

LAWS OF IOWA

PASSED AT THE EXTRA SESSION OF

THE LEGISLATIVE ASSEMBLY

WHICH COMMENCED ON THE 17TH DAY OF JUNE, 1844

JOHN CHAMBERS, Governor
SAMUEL J. BURR, Secretary of the Territory
FRANCIS GEHON, President of the Council
JOHN FOLEY, Speaker of the House of Representatives

ALSO,---THE LAWS OF THE REGULAR SESSION

WHICH COMMENCED ON THE 5TH DAY OF MAY, 1845

PUBLISHED BY AUTHORITY

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1845

SECRETARY'S OFFICE, IOWA CITY, }
JUNE 25th, 1845.

This is to Certify, That the Acts and Resolutions herein contained, both of the Extra Session of the Legislative Assembly, in June, 1844, and of the regular Session, which commenced on the 5th day of May, 1845, are true and correct copies from the originals now on file in this office.

S. J. BURR,
Secretary of Iowa Territory.

TITLES OF ACTS

	Page.	Reprint Page.
1. An act to postpone the next annual election of members of the legislature, and to provide for the payment of the legislative debts.....	1	525
2. An act to amend an "Act to district the territory of Iowa into electoral districts, and to apportion the representatives of each," approved July 30th, 1840	2	526
3. An act declaring the qualifications of electors.....	3	526
4. An act fixing the compensation of the territorial agent.....	3	527
5. An act to amend an act entitled, "An act regulating marriages".....	4	527
6. An act to authorize the collectors of taxes to make deeds in certain cases	5	527
7. An act supplementary to "An act to provide for the compensation of members and officers of both houses of the present session, and for other purposes,"—approved, February 16th, 1844.....	5	528
8. An act to amend an act entitled "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 for the state of Iowa"....	5	528
9. An act to prevent trespass upon the lands belonging to the territory of Iowa	6	529
10. An act to revive certain acts respecting the subjecting of real and personal estate to execution	7	529
11. An act amendatory of an act entitled "An act for opening and regulating roads and highways," approved, February 1st, 1843.....	7	530
12. An act to legalize the acts of certain officers therein named, and for other purposes	8	530
13. An act to establish certain territorial roads, and for other purposes..	9	531
14. An act to authorize the judge of probate of Lee county to make a record of the proceedings of said court.....	10	532
15. An act to relocate a part of the territorial road from Parkhurst, in Scott county, to Tipton, in Cedar county.....	11	533
16. An act to amend an act entitled, "An act to incorporate the board of trustees of the Congregational church and Society of Burlington"—approved, February 12th, 1844	12	533
17. An act to legalize an act of the board of county commissioners of Des Moines county	12	534
18. An act to amend an act to perfect the collection of taxes in Louisa county	13	534

JOINT RESOLUTIONS

1. A Joint Resolution allowing to the counties of Davis, Wapello, Keokuk, and Mahaska, copies of the revised statutes.....	14	535
2. A Joint Resolution for the preservation of the census returns.....	14	535

TITLES OF ACTS OF THE REGULAR SESSION OF MAY, 1845.

		Reprint	
		Page.	Page.
1. An act to provide for holding an additional term of the district court, in and for the county of Lee.....	19		539
2. An act amendatory of an act entitled "An act to establish the time of holding the district courts in the several judicial districts"; approved 12th February, 1844	19		539
3. An act to amend an act entitled "An act regulating practice in the District courts in the territory of Iowa," approved, February 10th, 1843	20		540
4. An act to prevent the destruction of notices, advertisements, etc.....	21		540
5. An act to amend an act entitled "An act to provide for assessing and collecting public revenue," approved, February 15th, 1844.....	22		541
6. An act to amend an act entitled "An act to provide for the partition of real property	23		542
7. An act to abolish the office of territorial agent.....	24		542
8. An act to provide for the payment of the expenses of the convention which assembled in Iowa City on the first Monday of October, A. D. 1844, to frame a constitution for the future state of Iowa.....	25		543
9. An act to amend an act entitled "An act defining the jurisdiction of the supreme court, and regulating the practice therein," approved the 8th of February, 1844	25		543
10. An act to amend an act entitled, "An act to encourage the destruction of wolves," approved, January 7th, 1844.....	26		544
11. An act to amend an act entitled "An act for the organization of townships"	27		545
12. An act to regulate fees of sheriff's and constables in attendance on district courts	30		547
13. An act to submit to the people the draft of a constitution formed by the late convention	31		547
14. An act to amend an act entitled "An act to establish the time of holding the district courts in the several judicial districts in this territory," approved, 12th February, 1844	33		549
15. An act to organize and discipline the militia of this territory.....	33		549
16. An act to postpone the election of the members of the house of representatives of the territory of Iowa, from August until April.....	34		550
17. An act to amend an act entitled "An act allowing and regulating writs of attachment"	35		550
18. An act to provide for the payment of the debt due to the Miners' Bank of Du Buque	36		551
19. An act to amend an act entitled "An act organizing a board of county commissioners in each county," approved February 15th, 1843.....	37		552
20. An act amendatory of an act to provide for changing the venue in civil and criminal cases, approved, 13th February, 1843.....	38		552
21. An act to amend an act relative to the probate of wills, executors, administrators, guardians, trustees of minors and probate courts, and for defining their duties," approved, February 13th, 1843.....	39		553
22. An act to provide for the better settling and adjudicating of the several titles set up to the Half Breed lands in the county of Lee.....	41		554

		Reprint
		Page. Page.
23.	An act to prevent and punish the owners and masters of steam boats committing trespass upon the property of persons living in this territory and for other purposes	43 556
24.	An act to amend an act entitled "An act concerning bail," approved, January 25, 1839	45 557
25.	An act to punish persons trespassing upon lands	46 558
26.	An act to amend an act to provide for levying a tax on real and personal property, for road purposes, approved, February 16th, 1842..	47 559
27.	An act to prevent and punish the obstruction of public roads and highways	48 560
28.	An act to amend an act entitled "An act to regulate the institution of suits by foreign executors, administrators and guardians, within the territory"	49 561
29.	An act to attach the country ceded to the United States by the Sac and Fox Indians, 1842, to the adjacent counties	50 561
30.	An act providing for the compensation of members and officers of both Houses of the present session and for other purposes	51 562
31.	An act to repeal the charter of the Miners' Bank of Du Buque, and to provide for winding up the affairs of the same	51 564
32.	An act to amend an act entitled "An act to incorporate the subscribers for erecting a dam across the Muscatine slough," approved, 5th February, 1844	56 565
33.	An act to authorize the board of commissioners of the county of Du Buque, to levy a tax on all real estate and personal estate now subject to taxation in said county	56 566
34.	An act to change the name of the town of Louisville, in the county of Wapello	57 566
35.	An act to change the name of the village of Salem, in the county of Muscatine	57 566
36.	An act to amend an act entitled "An act to vacate a part of the town plat to Port Allen, and to legalize the re-location of a part of a territorial road," approved, 13th February, 1843	58 567
37.	An act to empower the board of commissioners of Delaware and Linn counties, to levy a tax not exceeding one per cent for the period of two years	58 567
38.	An act to legalize the acts of Charles E. Bensel former recorder of deeds in the county of Clayton	59 568
39.	An act to make valid in law the acts of Joseph A. Reynolds, a justice of the peace in and for the county of Buchanan	59 568
40.	An act to establish a territorial road from Marion in Linn county, to the Indian boundary, in a direct line to Fort Atkinson	60 569
41.	An act to incorporate the University of Iowa	61 569
42.	An act to legalize the acts of William Foster, an acting justice of the peace	65 572
43.	An act to re-locate a part of the territorial road running from Burlington via Fort Madison, to the bridge on Sugar creek in Lee county..	65 572
44.	An act to declare a certain road in Washington county, a public highway	66 573
45.	An act to change the eastern boundary of Washington county	66 573
46.	An act for the relief of Samuel Parker	67 574
47.	An act to vacate a street in the town of Marion, in Linn county	67 574
48.	An act to change a part of a territorial road in the county of Lee	68 574
49.	An act to re-locate a certain territorial road	69 575

