

the term of twenty years from and after the passage of this act, to wit:

SEC. 2. Angus M. Anderson, a ferry across the St. Peter's river at its mouth, with the exclusive privilege for the distance of two miles up and along said river.

SEC. 3. Joseph R. Brown a ferry across the Mississippi river at the place called Massey's Landing, opposite Rejection in Wisconsin territory, with the exclusive privilege for the distance of one mile along the same each side of said ferry.

SEC. 4. Henry C. Mencke a ferry across the Mississippi river, above and near the Falls of St. Anthony, with the exclusive privilege for the distance of five miles up the river above said falls: *Provided*, That each of the persons hereinbefore named shall, within one year after the passage of this act, provide and keep at their respective ferries above specified good and sufficient flat boats for the transportation of all persons and their property without delay.

To keep boats

Subject to  
general law.

SEC. 5. And provided further, that the said ferries shall be under the same restrictions and subject to the same regulations as other ferries by the laws of this territory fixing the rates of toll and prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 6. This act to be in force from and after its passage.

Approved January 17, 1840.

[Chap. 80.]

AN ACT defining the duties of supervisors of roads and highways.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That all male persons between twenty-one and fifty years of age, who have resided one month in this territory, and who are not a county or township charge or otherwise exempt by law, shall be liable yearly and every year to do and perform three days work on the public roads, under the direction of the supervisor within whose district they may respectively reside.

Persons liable  
to labor.

Delinquent—  
penalties.

SEC. 2. That it shall be duty of every supervisor to order out every such person resident as aforesaid, between the first days of April and October annually, to do and perform the work aforesaid on the public roads within his district; and if any such resident

being personally warned by the supervisor, or by leaving a written notice at his place of abode, or by some person under the direction of the supervisor by whom such warning can be proven, shall refuse or neglect, having had at least three days' notice, to attend by himself or substitute to the acceptance of the supervisor on the day and at the time and place directed by the supervisor, or having attended shall refuse to obey the directions of the supervisor, or shall spend the time in idleness and inattention to the duties assigned him, every such delinquent shall forfeit and pay for each day he shall so refuse or neglect to attend, or for any of the offences above specified, the sum of one dollar and fifty cents, to be recovered by action of debt before any justice of the peace having jurisdiction thereof, at the suit of the supervisor within whose district such delinquent may reside; and the money so collected shall be paid over to the township treasurer and accounted for by the supervisor at the annual settlement with the trustees of his township: *Provided*, That in counties where townships are not organized such forfeiture so collected shall be paid into the county treasury and appropriated as provided for in this act.

SEC. 3. That in case any person shall remove from one district to another who has, prior to such removal, performed the whole or any part of the labor aforesaid, or in other respects has paid the whole or any part of the amount aforesaid in lieu of said labor, and shall produce a certificate of the same from the supervisors of the proper district, such certificate shall be a complete discharge for the amount therein specified.

SEC. 4. That every person called upon to perform any labor upon public roads and highways under any of the provisions of this act, shall appear at the place appointed by the supervisor, at the hour of eight o'clock in the forenoon, with such necessary tools and implements as said supervisor may direct, and the supervisor may, if necessary for the improvement of the roads, order any person owning the same to furnish a team of horses or oxen, and wagon, cart, scraper, or plough, to be employed or used on the roads under the direction of said supervisor, who shall allow such person a reasonable compensation for the use of such team, wagon, cart, scraper, or plough in discharge of any labor due from said person.

Exempts.

SEC. 5. That all persons who may be deemed by the supervisor unable to perform or cause to be performed the three days' work required by this act, shall be exempted from the requisitions of the same.

In case of sickness.

SEC. 6. That whenever it shall happen in consequence of sickness, absence from home, or any other cause that the three days' work aforesaid shall not be performed within the time specified in this act, the supervisor shall be authorized to require the performance of such work at any other time.

