONERS—</b>		
An act amending an act organizing a board in each county.....	29	135
number of sessions extra.....	29	136
condition of the finances of the county to be given.....	29	136
compensation, oath, bond, etc.....	29	136
duty of clerks.....	29	136
<b>CRIMES AND MISDEMEANORS—</b>		
An act in relation to the safe custody of persons.....	33	140
arrested for.....	33	140
county to be paid for custody of prisoners.....	33	140
rate of compensation.....	33	140
<b>COUNTY COMMISSIONERS OF DELAWARE COUNTY—</b>		
authorized to pay William Smith and others for services in lo- cating county seat.....	37	144
<b>CERTIFICATE OF PURCHASE—</b>		
of lands from Register or Receiver of land office, evidence of title..	38	144
to have same effect as deed or patent.....	38	145



	Page	Reprint Page
<b>CRIMINAL PROCEEDINGS, An Act To Regulate—</b>	49	155
duty of justice of the peace when an indictable offence has been committed .....	50	155
duty of officer arresting.....	50	155
when prisoner shall be committed.....	50	155
recognizance of witness in behalf of prosecution security to be given for appearance.....	50	156
grand jury .....	50	156
venire, when to be issued.....	50	156
costs not to be rendered against private prosecutor.....	50	156
in case of an acquittal, unless maliciously done.....	50	156
compensation of officer arresting out of county.....	50	156
defendant admitted to bail in certain cases.....	50	156
committed unless fines and costs paid.....	51	156
privileges and restrictions of jury.....	51	156
<b>COSTS AND FEES, Act Concerning, Amended—</b>	51	157
when to take effect.....	51	157
clerks fees in Supreme and District Courts.....	52	157
sheriff fees .....	52	158
abstract of assessment roll to be given to collector.....	53	159
notice to be posted up.....	53	159
contents of notice.....	53	159
when collector will attend.....	53	159
notice of attendance to be given.....	53	159
compensation of collector.....	53	159
compensation of sheriff.....	53	159
coroners fees .....	54	159
masters in chancery, fees of.....	54	160
justices of the peace, fees of in civil cases.....	54	160
in criminal cases.....	55	161
constables fees in civil and criminal cases.....	55	161
witnesses fees .....	55	161
jurors fees .....	56	161
notaries public, fees of.....	56	161
judges of probate, fees of.....	56	162
county surveyors fees.....	56	162
compensation of sheriff and other officers attending courts.....	56	162
acts repealed and modified by this.....	56	162
<b>CLERK BOARD OF COUNTY COMMISSIONERS—</b>	66	171
elected by the people.....	66	171
term of office.....	66	171
to take oath and enter into bonds.....	66	171
clerk pro tem.....	66	171
contested elections provided for.....	66	171
forfeiture for failure to hand over books, papers, &c.....	66	171
<b>CONSTITUTION FOR STATE OF IOWA—</b>	70	175
poll to be opened for the expression of opinion.....	70	175
judges of election to interrogate voters.....	70	176
clerks to write down names.....	70	176
votes marked down for and against a convention.....	70	176
returns forwarded to county commissioners.....	71	176
abstract of votes forwarded to Secretary's office.....	71	176
Secretary of Territory to examine returns.....	71	176
Governor to issue proclamation declaring number of votes given for and against convention.....	71	176
provision for choice of delegates in certain event.....	71	176
number of members apportioned among counties.....	71	176
judges of election to certify as in other elections.....	71	176
clerk of county commissioners to open and certify.....	71	176
case of tie provided for.....	71	176
meeting, time, and place, to form constitution.....	72	177
adoption of constitution to be published.....	72	177
voters to vote for or against constitution.....	72	177