		Reprint
		Page. Page.
50.	An act to establish a territorial road from Linn Grove of Linn county, to the military road in Johnson county	70 575
51.	An act to locate a territorial road from Washington county to Miles B. Friends, in Keokuk county	70 576
52.	An act for a supplement to an act entitled "An act to incorporate the University of Iowa City," approved, 2d day of June, 1845.	71 577
53.	An act to establish a territorial road from the eastern line of Washington county, to the Widow Fry's on Old Man's creek.	72 577
54.	An act to incorporate and establish the city of Burlington, and for revising and repealing all laws and parts of laws heretofore enacted on that subject	73 578
55.	An act for the organization of the county of Iowa.	85 586
56.	An act to re-locate the seat of justice of Lee county.	88 588
57.	An act to organize the county of Marion.	93 591
58.	An act to provide for the election of an additional justice of the peace, in Madison township, in the county of Lee.	96 594
59.	An act for the relief of William B. Snyder.	97 594
60.	An act for the relief of Henry Heffleman and others.	98 595
61.	An act to legalize the location of a road from Cascade, in Du Buque county, to O. A. Olmstead's Mill, in Delaware county.	98 595
62.	An act to establish a territorial road in the counties of Van Buren and Davis	99 596
63.	An act to re-locate a part of a territorial [road] leading from Rockingham in Scott county, to Moscow, in Muscatine county.	100 596
64.	An act to establish a territorial road from Bloomington to the county line of Muscatine county, near the present road leading to Davenport	100 597
65.	An act to repeal "An act repealing a portion of an act to locate and establish a territorial road from the town of Du Buque, to Camp Atkinson;" approved January 13, 1841, and providing for the re-location of said road	101 597
66.	An act to authorize the board of commissioners of Muscatine county to license certain ferries across the Mississippi river.	102 598
67.	An act to organize the county of Kishkekosh, and to provide for the location of the seat of justice thereof.	103 598
68.	An act to authorize Henry Swan, administrator of the estate of David Duke, late of the county of Henry, deceased, to convey certain lands.	106 601

JOINT RESOLUTIONS

1.	Providing that the maps voted for the use of the Legislative Assembly, be distributed among the different counties.	107 603
2.	Providing seals for counties therein named.	107 603
3.	Instructing our delegate in congress to procure an increase of facilities on mail route No. 4228.	108 604
4.	Requesting our delegate in congress to endeavor to procure the establishment of a mail route from Burlington, via Lowell, Salem, and Washington, in Henry county, to the county seat of Mahaska county.	108 604
5.	To authorize the trustees of the Protestant Methodist church to convey their church half lot in Iowa City to the trustees of the Iowa City College	109 604
6.	To provide for the printing of the laws.	109 605

	Reprint
	Page. Page.
7. Instructing our delegate in congress in regard to the boundaries of the future state of Iowa.....	110 605
8. Providing for the care of public property at the Capitol.....	110 606
9. To authorize the clerk of the supreme court to use a certain room in the Capitol, for the purpose of a clerk's office.....	110 606
10. Instructing the secretary to pay the widow of the late James Leonard, the full amount of his per diem for this entire session.....	111 606
11. Providing for the adjournment of the Legislative Assembly.....	111 606
12. Providing for the appointment of a fiscal agent.....	111 607
13. Providing for an examination of the affairs of the penitentiary.....	112 607
14. Providing for the safe keeping of the property belonging to the Capitol, and for other purposes.....	112 607
15. Instructing the secretary of the council and clerk of the House.....	112 608
16. Relative to the distribution of the laws.....	113 608
17. Instructing our delegate to use his influence for an appropriation to repair the bridge on Devil creek, in Lee county.....	114 609
18. Supplementary to a point resolution adopted by the Council and House of Representatives, for the appointment of a committee to examine into the affairs of the penitentiary.....	114 609

LAWS OF IOWA

[1] CHAPTER 1.

ELECTION AND PAYMENT OF LEGISLATIVE DEBTS.

AN ACT to postpone the next annual election of members of the legislature, and to provide for the payment of legislative debts.

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

SECTION 1. Election postponed until April, 1845. That the time of holding the election for the members of the legislative assembly for the ensuing year, shall be changed from the first Monday in August next, to the first Monday in April next.

SEC. 2. Election entirely suspended in case congress change appropriation so as to pay arrearages—duty of secretary in such case. That, if before the fourth day of March next, congress shall transfer the appropriation made for defraying the expenses of the legislature for the ensuing year, so that it may be applied to the payment of the debts incurred by past legislatures for legislative expenses, and the overplus, if any, to the payment of the expenses of the convention to form a constitution of the future state of Iowa, the annual election of members of the legislature, for the ensuing year shall be entirely suspended; and it shall be the duty of the secretary to apply said appropriation as aforesaid as soon as congress shall authorize the same.

SEC. 3. If no change is made, election to be held in April—how conducted—twenty days notice sufficient. If congress shall not transfer said appropriation as aforesaid, it shall be the duty of the proper officer to give the same notice of the said election to be holden on the first Monday in April next, as is already required by law in case of elections for members of the legis- [2] lative assembly. And the said election shall be conducted, in all respects, as far as practicable, as is now prescribed by law: provided, that twenty days notice of said election shall be deemed sufficient.

SEC. 4. Legislature to convene in May, 1845. That should the transfer of said appropriation not be made by congress as aforesaid, the legislative assembly shall convene and hold an annual session on the first Monday in May next.

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

Approved, 19th June, 1844.

CHAPTER 2.

ELECTORAL DISTRICTS.

AN ACT to amend "An act to district the territory of Iowa into electoral districts, and to apportion the representatives of each," approved July 30, 1840.

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

SECTION 1. **Certain counties annexed to sixth electoral district.** That the counties of Keokuk, Mahaska, and the country thereto attached, shall be annexed to the county of Washington, and constitute a part of the sixth electoral district, for the purpose of participating with Washington in the election of a member of the house of representatives; and, with Washington and Louisa in the election of a member of the Council and delegate to congress.

SEC. 2. **Fifth electoral district enlarged.** And that the county of Wapello and the country thereto attached, shall be annexed to the county of Jefferson—shall constitute a part of the fifth electoral district, for the purpose of participating in the election of a member of the house of representatives, a member of the council and delegate to congress.

SEC. 3. **Second district enlarged.** That the county of Davis and the country thereto attached, shall be annexed to the county of Van Buren, shall constitute a part of the second electoral district for the purpose of participating in the election of members of the legislative assembly and delegate to congress.

SEC. 4. **Time of taking effect.** This act shall take effect from and after its passage.

Approved, 19th June, 1844.

[3] CHAPTER 3.

QUALIFICATIONS OF ELECTORS.

AN ACT declaring the qualifications of electors.

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

SECTION 1. **Every white male citizen allowed to vote for delegates to convention who resides in territory on 20th June, 1844, and is 21 years of age.** That every white male citizen of the United States and of this territory of the age of twenty-one years and upwards, who may be a resident of the territory on the twentieth day of June, A. D. 1844, shall be entitled to the elective franchise and permitted to vote for delegates to form a state constitution, and for all officers to be elected in the county where he may reside on the first Monday in August next: provided, that such citizen shall have continued to reside in the territory from the said twentieth day of June, up to the time of holding said August election.

Approved, 19th June, 1844.

CHAPTER 4.

TERRITORIAL AGENT.

AN ACT fixing the compensation of the Territorial Agent.

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

SECTION 1. **Salary \$300, after January 1, 1845.** That from and after the first day of January, A. D. 1845, the territorial agent, shall receive for his services the sum of three hundred dollars per annum only.

SEC. 2. **Laws contravening this, repealed.** That all laws heretofore passed coming within the purview of this act, be and the same are hereby repealed.

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

Approved, 19th June, 1844.

[4] CHAPTER 5.

MARRIAGE.

AN ACT to amend an act entitled, "An act regulating marriages."

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

SECTION 1. **Ministers showing credentials, allowed to marry.** That any minister of the gospel, upon producing to the clerk of the district court of any county in this territory in which he officiates, credentials of his being a regular licensed minister or preacher of any religious society and shall otherwise comply with the provisions of the act to which this is amendatory, shall be authorized to solemnize marriages in like manner as if he had been ordained.

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

Approved, 19th June, 1844.

CHAPTER 6.

TAX COLLECTORS.

AN ACT to authorize the collectors of taxes to make deeds in certain cases.

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

SECTION 1. **Tax collectors to make deeds to purchasers of real estate at any tax sales heretofore held.** That the collectors of taxes in each and every county of this territory now in office, or who may hereafter be in office, be and he is [they are] hereby fully authorized and empowered to make, execute and

deliver to the purchaser of real estate at any tax sale heretofore held, a conveyance and deed or deeds thereof; which said conveyance shall be as good, and as effectually pass the title to such real estate, as if the law under which such real estate was sold and sale held, had not been repealed, or as if the collector or sheriff who made such sale was now in office: provided however, that no such deed or deeds, conveyance or conveyances shall be made except upon the presentation of proper legal vouchers.