Road districts

SEC. 7. That the county commissioners or the trustees of townships when the same shall be organized, shall, as often as they may deem it necessary, but not oftener than once a year, divide their respective counties or townships or any part thereof into suitable and convenient road districts, and cause a brief description of the same to be entered on the county or township records, and in case any public road shall be established as a part of the line or boundary of any township where townships are organized, the trustees of the adjoining townships shall meet at some convenient place as soon after such division as convenient, and apportion such road or roads between the two townships as justice and equity may require, for the purpose of opening and improving the same, and the supervisors and inhabitants of each township shall be bound to work on said road or roads accordingly.

Fines, how collected and paid.

SEC. 8. That the several supervisors within their respective districts, shall collect, by suit or otherwise, all fines, forfeitures, and penalties, arising and accruing under the provisions of this act, unless the collection thereof is herein provided for, and pay the same into the township treasury, if the townships are organized on or before the first Monday in March, otherwise into the county treasury on or before the first Monday of April annually, taking the treasurer's receipt for the same, which receipt shall be the proper voucher for the supervisor to settle with the trustees or county commissioners for the amount thereof, and all fines and forfeitures sued for and recovered under the provisions of this act by any other person than a supervisor shall be paid over within twenty days by the justice of the peace or constable collecting the same to the township treasurer, if townships are organized, if not, to the county treasurer, taking a receipt therefor, and

the trustees of townships or county commissioners shall cause all moneys so paid into the township or county treasury to be immediately appropriated to repairing the public roads in such road district wherein such fine or forfeiture accrued, and if any person shall be sued for doing or performing any act or thing required or authorized by this act, such person may plead the general issue, and give this act and the special matter in evidence, and no suit or action shall be brought or maintained unless it shall have been commenced within six months after the cause of such action shall have arisen: *Provided*, That nothing in this section shall be so construed as to prevent the trustees of townships or county commissioners from collecting or recovering any moneys in the hands of the township or county treasurers or supervisors of roads and highways.

SEC. 9 That it shall be the duty of each and every supervisor to open or cause to be opened all public roads and highways which have been or may hereafter be laid out and established through any part of the district assigned to such supervisor, and keep the same in repair, for which purpose the supervisors are hereby authorized to enter upon any unimproved lands near or adjoining the public roads, to cut and carry away any timber, to dig or cause to be dug and carried away any gravel, sand, or stone, or gather any loose stone which may be necessary to improve or repair the roads, and to enter on any lands adjoining or lying near the roads, to make such drains or ditches through the same as they deem necessary for the benefit of the roads, doing as little injury as may be to said lands, and the drains or ditches so made shall not be stopped or obstructed by the owner or occupier of such lands or any other person or persons under the penalty of forfeiting a sum not exceeding twenty dollars for each offence, to be recovered and appropriated as provided in the preceding section of this act.

SEC. 10. That if any person or persons shall feel aggrieved by any supervisor's cutting or carrying away any timber or stone as aforesaid, they may make complaint thereof to the county commissioners of the proper county at any regular meeting within six months after the cause of such complaint shall exist, and the commissioners shall appoint three disinterested landholders of the county whose duty it shall be after taking an oath or affirmation

to discharge their duty faithfully and impartially, to proceed and examine the matter complained of by the complainant, and assess and determine the damages, if any, and they shall report the same in writing to the commissioners at their next meeting thereafter, and if the commissioners shall be satisfied that the amount so assessed and determined be just and equitable, they shall cause the same to be paid to the complainant out of the county treasury, but if upon view the said landholders should be of opinion that there is no grievance or just cause of complaint, the person so complaining shall pay the costs of such view.

Guideposts.

SEC. 11. That each supervisor within his district shall erect and keep up, at the expense of the county, at the forks of every territorial or county road, a post and guide board or figure board, containing an inscription in legible letters, directing the way and distance to the next town or towns, or public place or places, situated on each road respectively; said post to be at least six inches in diameter, and not less than twelve feet high, and well set in the ground.

Supervisor to make repairs.