<b>CEDAR RAPIDS MANUFACTURING COMPANY, Act to Incorporate—</b>	81	185
names of corporators.....	81	185
power of company to contract.....	81	186
power to hold, purchase, sell, real estate, etc.....	81	186
distribution of stock .....	81	186

	Page	Reprint Page
<b>CEDAR RAPIDS MANUFACTURING COMPANY—Continued</b>		
meeting of members .....	81	186
election of directors .....	81	186
term of office .....	81	186
conveyance of real estate.....	82	186
stock, etc., transferable.....	82	186
authority to construct dam.....	82	186
lock to be completed.....	82	186
penalty for injury to.....	82	187
insolvency of corporation.....	82	187
<b>CRIMINAL PROCEEDINGS—</b>		
Act supplemental to an act regulating.....	89	194
power of justices to issue warrants to search for counterfeiters.....	90	194
proceedings to be had.....	90	194
<b>D.</b>		
<b>DIVORCES—</b>		
Act divorcing John and Celia Haynes.....	3	111
Naomi and Edward Williams.....	11	118
Sarah and Hardman E. East.....	13	121
Sarah and John Wilson.....	28	135
Nacey and Cornelius Hull.....	30	137
Sarah and William Connelly.....	31	137
Seth and Sally Baker.....	66	172
John and Minerva Ely.....	73	178
James V. Hill from Eliza Hill.....	94	198
Clarissa and Samuel C. Welch.....	94	198
Rebecca and John Fisher.....	95	199
<b>DAMS—</b>		
Perriander Pollock and others authorized to erect a dam across the Wabesipnicon river .....	10	117
location and dimensions of dam.....	10	117
penalty for injury to.....	10	117
Jason Wilson to erect a dam across Skunk river.....	18	125
location, manner of construction, time of completion.....	18	125
penalty for injury to.....	18	125
not to flow other lands.....	18	125
John R. Sparks to erect a dam across Des Moines.....	37	143
location and limit.....	37	143
An act to authorize the establishment of certain dams across Skunk river .....	40	146
William Pickerell, his heirs or assigns, so empowered; location of dam, etc.....	40	146
penalty for injury to dam.....	40	146
privilege of water to William Russel and Samuel Crippin.....	40	146
William Russel and Samuel Crippin authorized to erect a dam across a bayou .....	40	146
location, penalty for injury to, etc.....	40	147
Joseph Stephens to erect a dam across Skunk.....	64	170
location, dimensions of dam, lock, etc.....	64	170
penalty for injury to.....	65	170
nuisances to be removed.....	65	170
Samuel Wells to erect a dam across Skunk river.....	68	173
location .....	68	173
penalty for injury to.....	68	174
removal of nuisances.....	68	174
<b>DAVENPORT, ACT OF INCORPORATION—</b>		
corporation, name, style and powers.....	41	147
boundaries .....	41	147
town divided into wards, 1, 2, 3.....	41	147
officers; qualifications as such.....	41	148
duties of mayor.....	41	148
qualifications of voters.....	42	148
election .....	42	148
duties of judges, clerks, etc.....	42	148
result to be proclaimed.....	42	148
oath .....	42	148
powers of mayor and aldermen .....	43	149

	Page	Reprint Page
<b>DAVENPORT—Continued</b>		
salaries of officers.....	43	149
duties of clerk.....	43	149
journals, laws, bonds, etc., to be signed by mayor.....	43	149
attested by clerk.....	43	149
to be binding on corporation.....	43	149
licenses.....	43	149
finer.....	44	150
marshal.....	44	150
compensation of marshal.....	44	150
tax levied.....	44	150
rate of, and duty of assessor.....	44	150
injurious assessment corrected.....	44	150
marshal tax collector.....	45	151
sale of property for tax.....	45	151
by-laws.....	45	151
good evidence in suit.....	45	151
supervisor of streets.....	46	152
compensation of mayor and aldermen.....	46	152
former act of incorporation repealed.....	46	152
special election to adopt present one.....	46	152
when to take effect.....	46	152
may be altered, amended, or repealed.....	47	152
<b>DISTRIBUTION LAW—</b>		