Approved, 19th June, 1844.

[5] CHAPTER 7.

HUGHES AND WILLIAMS.

AN ACT supplementary to "An act to provide for the compensation of members and officers of both houses of the present session, and for other purposes," approved February 16th, 1844.

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

SECTION 1. **Appropriation \$215 to Hughes and Williams.** That the tenth section of the act aforesaid be and the same is hereby so altered and amended as to allow to Hughes and Williams, for printing as per bill rendered for the council, the sum of two hundred and fifteen dollars, to be paid by the secretary of the territory out of any funds now on hand.

Approved, 19th June, 1844.

CHAPTER 8.

CONVENTION TO FORM CONSTITUTION.

AN ACT to amend an act entitled "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 for the state of Iowa."

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

SECTION 1. **Davis, Wapello and Mahaska counties to have two members, each.** That the fifth section of the act to which this act is amendatory, be so amended as to read that said convention shall consist of seventy-three members, and that the counties of Davis, Wapello, and Mahaska shall each be entitled to two members of said convention.

SEC. 2. **Conflicting portions of the act amended, repealed.** That so much of said act as conflicts with the provisions of this act, be, and the same is, hereby repealed.

Approved, 19th June, 1844.

[6] CHAPTER 9.

TRESPASSING UPON LANDS.

AN ACT to prevent trespass upon the lands belonging to the territory of Iowa.

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

SECTION 1. Settling on territorial lands, trespass, fine, treble damages. That any person who shall hereafter (without special permission from the proper authorities) enter or settle upon any lands granted by the congress of the United States to the territory or future state of Iowa, shall be deemed guilty of trespass, and fined in treble the amount of the damages that shall be assessed against them:—And any person who shall cut down, or in any other manner destroy any timber growing upon such lands, or shall remove therefrom any timber, stone, stone coal, mineral or in any manner injure the value of said lands, shall, upon conviction thereof before any court of competent jurisdiction, be fined in any sum not exceeding fifty dollars, and not less than ten dollars for each offence. And the judgment of the court shall be, that the defendant stand committed until the fine and costs be paid.

SEC. 2. Duty of county to protect lands. Each board of county commissioners in the several counties in the territory, is hereby constituted a board of trustees for the territory of Iowa, whose duty it shall be to protect all such lands from injury and waste.

SEC. 3. Suit how brought, in whose name—fines to be paid to territorial treasurer. All suits commenced under and by virtue of this act, shall be instituted in the name of the board of county commissioners of the county in which such trespass shall have been committed, for the use of the territory of Iowa; and all fines and damages so collected, shall be paid by the said commissioners to the territorial treasurer and become a part of the territorial revenue.

SEC. 4. Jurisdiction in district courts and justices. The district courts and justices of the peace in any county in which such trespass shall be committed, shall have jurisdiction in all suits which may be instituted under and by virtue of this act.

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

Approved, 19th June, 1844.

[7] CHAPTER 10.

ESTATE SUBJECT TO EXECUTION.

AN ACT to revive certain acts, respecting the subjecting of real and personal estate to execution.

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

SECTION 1. Acts subjecting real and personal estate to execution prior to February, 1843, revived. That the acts respecting the subjecting of real and personal estate to execution, in force in this territory prior to the 20th

day of February, 1843, be, and the same are hereby revived, so far as they relate to judgments heretofore or hereafter obtained on contract made prior to that time.

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

Approved, 19th June, 1844.

CHAPTER 11.

ROADS AND HIGHWAYS.

AN ACT amendatory of an act entitled "An act for opening and regulating roads and highways," approved February 1, 1843.

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

SECTION 1. Board of county commissioners to be satisfied that road is required, before appointing viewers. That hereafter, upon all applications to the board of county commissioners for laying out county roads, in addition to the requirements of the act to which this is amendatory, said boards of county commissioners shall be first satisfied that the road applied for is necessary, and that public convenience requires the same, before they shall appoint viewers in accordance with the prayer of the petition.

Approved, 19th June, 1844.

[8] CHAPTER 12.

CONSTABLES AND COUNTY COMMISSIONERS.

AN ACT to legalize the acts of certain officers therein named, and for other purposes.

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

SECTION 1. Constables elected prior to April, 1844. That all constables who were elected at the April election 1844 in this territory, and who filed their bonds and oaths of office in the office of the clerk of the board of commissioners of their respective counties in pursuance of "An act for the election of constables and defining their duties;" approved January 24, 1839, and who were in other respects qualified according to law shall be deemed legal constables of their respective townships, and duly authorized to act as such for the term for which they may have been elected, and all their official acts performed during such term shall be as valid as though they had filed bonds to the acceptance of the trustees, with the clerks of their respective townships, in pursuance of an act for that purpose; approved 5th February, 1844; and that the bonds filed with the clerks of the board of commissioners as aforesaid, be valid according to the true intent and meaning thereof.

SEC. 2. Appointment of jurors. That the clerks of the boards of commissioners of any counties in this territory, who may not have caused the proportion of jurors to be ascertained from the number of white male inhabit-

ants of the age of twenty-one years, in the respective townships or precincts of their respective counties on the first Monday of April, 1844, in pursuance of an act to amend an act entitled "An act concerning grand and petit jurors;" approved January 4, 1839, which was approved 15th of Feb. 1844, shall be authorized to ascertain the same and make the statement in writing required by said act, of the number of jurors apportioned to each township or precinct, and deliver the same to the sheriff at any time previous to the twentieth day of July, in the year 1844, who shall proceed forthwith to notify the several boards of township trustees, by service on the township clerk, instead of publication as now required by law. And jurors selected in pursuance of such apportionment, at the next ensuing annual election, and in other respects in pursuance of law, shall be deemed legally and duly selected, and qualified as though such apportionment had been made on the first Monday of April, aforesaid.

[9] **SEC. 3. Appointment of jurors deemed valid.** All elections and apportionments of jurors heretofore made in any of the counties of this territory, shall be deemed and taken and are hereby declared to be valid and effectual.

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

Approved, 19th June, 1844.

CHAPTER 13.

TERRITORIAL ROADS.

AN ACT to establish certain territorial roads, and for other purposes.

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

SECTION 1. Road authorized from Cascade, in Du Buque county, to Blue Banks, in Cedar county. That L. A. Styles, of Cascade, Du Buque county, C. C. Walworth, of Jones county, and Edward Crow, of Linn county, be and they are hereby appointed commissioners to lay out and establish a territorial road from Cascade, in Du Buque county, to the Blue Banks on Cedar river.

SEC. 2. When and where to meet—route of road. That said commissioners or a majority of them, shall meet at Cascade, in Du Buque county, on the first Monday in July next, or at some subsequent time, and proceed to lay out and establish a territorial road from Cascade in said county, on the nearest and best route to Green and Datton's ford, on the south fork of the Makoqueta river, and thence on the nearest and best route to Edward Crow's on the Buffalo fork of the Wabesapinican river—thence on the nearest and best route to the ford on the Cedar river, at the Blue Banks on said river.

SEC. 3. Road authorized from Eddyville, in Wapello county to county seat of Mahaska county. That William McIlvain, William Black and William R. Ross, be and they are hereby appointed commissioners to lay out and establish a territorial road from Eddyville, in Wapello county, to the county seat of Mahaska county.

SEC. 4. When and where to meet—route of road. Said commissioners or a majority of them shall meet at Eddyville in Wapello county, on the first Monday in July next, or some subsequent time, and proceed to lay out a

territorial road from Eddy- [10] ville in Wapello county, on the nearest and best route, to the county seat of Mahaska county.

SEC. 5. Commissioners to employ assistants. The commissioners appointed by the first and third sections of this act, shall, for each road, take to their assistance, two chainmen, one surveyor, and one marker; and shall lay out and establish said roads according to the provisions of "An act to provide for laying out and opening territorial roads;" approved December 29, 1838.

SEC. 6. Pay of commissioners and assistants. The commissioners, surveyors, chain-carriers and markers shall each receive as a compensation for the time they shall be necessarily employed in the discharge of their duties, the following sums per day—each commissioner two dollars; each surveyor two dollars; each chain-man and marker, one dollar and fifty cents.