SEC. 12. That any time during the year when any public road shall be obstructed by the fall of timber or any other cause, or any bridge shall be impaired so that the passage of teams or travellers on said road or bridge shall be dangerous, and the supervisor in the district in which such obstruction or impaired bridge may exist, shall be notified of the same, it shall be his duty to cause such obstruction to be removed or bridge repaired forthwith, for which purpose he shall immediately order out such number of the inhabitants of his district as he may deem necessary to remove said obstructions or repair said bridge, and the persons so ordered out shall, after having had one day's notice to attend as aforesaid, be subject to the same restrictions and liable to the same penalties as if ordered out under the provisions of the second and fourth sections of this act.

Penalty.

Certificate assignable.

SEC. 13. That in all cases when any person shall, under the direction of his supervisor, perform more labor on the public roads than may be due from him, the supervisor shall give such person a certificate specifying the amount of extra labor so performed, which certificate shall be assignable and received for the amount specified in such certificate in discharge of any labor within the same road district,

which may be due from the holder of such certificate in any succeeding year under the provisions of this act: *Provided*, That the preceding section shall not authorize any supervisor to require any person to perform more than two days' work in any one year over and above the amount of labor due from such person agreeably to the provisions of the first section of this act.

SEC. 14. That where townships are organized the trustees shall meet at the place of holding township elections, on the first Monday of March annually, at which time and place the several supervisors of the township shall attend, and each produce his lists and accounts, together with the township treasurer's receipt for all fines, penalties and forfeitures by him collected, and the trustees are hereby authorized and required to adjust and settle all accounts so produced to them, and allow such amount for delinquencies as they shall deem just and reasonable; and, if upon a fair and accurate settlement there shall appear to be a balance due to any supervisor for his services under this act, the trustees shall give him an order on the township treasurer for the amount due: *Provided*, That the supervisor shall, in all cases, be held accountable for the full amount of labor due in his district, unless for good cause shown the trustees shall deem it just to remit the same: *And provided further*, That in counties where townships are not organized the county commissioners shall annually on the first Monday in April, settle the accounts of the supervisors within their respective counties agreeably to the provisions of this; and the supervisors of such counties shall attend upon said commissioners on said day.

SEC. 15. That each and every supervisor who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall, under any pretence whatever, give or sign any receipt or certificate purporting to be a receipt or certificate for labor performed or money paid, unless the labor shall have been performed or money paid prior to the giving or signing such receipt or certificate; every supervisor so offending shall forfeit for every such offence not less than five dollars nor more than twenty-five dollars, to be recovered by indictment in the district court, or by action of debt before any justice of the peace having jurisdiction of the same; and it is hereby made the duty of the trustees of the

Trustees to settle accounts.

Supervisors giving false certificates.

township in counties where the same are organized, and county commissioners where townships are not organized, to prosecute all offences against the provisions of this act: *Provided*, That if any supervisor shall conceive himself aggrieved by the judgment of the justice of the peace, he may appeal to the district court as in other cases.

Compensation.

SEC. 16. That each supervisor shall receive for his services for each day employed under the provisions of this act over and above three days the sum of one dollar, to be paid out of the township treasury on the order of the trustees where townships are organized, but in counties where townships are not organized the supervisor shall be paid out of the county treasury on the order of the county commissioners.

County commissioners to appoint supervisors.

SEC. 17. That the several boards of county commissioners in counties where townships are not organized, shall annually at their April session, appoint a suitable number of supervisors for such road districts as are not provided for by law, and they may fill vacancies at any time when they may occur, and shall cause the supervisors by them appointed to be notified thereof in writing. That any person who shall destroy or in anywise deface or obliterate any guide board or mile post set up according to the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of not less than ten nor more than fifty dollars, and be imprisoned not less than one month nor more than three months at the discretion of the court.

Injuring guideposts, penalty.

Bridges not less.

SEC. 18. That bridges on territorial and county roads shall not be less than sixteen feet wide. It shall be the duty of the judges of the district court to give the foregoing section of this act in charge to the grand juries at each term of their respective courts.

Judges to charge juries.

Approved January 17, 1840.

[Chap. 81.]

AN ACT relative to Divorce, Alimony and other purposes.

Jurisdiction district court.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That the district courts as courts of chancery shall have original jurisdiction in all cases of divorce and