proportion of money to Iowa, under the.....	87	191
treasurer of territory to receive amount.....	87	191
subject to appropriation by Legislative Assembly.....	87	191
<b>DIVORCE, ALIMONY—</b>		
Act relative to, amended.....	87	192
when husband abandons his wife.....	87	192
held to bail.....	88	192
proceedings against non-resident for divorce.....	88	192
<b>DAVIS, JAMES—</b>		
Act for the relief of.....	95	199
<b>DUBUQUE INSURANCE COMPANY ESTABLISHED—</b>		
name and style.....	103	206
amount of capital.....	103	206
limits.....	103	206
subscription books opened.....	103	207
time and place.....	103	207
directors chosen.....	103	207
company declared a body corporate.....	103	207
powers.....	103	207
manner of payment of shares.....	104	207
no policy to be made until all the subscriptions paid.....	104	207
power to make insurances, and kind.....	104	207
may lend surplus money, per cent.....	104	207
may be insured themselves.....	104	207
not to loan any thing but gold and silver.....	104	207
number of directors.....	104	208
when elected.....	104	208
for how long.....	104	208
votes how given.....	104	208
president.....	104	208
powers of board of directors.....	104	208
stock transferable, etc.....	104	208
company may purchase real estate.....	105	208
when.....	105	208
restrictions.....	105	208
policies to be subscribed by president attest by secretary.....	105	209
construction of this act.....	106	209
when to take effect.....	106	209
to continue in force.....	106	209
stockholders personally liable.....	106	209
may be amended or repealed.....	106	209

	Page	Reprint Page
DAVENPORT INSTITUTE, An Act Relative To	106	210
names of persons constituted body corporate.....	106	210
name and style.....	106	210
powers.....	106	210
by-laws.....	107	210
officers how elected.....	107	210
act may be altered or amended.....	107	210
E.		
EVIDENCE BY THE OATH OF PARTIES—	21	128
examination of parties in suit.....	21	128
proof of set-off or demand.....	21	128
proof of keeping correct accounts.....	21	128
ESTATE, REAL AND PERSONAL—	86	190
when levied upon by virtue of an execution.....	86	190
certificate of sheriff to purchaser or plaintiff.....	86	190
deed in case of non-redemption, to purchaser.....	86	190
possession of defendants.....	86	190
right of creditors to redeem.....	86	190
duty of sheriff if land is not redeemed.....	86	190
F.		
FERRIES—		
Act authorizing Martin W. Smith to keep a ferry across Mississippi river in Scott county.....	8	116
regulations and restrictions.....	8	116
boats and hands to be kept.....	8	116
Thomas S. Parks to keep a ferry across Mississippi river.....	19	126
location, regulations, restrictions, etc.....	19	126
Jesse Wright and Henry Bateman to keep a ferry across Des Moines river at Waterton.....	21	128
regulation, construction of act, etc.....	21	128
Robert M. G. Patterson to keep a ferry across Mississippi river at the mouth of Nassau Slough.....	21	128
term of years, regulations, etc.....	22	128
construction of act, boats to be kept.....	22	129
William and Vincent G. Smith to keep a ferry across Mississippi river in Jackson county.....	31	138
location and limits.....	31	138
horse or steam boat to be kept, etc.....	32	138
Ransom Long to keep a ferry across the Mississippi river at Salem in Muscatine county.....	47	153
location and limits.....	47	153
time and restrictions.....	47	153
good boats and hands to be kept.....	47	153
David G. Bates and John Forbes to keep a ferry across Mississippi in Jackson county.....	57	163
location, regulations, restrictions, etc.....	57	163
number of boats and hands to be kept.....	57	163
An act amendatory of an act to regulate ferries.....	68	173
power of board of commissioners.....	68	173
duty of clerks and liability of keepers.....	68	173