SEC. 7. Part of a certain road act repealed. That so much of the act to locate a territorial road from Wapello in Louisa county, to Augusta, in Des Moines county; approved 27th February, 1844, as makes the north east corner of the north west quarter of section thirty-two, township seventy-three north, range three west, a point in said road, be and the same is hereby repealed.

SEC. 8. Time extended to September 1, 1844. That the time for viewing, locating and surveying all territorial roads that were authorized by the late session of the legislative assembly, be and the same is hereby extended until the first day of September, 1844.

SEC. 9. Takes effect after passage. This act to take effect and be in force from and after its passage.

Approved, 19th June, 1844.

CHAPTER 14.

PROBATE JUDGE OF LEE COUNTY.

AN ACT to authorize the judge of probate of Lee county to make a record of the proceedings of said court.

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

SECTION 1. Judge to make record from organization of county. That John A. Drake, present judge of probate of Lee county, be, and he is hereby authorized and required to make a record of all the proceedings of said court of probate for Lee county, from the organization of said county up to the time said Drake became [11] possessed of said office, so far as it can be done from the papers now on file in said court of probate.

SEC. 2. Record to be submitted to the board of county commissioners for approval—when approved to be valid. That when said record shall be made, it shall be submitted to the board of commissioners of said county for their approval, and when approved by them it shall have all the force and effect, and be as good and valid as if said record had been regularly kept, as required by law.

SEC. 3. Board to pay judge fair compensation. That the board of commissioners of said county, when said record is so approved by them, shall allow and pay said judge of probate, such compensation as they may deem fair and reasonable for such service.

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

Approved, 19th June, 1844.

CHAPTER 15.

TERRITORIAL ROAD.

AN ACT to re-locate a part of the territorial road from Parkhurst, in Scott county, to Tipton, in Cedar county.

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

SECTION 1. Commissioners appointed to relocate road from Parkhurst to Tipton. That James McCosh, Samuel Hedges, and J. A. Burchard, Junior, of the county of Scott, be, and they are hereby appointed commissioners to relocate that part of the territorial road from Parkhurst to Cedar county, that lies east of the house of Dennis Barnes, in Scott county.

SEC. 2. When and where to meet. That said commissioners shall, on the first Monday in August next, or on any other day within one week thereafter, take to their assistance a surveyor and such other hands as they may think proper and proceed to discharge the duties of their office, as provided in this act.

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

Approved, 19th June, 1844.

[12] CHAPTER 16.

CONGREGATIONAL CHURCH OF BURLINGTON.

AN ACT to amend an act entitled "An act to incorporate the board of trustees of the Congregational Church and Society of Burlington," approved 12th February, 1844.

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

SECTION 1. Trustees authorized to make by-laws and sell property. That the Congregational church and society of Burlington be, and they are hereby authorized and empowered, to make, ordain and establish, at any time, such rules, regulations, and by-laws for their government, the transaction of their business and for the sale and transfer of their property, as a majority of said church and society may deem fit, not inconsistent with the object of their incorporation, nor with the laws of this territory.

SEC. 2. Transfers already made, declared good. The transfers and conveyances that have been made to, and from the Congregational church and society aforesaid, shall be deemed and taken to be good and valid, and effectually to pass the estate therein attempted to be conveyed.

Approved, 19th June, 1844.

CHAPTER 17.

COMMISSIONERS OF DES MOINES COUNTY.

AN ACT to legalize an act of the board of county commissioners of Des Moines county.

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

SECTION 1. **Act of board extending time for collecting taxes, legalized.** That the act and order of the board of county commissioners of the county of Des Moines, entered on the third day of April, 1844, extending the time of John H. McKenny, collector of taxes for said county, for the collection of county and territorial taxes due said county and territory, be confirmed and legalized, and the said [13] collector is as fully authorized and empowered to collect said taxes as if said order had been authorized by law.

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

Approved, 19th June, 1844.

CHAPTER 18.

COLLECTION OF TAXES IN LOUISA COUNTY.

AN ACT to amend an act to perfect the collection of taxes in Louisa county.

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

SECTION 1. **Time of collecting extended.** That the proviso in the sixth section of the act to perfect the collection of taxes in Louisa county, approved 14th February, 1844, be, and the same is hereby repealed; and the board of commissioners of said county are hereby empowered to give the collector of taxes in said county such further time to complete the collection of taxes therein, as they may deem necessary.

SEC. 2. **Takes effect after passage.** This act to take effect from and after its passage.

Approved, 19th June, 1844.

JOINT RESOLUTIONS

NO. 1.

A JOINT RESOLUTION allowing to the counties of Davis, Wapello, Keokuk and Mahaska, copies of the revised statutes.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That the secretary of the territory be, and he is hereby authorized to furnish the counties of Davis, Wapello, Keokuk and Mahaska, each with fifty copies of the laws passed at the session of the legislature in 1842-3, that are not otherwise appropriated.

Approved, 19th June, 1844.

NO. 2.

A JOINT RESOLUTION for the preservation of the census returns.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That it shall be the duty of the secretary of the territory to preserve the abstracts of the census of the several counties of this territory in his office until the meeting of the convention in October next, to form a state constitution for the state of Iowa, at which time he shall return them to said convention.

Approved, 19th June, 1844.

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LAWS OF IOWA

PASSED AT THE SESSION OF

THE LEGISLATIVE ASSEMBLY

WHICH COMMENCED ON THE 5TH DAY OF MAY, 1845

JOHN CHAMBERS, Governor
S. J. BURR, Secretary of the Territory
S. C. HASTINGS, President of the Council
J. M. MORGAN, Speaker of the House of Representatives

PUBLISHED BY AUTHORITY

IOWA CITY:
WILLIAMS & PALMER, PRINTERS

1845



LAWS OF IOWA

[19] CHAPTER 1.

DISTRICT COURT.

AN ACT to provide for holding an additional term of the district court, in and for the county of Lee.

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

SECTION 1. Additional term second Monday in August. That an additional term of the district court shall be holden in and for the county of Lee, on the second Monday of August, in each year.

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

Approved, 26th May, 1845.

CHAPTER 2.

DISTRICT COURTS.

AN ACT amendatory of an act entitled "An act to establish the time of holding the district courts in the several judicial districts," approved 12th February, 1844.

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

SECTION 1. So much of amended act as calls for court in Henry county, 4th Monday in June, repealed. That so much of the act to which this is amen- [20] datory, as relates to holding a term of the district court for the county of Henry on the fourth Monday in June of each year, is hereby repealed.

SEC. 2. No process to abate in consequence of a change. That no writ, count or proceeding entitled of or returnable to said term, shall abate in consequence of said change; but shall stand as entitled of, and returnable to the next term of said court.

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

Approved, 26th May, 1845.

CHAPTER 3.

PRACTICE IN DISTRICT COURTS.

AN ACT to amend an act entitled "An act regulating practice in the district courts in the Territory of Iowa," approved February 10, 1843.

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

SECTION 1. **Authorizes judgment containing attachment clause to be served on garnishee.** That any person having obtained a judgment before any court of record within this territory against any defendant, the plaintiff, upon filing an affidavit setting forth that deponent verily believes that the defendant has not in his possession within the knowledge of any such affiant any visible property or effects sufficient to satisfy said judgment and costs, and that the said affiant believes that the defendant in the judgment has property, rights or credits, (as the case may be, stating the particulars of the case.) in the hands of A. B. (naming him) an execution upon such judgment may issue containing an attachment clause, which shall be served upon such garnishee, requiring him to appear at the next term of the court and answer to such interrogatories touching his indebtedness to the said defendant in execution, at or subsequent to the time of the service of such attachment.

SEC. 2. **Repeals 48th section of the act amended.** That the forty-eighth section of the act to which this is an amendment be, and the same is hereby repealed: provided, that it does not interfere or affect any suit or process that may have been instituted or issued previous to the enactment of this law.

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

Approved, 28th May, 1845.

[21] CHAPTER 4.

TO PRESERVE ADVERTISEMENTS, ETC.

AN ACT to prevent the destruction of notices, advertisements, etc.

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

SECTION 1. **Injuring public notices punishable by fine of ten dollars and 24 hours imprisonment.** That if any person shall intentionally deface, obliterate, tear down or destroy, in whole or in part, any copy or transcript of, or extract from, any law of the United States or of this territory or any advertisement or notification whatsoever, set up in any public place within this territory for the public information of any citizen or citizens; such person shall on conviction thereof, before any court having jurisdiction of the same, be fined in any sum not exceeding ten dollars, and may be committed to jail for a time not exceeding twenty-four hours at the discretion of the court.

SEC. 2. **Takes effect after July 4th—proviso—allows destruction of notices after certain time expires.** This act to take effect and be in force from and after the 4th day of July next: provided, that nothing in this act con-

tained shall be so construed as to prevent the destruction of notices after the expiration of the time for which the same have been given.

Approved, 28th May, 1845.

[22] CHAPTER 5.

PUBLIC REVENUE.

AN ACT to amend an act entitled "An act to provide for assessing and collecting public revenue," approved February 15, 1844.

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

SECTION 1. One assessor to be elected in each county, on first Monday of August—to hold office one year. That there shall be elected on the first Monday of August in each year, by the qualified voters in each county in this territory, one county assessor who shall hold his office for the term of one year from the day of his election, and until his successor is duly elected and qualified, and shall perform all the duties that are or may hereafter be required of him by law.

SEC. 2. To give bond to county commissioners in \$300. Such assessor, before entering upon the duties of his office shall give bond, with two or more securities, to the acceptance of the board of county commissioners, in the penal sum of three hundred dollars, payable to said commissioners, for the use of the county, and conditioned for the faithful and impartial performance of his duties according to law, which bond shall be deposited with the clerk of the board of county commissioners and by him preserved.

SEC. 3. Office vacant if he does not give bond in twenty days after election. If any assessor shall not give bond and security as required in the preceding section, within twenty days after his election, his office shall be considered vacant.

SEC. 4. In case of vacancy, county commissioners to appoint. In all cases where the office of assessor shall become vacant by death, removal from the county, resignation, failure to give bond, or from any other cause, and the interest of the county requires that such vacancy shall be filled before the next annual election, the county commissioners shall forthwith appoint some suitable person in the county to fill the vacancy.

SEC. 5. Person appointed to give bond. The person so appointed shall give bond as required in the second section, and hold his office until the next annual election, and until his successor is elected and qualified.

[23]**SEC. 6. To begin to assess property in May.** The assessor shall, on the first day of May, or within three days thereafter, proceed to assess all the real and personal property within his county, subject to taxation, according to the provisions of the act to which this is amendatory.

SEC. 7. May appoint deputy if necessary—deputy to be approved by commissioners. That whenever any assessor elected or appointed as aforesaid, shall deem it necessary, he may appoint a deputy assessor, to be approved of by the board of county commissioners, who shall take an oath before the clerk of such board, for the faithful performance of his duties, and for whose acts the assessor shall be responsible.

SEC. 8. County treasurer to collect county tax that has been omitted by assessor. It shall be the duty of the treasurer of each county to assess a tax for county purposes at the rate established by the board of county com-

missioners on all real and personal estate that has been omitted by the assessor, whenever he shall ascertain that any property has been so omitted, and at the time he makes settlement with the board of county commissioners, he shall make and verify by affidavit, a list of property by him so assessed, and the taxes collected thereon.

SEC. 9. **Certain sections of the act amended, repealed.** The first, second, third, fourth, fifth and twentieth sections of the act to which this is amendatory, be, and the same are, hereby repealed.

Approved, 28th May, 1845.

CHAPTER 6.

PARTITION OF REAL PROPERTY.

AN ACT to amend an act entitled "An act to provide for the partition of real property."

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

SECTION 1. **Ninth section of said act amended so as to require notice to be printed for six weeks—proviso requires six months notice in half breed lands.** That the ninth section of an act entitled "An act to provide for the partition of real property;" approved January 4th, 1839, be so amended as to read as follows:—"the publication of such notice in each week for six weeks successively, in some newspaper printed most conveniently to the place where the court is held, shall be considered in all respects equivalent to a personal service aforesaid: provided, that in case there shall hereafter be a re-partition of the Half Breed tract of lands in the county of Lee, the parties petitioning for [24] the same shall, and are hereby required, to give six months notice of such petition for partition of said lands, in some newspaper published in the county."

SEC. 2. **Repeals contravening portions of said ninth section.** That so much of the ninth section aforesaid as contravenes the provisions of this act, be, and the same is hereby repealed.

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

Approved, 29th May, 1845.

CHAPTER 7.

TERRITORIAL AGENT.

AN ACT to abolish the office of Territorial Agent.

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

SECTION 1. **Office abolished—duties devolve upon territorial treasurer.** That the office of territorial agent be, and the same is, hereby, abolished; and that the territorial treasurer be, and he is, hereby, required to exercise all powers, and discharge all duties now required by law, of the territorial agent.

SEC. 2. Agent to deliver over books, &c., immediately. That the territorial agent shall immediately after the taking effect of this law, deliver over to the territorial treasurer all books, papers, moneys and effects of whatsoever nature, belonging to, or in any wise appertaining to said office of territorial agent.

SEC. 3. Salary to treasurer for performing duties of agent, \$125—to be paid by territory. And be it further enacted, that the territorial treasurer, for the duties required under this act, shall receive the sum of one hundred and twenty-five dollars, as a compensation for his services: provided, that such annual compensation by this act allowed, shall be paid only from the territorial fund for the erection of public buildings at Iowa City, without any pledge of the general faith of the territory.

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

Approved, 29th May, 1845.

[25] CHAPTER 8.

PAYMENT OF EXPENSES OF CONVENTION.

AN ACT to provide for the payment of the expenses of the convention which assembled in Iowa City on the first Monday of October, A. D. 1844, to frame a constitution for the future state of Iowa.

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

SECTION 1. Auditor to audit, and issue warrants for all just accounts of convention. That the auditor of public accounts be, and he is hereby authorized and required to audit, allow and issue warrants upon the treasury of this territory, for the payment of all just accounts that may be presented regularly certified by the president and secretary of the convention convened in Iowa City, on the first Monday of October, A. D. 1844, for the formation of a constitution for the future state of Iowa.

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

Approved, 3d June, 1845.

CHAPTER 9.

SUPREME COURT PRACTICE.

AN ACT to amend an act entitled "An act defining the jurisdiction of the supreme court, and regulating the practice therein," approved 8th February, 1844.

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

SECTION 1. No writ of error issued to order of district court pending trial, shall stay proceedings. That no writ of error issued to any order of the district court, wherein such order shall be made during the progress of any

trial at law or in equity, shall stay the proceedings therein to a final judgment or decree; and the district court shall proceed to render a final judgment or decree in the same manner as if such writ of error had not issued.

[26] **SEC. 2. Rights of plaintiff in error not injured by decree of district court.** The proceedings to final judgment or decree after a writ of error shall have issued upon any order of the district court, shall not prejudice the rights of the plaintiff in error; provided, there was error in the district court in making such order.

SEC. 3. Plaintiff in error to file bond to indemnify co-plaintiffs. That any one of two or more persons entitled to a writ of error, may sue out a writ of error as of course, in the name of the plaintiff in error; provided, such plaintiff in error shall have first filed a bond with the clerk of the district court, where the judgment or decree was rendered in such sum as the clerk shall require, with sufficient sureties to indemnify his co-plaintiff against all damages and costs on account of suing out such writ of error.

SEC. 4. Eighth section of an act amended, repealed. That the eighth section of the act to which this is amendatory is hereby repealed.

SEC. 5. Takes effect after passage. This act to take effect from and after its passage.

Approved, 3d June, 1845.

CHAPTER 10.

DESTRUCTION OF WOLVES.

AN ACT to amend an act entitled, "An act to encourage the destruction of wolves," approved January 7, 1844.

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

SECTION 1. Discretionary with commissioners of Clayton, Mahaska, Keokuk, Davis, Wapello and Benton counties to pay bounty on wolf scalps. That from and after the passage of this act, it shall be discretionary with the boards of county commissioners of the counties of Clayton, Mahaska, Keokuk, Davis, Wapello and Benton, to pay any person for killing wolves in said counties.

SEC. 2. All acts conflicting with the above, repealed. That all acts and parts of acts that come in conflict with the provisions of this act, be, and the same are hereby repealed.

SEC. 3. Takes effect after passage. That this act shall take effect and be in force from and after its passage.

Approved, 4th June, 1845.

[27] CHAPTER 11.

TOWNSHIP ORGANIZATION.

AN ACT to amend an act entitled "An act for the organization of townships."

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

SECTION 1. Electors to meet 1st Monday in April after organization—eight can act—choose chairman—arrest disorderly persons—constable must obey electors—three judges of, elected by ballot—judges appoint clerks. That the electors of each township shall, on the first Monday in April, after the organization of the same, assemble at some place in the township, between the hours of eight and ten 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 him or them until after 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 clerks and take an oath or affirmation faithfully to discharge the duties of their respective offices.