John R. Sloan to keep a ferry across the Mississippi river at Camanche time, regulations, etc.....	69	174
James Leonard to keep a ferry across the Mississippi river at Charles- ton.....	92	196
location, regulation, etc.....	92	196
FENCE—		
lawful fence defined.....	12	119
fence viewers.....	12	119
damages received.....	12	119
remuneration.....	12	119
compensation of fence viewers.....	12	119
justice of peace may appoint.....	12	120
fine in case of failure or refusal to act.....	12	120

	Page	Reprint Page
<b>FORT MADISON, ACT OF INCORPORATION—</b>	74	179
town constituted a body politic.....	75	179
may sue and be sued.....	75	179
use of seal.....	75	179
limits and boundaries.....	75	180
town divided into wards by trustees.....	75	180
aldermen to be elected.....	75	180
time and place of opening polls.....	75	180
term of office.....	75	180
forfeiture of charter.....	75	180
election of officers.....	75	180
clerk.....	75	180
qualified electors.....	75	180
certificate of election.....	76	180
judges to examine returns.....	76	180
power of aldermen to transact business.....	76	181
appointment of officers.....	76	181
journal of proceedings.....	76	181
signing by-laws.....	76	181
power to pass ordinances.....	76	181
licenses.....	76	181
establishment of ferries.....	76	181
finer, process to collect.....	76	182
authority and duty of marshal.....	76	182
compensation.....	78	182
power to assess and levy taxes.....	78	183
collector.....	78	183
written notice to tax payers.....	78	183
execution of lots for taxes.....	79	183
marshal's certificate to purchasers.....	79	183
redemption, right to appeal.....	79	183
by-laws and ordinances to be published.....	79	184
monies received and expended.....	79	184
right of corporation over road district.....	79	184
supervisor.....	79	184
no compensation to mayor.....	79	184
by-laws to continue in force until.....	80	184
validity of contracts.....	80	184
<b>FARMINGTON INSURANCE COMPANY INCORPORATED—</b>	112	216
amount of capital.....	113	216
amount of shares.....	113	216
payments and forfeits.....	113	216
names of commissioners to open subscription books.....	113	216
election, when first held.....	113	216
books, papers, monies, etc., delivered to directors as soon as elected.....	113	216
president.....	113	217
secretary, clerks, agents, etc.....	113	217
salaries, how fixed.....	113	217
company made a body corporate.....	113	217
name and style, seal.....	113	217
powers.....	114	217
kinds of insurance and rate of premium.....	114	217
may be insured themselves.....	114	217
directors how elected.....	114	217
term of service.....	114	217
powers.....	114	218
president may insure, fix premiums, etc.....	115	218
policies to be subscribed by him.....	115	218
duty of secretary.....	115	218
stock to be considered personal property.....	115	218
company may purchase real estate.....	115	218
not to deal in goods, wares, etc.....	115	218
losses to be paid within sixty days.....	115	219
officers to give bond.....	115	219
act to continue in force thirty years.....	116	219
name and style may be used longer for final settlement.....	116	219
act may be altered or amended.....	116	219
stockholders individually liable.....	116	219

	Page	Reprint Page
<b>G.</b>		
GAMING, Act to punish amended—	60	166
punished by fine and imprisonment.....	60	166
GILBERT, WM. C., AND C. RUGGLES, Compensation of—	124	226
<b>H.</b>		
RACHAEL HOLCOMB, Administratrix of Milo Holcomb's estate	17	124
time of credit, property to be appraised.....	17	124
appraiser under oath.....	17	124
value to be sold for.....	17	124
return of sale to the court.....	17	124
deed executed, dower right.....	17	124
loan of proceeds, to give security.....	17	124
HALF BREED LANDS—		
An act for the benefit of settlers on.....	26	133
HANBY, JAMES C.		
resolution authorizing payment of money to.....	125	227
<b>I. J.</b>		
IOWA CITY—		
former act to incorporate revived.....	25	132
time of election.....	25	132
IOWA TERRITORY—		
act to divide into electoral districts amended.....	38	144
IOWA CITY—		
minimum price of unsold lots in, reduced.....	90	195
agent authorized to sell forfeited lots for work on capitol.....	90	195
duty of agent to publish foregoing provisions.....	90	195
preceding sections to remain in force six months.....	90	195
agent to enforce collection of notes given for lots.....	91	195
salary of agent and superintendent public buildings.....	91	195
<b>K.</b>		
KEOSAUQUA, ACT TO INCORPORATE—	107	210
boundaries.....	107	210
name and style.....	107	211
qualification of voters.....	107	211
election of officers.....	107	211
judges and clerks of election.....	107	211
persons notified of their election.....	107	211
power of mayor and aldermen.....	108	211
by-laws and regulation.....	108	212
compensation of officers.....	108	212
fines.....	108	212
ordinances to be published.....	108	212
streets, lanes, alleys, etc.....	108	212
tax.....	108	212
assessor and collector.....	108	212
fire company.....	109	212
marshal, power, duty and fees.....	109	212
extent of jurisdiction.....	109	212
power and duty of mayor.....	109	213
resignation or absence.....	109	213
oath to be taken.....	109	213
treasurer.....	109	213
to settle quarterly with council.....	109	213
to give bond.....	110	213
streets and alleys.....	110	213
persons liable for expense of side-walk.....	110	213
limits of city and road district.....	110	214
election of justices of peace.....	110	214
term of service.....	110	214
repealing clause.....	110	214

	Page	Page
		Reprint
<b>L.</b>		
<b>LAND OFFICE</b>		
certificate of purchase of lands from register or receiver, evidence of title .....	38	144
to have same effect as deed or patent.....	38	144
<b>LORTON, JOHN, AND HAWKINS TAYLOR—</b>		
resolution for the relief of.....	125	226
<b>LAWS—</b>		
resolution relative to the printing of.....	126	227
<b>M. N.</b>		
<b>MECHANICS' MUTUAL AID ASSOCIATION, IOWA CITY—</b>		
names of corporators and style.....	4	112
powers .....	5	112
officers .....	5	113
erection of seminary of learning.....	5	113
premises to be used for literary purposes alone.....	5	113
members liable for performance of all contracts.....	6	113
<b>MECHANICS' INSTITUTE, DUBUQUE—</b>	9	116
names of corporators.....	9	116
style, powers and object.....	9	116
<b>MOUNT PLEASANT—</b>		
incorporation of town of.....	14	121
boundaries .....	14	121
officers .....	14	121
general powers of corporation.....	15	122
fines, licenses and taxes.....	15	122
lanes and alleys constituted a road district.....	16	123
taxes, how charged.....	16	123
assessment .....	16	123
redemption of real estate.....	16	123
may be amended or repealed.....	16	124
<b>MANUFACTURING COMPANY, Washington—</b>	22	129
names of corporators.....	22	129
powers to construct a dam.....	22	129
dimensions of lock, time of construction.....	22	129
penalty for injury to.....	23	130
nuisances not to be created.....	23	130
by-laws and arrangements.....	23	130
not to conflict with laws of United States.....	23	130
liability of all debts.....	23	130
<b>MUIR, JAMES, A MINOR—</b>		
authorized to execute a deed.....	49	154
persons and land.....	49	154
<b>MARION, Act relative to survey of—</b>	57	162
<b>MAQUOQUETA RIVER DECLARED A PUBLIC HIGHWAY—</b>	67	173
obstruction a misdemeanor.....	67	173
owners of dams to construct schutes for boats.....	67	173
<b>MARRIAGES, An act supplementary to an act regulating</b>	87	192
<b>MILITIA LAW, An act to amend</b>	95	199
officers serving four years exempt from military duty.....	96	199
non commissioned officers exempt conditionally.....	96	199
members uniform company exempt conditionally.....	96	199
commission held during pleasure of commander-in-chief.....	96	200
<b>MOUNT PLEASANT LITERARY INSTITUTE, Act to incorporate</b>	111	214
declared a body corporate.....	111	214
name and style .....	111	214
powers .....	111	214
charter, how excepted.....	111	214
officers .....	111	215
power and duty of president.....	111	215
secretary and treasurer.....	111	215
board of trustees .....	111	215
powers .....	111	215

	Page	Reprint Page
<b>MOUNT PLEASANT LITERARY INSTITUTE—Continued</b>		
membership .....	112	215
privileges of members.....	112	215