SEC. 2. Subsequent meeting, trustees to be judges—they and clerks to fill vacancies—to receive no compensation. That at all subsequent meetings for the election of township officers, the trustees of townships shall be judges of the election. The township clerk, with such other person as the trustees or judges of election shall appoint, shall act as clerks of the election; and should either of the trustees be absent, refuse to serve, or, from any other cause there should be a vacancy in the board of trustees at the time and place [28] of holding elections, the judges and clerks shall be appointed in the manner prescribed in the act regulating general and special elections: provided, that the judges and clerks of elections for the election of township officers shall receive no compensation for their services as such out of the county treasury; that the twenty-sixth section of an act, to which this is amendatory be, and the same is, hereby repealed.

SEC. 3. When polls to be opened and closed. That polls shall be opened at such township meetings between the hours of eight and ten a. m., and closed at six p. m., and the trustees shall have power to order any constable present to remove or arrest any disorderly person or persons; and if necessary confine him or them until the close of the meeting.

SEC. 4. Trustees to be overseers of poor and fence-viewers. That the township trustees, by virtue of their office, shall be overseers of the poor and fence-viewers, for their respective townships.

SEC. 5. Clerks to record township roads. That it shall be the duty of the township clerks to record all township roads (in a book to be prepared by them and kept for that purpose) which shall be established by the trustees of the township.

SEC. 6. Trustees to establish township roads—proviso, requires consent of owners. That the trustees of townships shall have power, and it is hereby made their duty to establish township roads of width not to exceed forty feet nor less than twenty feet, as in their judgment shall be deemed convenient: provided, that such trustees shall not locate any township road on any other than section and quarter section lines, without the consent of the owner or owners of the land through which said road is to pass.

SEC. 7. Applications for roads to be by petition of at least six freeholders, within two miles of road—petitioners to give bond for expenses of viewing and surveying road. That all applications for laying out any township road shall be by petition to the board of trustees, signed by at least six freeholders of the township residing within two miles of where said township road is proposed to be laid out; and 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 township, conditioned for the payment of all costs and expenses arising from the view and survey of said township road.

SEC. 8. Three notices to be posted previous to petition and 30 days before meeting of trustees—trustees to appoint 3 viewers and 1 surveyor to lay out road, who report at next meeting—if no remonstrance of six freeholders is on file, the report shall be filed on record, and owners directed to open road—if any owner fail, supervisor to open road. - That previous to the presentation of any petition for such township road, notice thereof shall be given by posting up three written notices, one in the vicinity of the proposed road, and the two others in two of the most public places in the township, at least thirty days before the regular sitting of the board of trustees at which such petition shall be presented, and said board being satisfied that notice has been given as aforesaid, shall appoint three disinterested freeholders of said township as viewers of said road, and a surveyor, if required by the [29] petitioners, and shall issue an order directing the viewers, after they shall have been duly sworn, to proceed, on a day named in said order, or within five days thereafter, to view and lay out; or, if a surveyor be appointed, to lay out and survey said road and make a report in writing to the board of trustees of said township at their next meeting; and if no remonstrance, signed by at least six freeholders living within two miles of said road, shall be filed with said board or presented the day on which said viewers make their report; and, if said viewers shall report in favor of establishing said road, then the same shall be recorded in said township records as a township road, which 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 said road may be established, directing him or them, within such time as the said trustees shall deem proper, to open said road: provided, that if such owner or owners shall fail to open said road within the time specified, then the trustees shall direct the supervisors of the district in which said road shall be laid out, to cause said road to be opened; and it is hereby made the duty of said supervisors to obey such orders, and also, it shall be the duty of the supervisors of roads to cause a certain part, (so much as shall be directed by the trustees,) of the road tax to be worked upon the township roads.

SEC. 9. Any owner feeling injured may remonstrate—trustees to appoint three persons to review road and assess damages—petitioners to pay damages assessed. That if any person or persons, through whose land any such township road may be laid out, feel injured thereby, and, remonstrance having been made as prescribed for in the preceding section, shall make application to the said trustees at their first session after the view of said township road, it shall be the duty of the trustees to appoint three disinterested freeholders of said township, whose duty it shall be, after being duly sworn, to proceed to review that part of said road through the premises of said complainant or complainants, and assess the damages, if any, and make a report in writing to said board of trustees; and if said re-viewers shall report that the advantages of said township road are not equal to the dam-

ages occasioned thereby to the premises of the complainant, and shall therein report the amount of damages, the petitioners shall be required to pay the damages assessed and until they do so, said trustees shall refuse to establish said road, and all other expenses of the re-viewers and surveyor if any, both at view and re-view, shall be paid by the petitioners for said road, and if they shall neglect or refuse to do so, it is hereby made the duty of the township treasurer to commence suit on the bond and prosecute the same to final judgment and execution: provided, that if no damages shall be allowed, any one asking to re-view, shall [30] enter into bonds with sufficient security, payable to the treasurer of the township, conditioned for the payment of all costs arising from such re-view, which shall be proceeded with in like manner as with the petitioners bond.

SEC. 10. Conflicting parts of amended act, repealed. That so much of the act entitled an act for the organization of townships, as conflicts with the provisions of this act, be, and the same is, hereby repealed.

SEC. 11. Takes effect after passage. This act to take effect and be in force from and after its passage.

Approved, 5th June, 1845.

CHAPTER 12.

SHERIFFS AND CONSTABLES FEES.

AN ACT to regulate fees of sheriffs and constables in attendance on district courts.

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

SECTION 1. No sheriff or constable to be paid by territory, who has been paid by the United States for same service. That no sheriff, deputy sheriff or constable shall be paid out of the county treasury for attendance on the district court in any county in this territory for any day or days for which he may have received, or may be entitled to receive, pay from the United States.

SEC. 2. Acts and parts of acts conflicting repealed. That so much of the fifteenth section of an act entitled "An act concerning costs and fees," approved 11th February, 1843, and all other acts or parts of acts that conflict with the provisions of this act, be, and the same are, hereby repealed.

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

Approved, 5th June, 1845.

[31] CHAPTER 13.

CONSTITUTION RE-SUBMITTED TO THE PEOPLE.

AN ACT to submit to the people the draft of a constitution formed by the late convention.

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

SECTION 1. Constitution submitted to the people first Monday of August next. That the constitution as it came from the hands of the late conven-

tion, be and the same is hereby submitted to the people for their ratification or rejection; and for said election a poll shall be opened in each election precinct in this territory, at the places of holding the general election, upon the first Monday of August next: provided, that where counties are not organized into townships, polls shall be opened at the places of voting for members of the legislature.

SEC. 2. Judges of elections to interrogate voters for or against constitution. That it shall be the duty of the judges of the election, to interrogate the qualified electors when they approach the polls to vote, whether they are in favor of, or against the constitution; to which interrogatory the elector shall answer simply, "constitution," or "no constitution;" and the clerk of said election shall thereupon write down his name in a column headed, "constitution," or "no constitution," in accordance with the vote of said elector.

SEC. 3. Returns to be made as ordered in February, 1844, governor to proclaim result. The returns of said election shall be made in all respects as the returns made under the act of the 12th February, A. D. 1844, for and against a convention; and, thereupon, the governor shall issue his proclamation declaring the number of votes given for and against the constitution.

SEC. 4. If carried secretary to send certified copy to delegate, with abstract of votes. That, if the constitution shall receive a majority of the votes cast at said election, the secretary of the territory shall forward a certified copy of the constitution to the delegate in congress from this territory, together with a certified abstract of the votes cast at said election.

[32] **SEC. 5. How election shall be conducted.** That the election provided for in this act, shall, in all respects, be conducted in accordance with the provisions of an act regulating general elections, so far as applicable, except as is herein specially provided for.

SEC. 6. Secretary to cause this act to be published—county commissioners to give notice of poll—sheriff to post the same 20 days before election. That it shall be the duty of the secretary of the territory to cause this act to be published in all the newspapers of the territory, as soon as the same shall become a law; 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 purpose specified in the first section of this act, to the sheriff of his proper county, who is hereby required to post up notices according to law at least twenty days before the next August election.

SEC. 7. Every white male citizen 21 years of age, a resident July 1, 1845, entitled to vote. That every white male citizen of the United States who shall have attained the age of twenty-one years, and who may have been a resident of this territory on the first day of July, A. D. 1845, shall be entitled to vote for or against the constitution at said election: provided, that said citizen shall continue to reside in the territory from the said first day of July up to the time of holding said election.