election of fiscal board.....	112	215
powers of board.....	112	215
price of tuition.....	112	215
application of funds.....	112	216
no religious test of admission.....	112	216
<b>O.</b>		
<b>OATHS AND AFFIDAVITS—</b>		
what officers are empowered to administer oaths.....	36	142
	36	142
<b>P. Q.</b>		
<b>POOR, ACT FOR THE RELIEF OF—</b>		
warning to depart .....	58	163
legal residence in township.....	58	163
definition of settlement.....	58	163
exclusion of blacks and mulattoes.....	58	164
not to exclude voters.....	58	164
warrant to constables to warn poor persons to depart.....	58	164
clerks to record warrants.....	58	164
provision for suffering poor.....	58	164
duty of overseers .....	58	164
proposals for maintenance of paupers.....	59	164
orders to trustees to receive paupers.....	59	164
duty of overseers to afford temporary relief.....	59	165
duty of overseers to remove paupers.....	59	165
townships to pay for support and removal of poor.....	59	165
townships to be sued.....	59	165
trustees to remove paupers having no legal settlement to other counties .....	59	165
account of all expenses to be kept.....	59	165
trustees to issue orders for all demands in certain cases.....	59	165
provision for grants, devises, etc., to the poor.....	60	165
former act repealed.....	60	166
<b>PROBATE, COURT OF, ACT TO ESTABLISH, AMENDED—</b>		
judge to deliver over to successor books, papers, etc.....	64	169
liability for a failure.....	64	170
duty of judges whose term expired before the passage of this act..	64	170
<b>POOR HOUSES, ACT TO AUTHORIZE—</b>		
power of commissioners to erect poor houses.....	83	187
purchase of land.....	83	187
tax to defray.....	83	187
to pay over.....	83	187
board of directors to be appointed.....	83	188
term of office.....	83	188
clerk and his duties.....	83	188
quorum of business.....	83	188
body corporate and name.....	83	188
to sue and be sued.....	83	188
rules and regulations.....	83	188
to meet quarterly.....	83	188
superintendent .....	84	188
compensation and duties.....	84	188
discipline .....	84	188
persons to be received.....	84	188
visitors to examine condition.....	84	188
inspection of books and accounts.....	84	188
annual reports .....	84	189
expenses of support.....	84	189
order for the payment of expenses for necessaries.....	84	189
order for the admission of paupers.....	84	189
causes of non-admission.....	85	189
authority conferred on directors by a former act.....	85	189
discharge of paupers after restoration.....	85	189
provision for non-resident paupers not in a condition to return...	85	190
tax to be levied when ordinary revenue proves insufficient.....	85	190
allowance to directors.....	85	190
<b>PETITIONING LEGISLATURE, ACT REGULATING, REPEALED—</b>		
	96	200



		R.		Reprint
ROADS, TERRITORIAL—			Page	Page
From Iowa City to Prairie du Chien.....			3	111
From West Point to St. Francisville, Mo.....			4	111
commissioners and route of road.....			4	112
meeting and pay of commissioners, etc.....			4	112
From Keokuck to Fairfield.....			6	114
commissioners and route of road.....			6	114
meeting and pay of commissioners, etc.....			7	114
From Deeds' Mill to Boundary Line.....			7	115
commissioners and route of road.....			7	115
meeting and pay of commissioners, surveyors, etc.....			7	115
From Marion to intersect road from Bellview to Iowa City.....			7	115
commissioners and route of road.....			7	115
meeting, oath, pay of commissioners, etc.....			8	115
From county seat of Delaware county to West Cascade.....			9	117
commissioners and route of road.....			9	117
compensation, oath, meeting of commissioners, etc.....			10	117
From Thomas Lingle's in Johnson county, to Marion, via Westport, in Linn county.....			11	118
commissioners and route of road.....			11	118
meeting, pay of commissioners, surveyors, etc.....			11	118
Location of a road in Henry county legalized.....			13	120
by whom located and when surveyed.....			13	120
From Richmond to intersect road from Iowa City to county line of Washington county.....			19	126
commissioners and route of road.....			19	126
time of meeting, pay of commissioners.....			19	126
From Keosauqua to the southern boundary of the territory.....			25	132
commissioners, location, time of meeting.....			25	132
compensation to commissioners, surveyors, etc.....			25	132
An act amending an act defining the duties of supervisors of roads and highways.....			26	133
An act to relocate a certain part of the territorial road from Burling- ton to the mouth of the Des Moines river.....			26	133
names of commissioners, time of meeting.....			26	133
failure of commissioners to meet.....			27	134
compensation for services.....			27	134
An act to amend an act for opening and regulating roads and highways application for laying out road.....			27	134
discretion of commissioners.....			27	134
power of commissioners to contract.....			27	134
An act to locate a road from Denson's Ferry towards Dubuque.....			28	135
commissioners and route of road.....			28	135
pay of commissioners and surveyors, etc.....			28	135
An act to amend an act entitled an act establishing a certain territorial road therein named.....			30	137
names of commissioners, place of meeting.....			30	137
compensation for services.....			30	137
An act to provide for opening and improving the military road....			31	138
An act to locate a road from Marion to the Indian boundary in Benton county.....			33	139
commissioners and route of road.....			33	139
place of meeting and pay of commissioners.....			33	139
An act to revive the twelfth section of an act establishing certain ter- ritorial roads therein named.....			36	143
commissioners and route of road.....			36	143
place of meeting, compensation.....			37	143
An act to review and re-establish road from Keokuck to Iowaville....			39	145
commissioners and route of road.....			39	145
route of old and new roads.....			39	145
time and place of meeting.....			39	145
compensation to commissioners, surveyors, etc.....			39	145
An act to relocate a road from Farmington to Dubuque.....			39	146
names of commissioners and route of road.....			39	146
pay of commissioners, surveyors, etc.....			40	146
An act to relocate a road in Jefferson county.....			47	153
commissioners and route of road.....			48	153
regulations and compensation.....			48	153
From Farmington to Missouri line.....			48	154

	Page	Page Reprint
<b>ROADS, TERRITORIAL—Continued</b>		
commissioners and route of road.....	48	154
meeting, and pay of commissioners.....	48	154
From Farmington to Prairie du Chien.....	61	166
names of commissioners, route of road.....	61	166
place of meeting, pay of commissioners, etc.....	61	166
From Crawfordsville to Smith's Mills.....	61	167
commissioners, route of road.....	61	167
meeting, pay of commissioners, surveyors, etc.....	61	167
From Dubuque to Camp Atkinson.....	62	167
From Fairfield to the Forks of Skunk river.....	65	171
commissioners, route of road.....	65	171
time for location.....	65	171
compensation to commissioners, surveyors, etc.....	65	171
From Iowa City to Prairie du Chien.....	73	178
commissioners, route of road.....	73	178
place of meeting, compensation, etc.....	73	178
From Fairfield to Wapello.....	74	179
commissioners, route of road.....	74	179
place of meeting, regulations.....	74	179
From Moscow to Marion.....	74	179
commissioners, route of road.....	74	179
An act to relocate a part of the territorial road in Washington county.....	82	187
An act to relocate a part of the territorial road in Louisa county....	91	195
commissioners, points.....	91	195
regulations.....	91	196
An act to relocate a part of a from Burlington to Iowa City.....	92	196
names of commissioners, compensation.....	92	196
An act to locate a road from Charles Neally's in Muscatine to Iowa City.....	97	200
commissioners, points.....	97	201
place of meeting, compensation.....	97	201
<b>RELIGIOUS SOCIETIES, Act supplemental to an act relative to—</b>	88	193
to make out abstract statement of organization.....	88	193
statement to be placed on record.....	88	193
fee of recorder.....	88	193
<b>RISING SUN, Name changed to Pittsburgh—</b>	106	210
<b>ROBBINS, GEORGE C.</b>	124	226
resolution authorizing secretary of territory to pay for furnishing seals for Linn and Jones.....	124	226
<b>S.</b>		
<b>SUPREME COURT, Term changed—</b>	32	139
when held.....	32	139
when and where held after 1842.....	32	139
an act defining jurisdiction of.....	32	139
<b>SUPREME AND DISTRICT COURTS, JURISTITION—</b>	34	140
appellate jurisdiction.....	34	140
in what cases final and conclusive.....	34	140
powers and rules of practice.....	34	140
supervision of inferior courts.....	34	140
writs of error.....	34	140