SEC. 8. No election for state officers to be held until Iowa is admitted as a state—proviso, ratification of constitution not to be considered as an acceptance of congressional boundaries—admission incomplete until future conditions of congress are complied with. And be it further enacted, that no election of state officers shall be held under said constitution, if ratified at said election, until after the admission of the state of Iowa is complete: provided, that the ratification of the constitution, as aforesaid, shall not be construed as an acceptance of the boundaries fixed by congress in the late act of admission, and the admission shall not be deemed complete until whatever condition may be imposed by congress shall be ratified by the people.

SEC. 9. Takes effect after passage. This act shall take effect and be in force from and after its passage.

Secretary's Office, Iowa City,
June 10, 1845.

This bill having been returned to the legislative council (in which house it originated) by the governor, with his objections to its passage, was duly passed by a majority of two-thirds; and subsequently passed, by a similar majority, in the house of representatives. By the organic law, said act thereby became a law, and I hereby so declare it.

S. J. BURR,
Secretary of Iowa Territory.

[33] CHAPTER 14.

TIME OF HOLDING DISTRICT COURTS.

AN ACT to amend an act entitled "An act to establish the time of holding the district courts in the several judicial districts in this Territory," approved 12th February, 1844.

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

SECTION 1. Additional term for Linn county on sixth Mondays after first Mondays in March and September. That, in addition to the second Mondays after the first Mondays in March and September, the district court shall meet in the county of Linn on the sixth Mondays after the first Mondays in March and September.

SEC. 2. For Mahaska tenth Mondays after first Mondays of March and September. That, the district court shall meet in the county of Mahaska, on the tenth Mondays after the first Mondays in March and September; and, in the county of Keokuk on the eleventh Mondays after the first Mondays in March and September.

SEC. 3. All laws and parts, conflicting herewith, repealed. That all laws and parts of laws coming in conflict with this act, be, and the same are hereby repealed.

SEC. 4. Takes effect after first day of August next. This act to take effect and be in force from and after the first day of August next.

Approved, June 7th, 1845.

CHAPTER 15.

MILITIA ORGANIZATION.

AN ACT to organize and discipline the militia of this territory.

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

SECTION 1. Militia acts of January 4, 1839, July 31, 1840, and February 17, 1842, revived. That an act entitled "An act to organize, discipline and govern the militia of this territory," approved, January 4, 1839, and an act entitled "An act to organize, discipline and govern the [34] militia of this

territory," approved, July 31, 1840, and an act entitled "An act to amend the militia law," approved February 17, 1842, are hereby revived, re-enacted and declared to be in force as though the same had not been repealed.

SEC. 2. **Each battalion to rendezvous once a year.** For the purpose of keeping up the organization of the militia of this territory, and to enable the officers to make full returns of the strength of the militia, each company and regiment or battalion shall rendezvous once in each year in the month of September, at such a time and place as their respective commandments may direct; but no regiment, battalion or company shall be required to rendezvous more than once in each year, anything in the aforesaid acts to the contrary notwithstanding.

SEC. 3. **Militia act of fifteenth February, 1844, repealed.** That an act entitled "An act amendatory of an act to organize, discipline and govern the militia of this territory, approved, July 31, 1840," approved 15th February, 1844, be, and the same is, hereby repealed.

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

Approved, June 7th, 1845.

CHAPTER 16.

ELECTION OF MEMBERS POSTPONED.

AN ACT to postpone the election of the members of the house of representatives of the territory of Iowa, from August until April.

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

SECTION 1. **Postpones election to first Monday of April, 1846.** That the annual election of members of the house of representatives of the territory of Iowa, shall be, and the same is, hereby postponed until the first Monday of April next.

SEC. 2. **Repeals conflicting acts.** That all acts and parts of acts that conflict with the provisions of this act, be, and the same are, hereby repealed.

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

Approved, June 7th, 1845.

[35] CHAPTER 17.

WRITS OF ATTACHMENT.

AN ACT to amend an act entitled "An act allowing and regulating writs of attachment."

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

SECTION 1. **Writ of attachment granted in certain cases.** That when a writ of attachment has been issued by a justice of the peace of any county in said territory and the same be returned for want of personal property upon which to levy, it shall then be lawful for the plaintiff, his agent or

attorney, to file with the said justice an affidavit in writing, setting forth that the defendant is a non-resident of the territory or has absconded, or concealed himself, or so absented himself from his usual place of abode, that the ordinary process of law cannot be served upon him, and has no personal property upon which to levy, and that he has real estate in the county where such suit is brought; it shall then be the duty of the justice to make out and deliver to the plaintiff a transcript of his proceedings; and on the filing of such transcript in the office of the clerk of the district court of the proper county, a writ of attachment shall be issued by said clerk and such proceedings shall be had thereon, as is provided by the act to which this is amendatory.

SEC. 2. Declaration to be filed ten days before return day of writ. That the nineteenth section of said act be so amended as to authorize the plaintiff in attachment to file his declaration ten days before the return day of said writ.

SEC. 3. Twenty-sixth section of amended act, altered. That the twenty-sixth section of said act be so amended as to read as follows: "If the sum thus realized, together with that obtained from garnishees in the manner hereinafter provided, shall be insufficient to satisfy the judgment, the plaintiff may at any time within five years thereafter sue out execution to satisfy the same."

SEC. 4. Takes effect after August 1, 1845. This act shall be in force and take effect from and after the first day of August next.

Approved, June 7th, 1845.

[36] CHAPTER 18.

MINERS' BANK OF DU BUQUE.

AN ACT to provide for the payment of the debt due to the Miners' Bank of Du Buque.

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

SECTION 1. Treasurer to give notice of sale of lots first Monday of May next. That the territorial treasurer be, and he is hereby, required to give notice that a sale of lots belonging to the territory will take place at the front door of the capitol on the first Monday of May next.

SEC. 2. Notice to be published three months before sale. And be it further enacted, that said notice shall be published in two of the newspapers of this territory, and in some one paper in the city of St. Louis and Cincinnati, at least three months before the day of sale aforesaid.

SEC. 3. Treasurer to sell on above day, on six and twelve months credit, sufficient number of lots to pay debt due the bank. And be it further enacted, that upon the said first Monday of May next, the territorial treasurer shall offer at public sale, on a credit of six and twelve months, to the highest bidder, a sufficient number of lots to pay the debt due the Miners' Bank of Du Buque; and upon all sales thus made, the purchaser or purchasers shall execute to the territorial treasurer, for the use of the territory, his or their bond with sufficient sureties for the payment of the same at maturity; and upon the payment as aforesaid, the said treasurer shall make, execute and deliver, to the purchaser or purchasers of said lots, a good and sufficient title in fee simple.

SEC. 4. Treasurer with proceeds to pay debt and interest to bank. And be it further enacted, that at the maturity of said bonds, the territorial treasurer shall proceed to collect the same as soon as possible and apply the proceeds of the same to the payment of the debt, principal and interest due to the Miners' Bank of Du Buque contracted under the provisions of the act of 15th January, 1841.

SEC. 5. Treasurer to re-sell forfeited lots sold prior to 28th June, 1841—to apply proceeds to pay any debt for erection of capitol. And be it further enacted, that if any lot or lots sold prior to the 28th day of June, 1841, have been forfeited to the territory in consequence of non-payment for the same, it shall be the duty of the territorial treasurer to re-sell the same at the time, with the notice and upon the conditions aforesaid, collect the proceeds of the sale as [37] aforesaid, and apply the proceeds of the same to the payment of any debt or debts contracted by the territorial agent for the erection of the capitol at Iowa city, exclusive of the debt now due to the Miners' Bank of Du Buque.

SEC. 6. Repeals acts and parts of acts contravening the intent hereof. And be it further enacted, that all acts and parts of acts contravening the provisions of this act, be, and the same are hereby, repealed.

SEC. 7. This act to take effect and be in force from and after its passage. Approved, June 10th, 1845.

CHAPTER 19.

COUNTY COMMISSIONERS.

AN ACT to amend an act entitled "An act organizing a board of county commissioners in each county," approved, February 15, 1843.

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

SECTION 1. Spring term of commissioners to be held 2d Monday in April. That so much of the fifth section of said act as makes it the duty of the county commissioners to hold their spring term on the first Monday in April in each year, be, and the same is hereby repealed; and that the said spring term shall be holden hereafter on the second Monday in April in each and every year.

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

Approved, June 10th, 1845.

[38] CHAPTER 20.