time allowed infants to take.....	34	141
not to operate as a supercedeas, proviso.....	34	141
bond, to be given to the opposite party, amount.....	34	141
application for writ of error.....	35	141
duty of clerk.....	35	141
of sheriff.....	35	141
of court.....	35	141
appeals allowed.....	35	141
when proceedings to be stayed.....	35	141
kind of judgments to be given.....	35	141
damages given when appeals taken for delay only.....	35	141
rate of damages in certain cases.....	35	141
limits of jurisdiction.....	35	142
plaintiff may sue out of county, proviso.....	35	142
judges to be conservators of the peace.....	36	142
powers as such.....	36	142
powers of courts.....	36	142

	Page	Page Reprint
STALLIONS AND JACKS, Act regulating the keeping of—	86	191
exclusion from the limits of any town or village.....	86	191
SUPERINTENDENT OF PUBLIC INSTRUCTION—	93	197
office abolished .....	93	197
duty of inspectors to report condition of schools.....	93	197
SUPERINTENDENT OF PUBLIC BUILDINGS, IOWA CITY AND TERRI- TORIAL AGENT—	93	197
agent to sell forfeited lots.....	93	197
to give certificate of final payment.....	94	198
to be filed in secretary's office.....	94	198
transfer of duty from superintendent to agent.....	94	198
secretary to make deed.....	94	198
to keep a record.....	94	198
compensation to secretary.....	94	198
SALEM, An act relative to survey of—	96	200
STATUTES OF TERRITORY, Resolution relative to sale of surplus copies—	123	225
SECRETARY OF TERRITORY.....	123	225
resolution authorizing him to borrow money to pay members of the legislative assembly mileage.....	123	225
SUPREME COURT—		
resolution providing for distribution of reports of.....	124	226

T.

TOOLESBURGH, Act to survey vacated—	67	172
part vacated .....	67	172
part excepted .....	67	172
power to change location and relocate.....	67	172
not to interfere with the vested rights of others.....	67	172
others to remain as now on record.....	67	172
TAX ON REAL AND PERSONAL PROPERTY FOR ROAD PURPOSES—	69	174
power to levy tax.....	69	174
supervisors to furnish a list of taxable citizens.....	69	175
non-residents to work out road tax.....	69	175
tax collector to proceed against delinquents.....	70	175
to pay over to supervisors.....	70	175
supervisors to apply monies.....	70	175
to order out persons to work.....	70	175
requirement of supervisors.....	70	175
TAXES, ASSESSMENT AND COLLECTION OF, IN ZARHEMLA—	90	194
TOWNSHIPS, An act for the organization of—	97	201
county commissioners to divide counties into townships.....	98	201
when organized formed into bodies politic.....	98	201
time, place and manner of choosing chairman.....	98	201
judges of election chosen.....	98	201
clerk and other officers.....	98	202
duty of clerk.....	98	202
compensation .....	99	202
forfeiture by persons using markings or brands of others.....	99	202
how recovered .....	99	202
township treasurer to give bond.....	99	203
to retain 3 per cent of monies in township treasury.....	99	203
supervisors accounts, etc., settled by trustees.....	99	203
further duties of trustees.....	99	203
number of supervisors, and duties.....	100	203
poor tax levied.....	100	203
articles of taxation, and rate.....	100	203
clerk to make out assessment roll.....	100	203
constables appointed collectors.....	100	203
penalty for neglect of duty.....	100	204
election of officers of township.....	101	204
forfeiture for a refusal to act.....	101	204

TOWNSHIPS—Continued	Page	Page Reprint
vacancies filled by trustees.....	101	204
duty of officers to deliver over books, etc.....	101	205
county commissioners may alter boundaries of township.....	101	205
how townships are to be organized.....	101	205
application for laying out roads by petitioners.....	101	205
petitioners to enter into bonds.....	101	205
notice to be given before petitioning.....	102	205
freeholders appointed reviewers.....	102	205
time of review.....	102	205
remonstrance may be filed.....	102	205
bar against damages.....	102	206
damages for injury to premises.....	102	206
constables to take oaths and file bonds.....	102	206
trustees to be judges of elections held in townships.....	102	206
quorum for the transaction of business.....	103	206
former acts repealed.....	103	206
no compensation to judges and clerks.....	103	206
V.		
VANDENBURG, Act to change the name of—	93	197
changed to De Witt.....	93	197