CHANGING VENUE.

AN ACT amendatory of an act to provide for changing the venue in civil and criminal cases, approved 13th February, 1843.

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

SECTION 1. Clerk to transmit copy of record to proper court. That when any order shall be made by the court or judge thereof, in vacation, award-

ing a change of venue, the clerk of such court shall immediately make out and transmit to the proper court a copy of the order, petition and affidavit, and a full transcript of the record and proceedings in such cause, with certified copies of such original papers filed therein and comprising a part of the record; and said certified copies of such original papers shall have the same force, and be as valid in the court to which they shall have been transmitted, as the original papers; but said original papers shall remain in the office of the clerk of the court where such suit was instituted.

SEC. 2. The affidavit of the criminal to be verified by two witnesses under oath. That when a change of venue is prayed for in criminal cases, the truth of the affidavit of the party wishing the same, shall be verified by the affidavit of at least two respectable disinterested persons, before such change is allowed by the judges.

SEC. 3. Sections 8 and 9 of amended act, and all conflicting parts, repealed. That sections eight and nine, and all other parts of the act to which this is amendatory which conflict with the provisions of this act, be, and the same are, hereby repealed.

SEC. 4. 15th section of said act changed so as to require county where the crime was committed, to pay costs, etc. That the 15th section of said act be so amended as to require the costs and fees of prosecution, and the costs incident to the change of venue, to be taxed to, and paid by the county where the same was committed.

SEC. 5. Takes effect after 1st July next. This act to take effect from and after the first day of July next.

Approved, June 10th, 1845. .

[39] CHAPTER 21.

PROBATE COURTS, ETC.

AN ACT to amend "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors and probate courts, and for defining their duties." Approved, February 13, 1843.

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

SECTION 1. Claimant to serve written notice on administrator, who, if satisfied, shall approve and allow. That any person may exhibit his demand against any estate of a less sum than twenty-five dollars, by serving on the executor or administrator a notice in writing, stating the nature and amount of his claim, with a copy of the instrument of writing or account upon which the claim is founded; and if the executors or administrators shall be satisfied that the claim thus exhibited against the estate of his testator or intestate, is just, he shall endorse thereon his approval and allowance of the same and the time it was exhibited.

SEC. 2. List to be kept and bills paid once a year. All executors and administrators shall keep a list of all demands legally exhibited against the estate of his testator or intestate, and class the same and make returns of such list to the court of probate, once in every year, or oftener if the judge of probate shall direct, which demands shall be paid as provided for by the act to which this is an amendment.

SEC. 3. Claimant to make oath as to what payments have been made. Before any executor or administrator shall allow or pay any debt demanded as due from the deceased, founded on any judgment, decree, bond, note, bill or bills or [of] account, the person claiming such debt shall make affidavit that nothing has been paid or delivered towards the satisfaction of the same, except what is mentioned or credited, and that the sum demanded is justly due, which affidavit shall be attached to and filed with the instrument of writing or account, (upon which the claim is founded,) in the probate office.

SEC. 4. If refused, claimant to apply to probate court, giving 10 days notice—if court rejects claim, claimant to pay costs. If any executor or administrator shall refuse to allow any claim or demand against the deceased after the same may have been [40] exhibited to him, in accordance with the provisions of this act, such claimant may present his claim to the court of probate for allowance, giving the executor or administrator ten days notice of such application to the court: provided, that if said court should also reject such claim, then and in that case, the said claimant shall pay all the cost of such appeal.

SEC. 5. Executors to administer oaths. The executor or administrator is hereby authorized to administer oaths to witnesses or creditors and examine them touching the validity of any claim presented to him against the estate of his testator or intestate.

SEC. 6. Widows dower secured. The dower of widows shall be and remain as fixed by the common law.

SEC. 7. Vacancy in office of probate judge, county commissioners to appoint one for the remainder of the term. That when any vacancy shall happen in the office of judge of probate by death, resignation, removal from the county or otherwise, it shall be the duty of the clerk of the county commissioners court to immediately inform the county commissioners of such vacancy, who shall appoint some suitable person to discharge the duties of said office until the next annual election.

SEC. 8. No claims less than \$25 to be presented to judge until administrator refuses to allow. No demands for a less sum than twenty-five dollars shall be presented to the court of probate for allowance, until after the executor or administrator shall have refused to allow and class the same; and in all such cases, if the claimant be allowed his claim by the court, he shall be entitled to his costs.

SEC. 9. Conflicting portions of amended act, repealed. That all of the seventh chapter of an act to which this is amendatory, except the first section; and all other parts of said act that conflict with the provisions of this act, be, and the same are, hereby repealed.

Approved, June 10th, 1845.

[41] CHAPTER 22.

TITLES TO HALF BREED LANDS.

AN ACT to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in the county of Lee.

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

Whereas, the public tranquility in Lee county, requires that the fee simple title to the tract of land in said county, commonly known as the Sac and

Fox half breed reservation should be ascertained and settled as speedily as possible: and whereas, it would necessarily lead to greater excitement, as well as work manifest injustice to the settlers on said lands that either of the several claims of title to said lands should be competent, in a judicial proceeding, to dispossess or eject said settlers from their improvements and premises, unless fully and fairly established, whereby the settlers, when a judgment is rendered against them on any action brought for the recovery of said lands, may ascertain, with certainty, in whom a good title is vested, and make purchase of the same in case the owner is inclined to sell; therefore,

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

SECTION 1. Plaintiff, if a half breed or claiming under one, in any real action to recover land, must show the partition of lands under which he claims—if he claims under judicial proceeding, must show that he complies with all necessary forms. That in any real or possessory action brought for the recovery of said lands, or any portion thereof, the following particulars shall be complied with by the plaintiff, to enable him to make out a *prima facie* case: first, if the plaintiff be a half breed etc. claiming title in right of himself, or being any other person claiming by, through or under right acquired of a half breed etc., he shall be required to show there has been made a partition of said reservation or lands, of which he, or those under whom he claims, was admitted a party therein; and that all the provisions of the general laws of partition regulating judicial proceedings in relation thereto, commencing with the bill or petition and continuing until, and with, the decree or deed of partition, have been substantially complied with: second, that the plaintiff, if he derive title by, through, under or by virtue of any judicial proceedings otherwise than by partition as aforesaid, shall [42] be required to show that such proceedings, commencing with the publication or original process, and including all the other records in the case, have, if such proceedings were based on the provisions of a public act or acts, substantially complied with the provisions of said act or acts, or if based on a private act or acts, has fairly and strictly complied with the directions thereof: third, if the plaintiff claim under and by virtue of a tax title, he shall show that the provisions of the general act in relation to tax, assessments, delinquencies, and sales, has been substantially complied with.

SEC. 2. Defendants allowed to show titles outstanding superior to that of plaintiff. The defendant or defendants in any such action or actions, whatever may be the nature of his or her interest in said lands, or whether they are merely occupants without any interest therein except their possessory rights, shall be permitted to show in evidence for the defeat of the plaintiff's claim that there are still superior titles outstanding to that under which the plaintiff claims, and every matter of defense which the holder of any such outstanding claims or titles might himself be permitted to prove, for the contravention of the plaintiff's title, may be relied upon by the defendant who claims no other than a possessory right in said lands.

SEC. 3. Court to give such construction to this act, as will prove real ownership. It shall be the duty of the court to give this act such liberal construction as will most tend to the ascertainment of the real or valid title to said reservation or lands.

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

Secretary's office, Iowa City,
June 11, 1845.

This act having been returned by the governor, with his objections to its passage, to the legislative council (in which house it originated) was duly passed by a majority of two thirds—sent to the house of representatives, and there passed by a similar vote. By the organic law said act thereby became a law, and I hereby so declare it.

S. J. BURR,
Secretary of Iowa Territory.

[43] CHAPTER 23.

STEAM BOATS.

AN ACT to prevent and punish the owners and masters of steam boats committing trespass upon the property of persons living in this territory, and for other purposes.

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

SECTION 1. **Master taking wood, etc., to leave written notice on the spot.** That it shall be the duty of every master or owner of any steamboat navigating any river within or bordering upon this territory, whenever he or they shall take any wood or other property belonging to any citizen or citizens of this territory without the consent of such owner or owners, or in his or their absence, to make out or cause to be made out, a card or notice specifying the number of cords of wood and the amount and description of such other property with the day and date when the same was taken by said master or owner, and leave such card or notice in some conspicuous place where such wood or other property was taken, and where the same may be found by such owner or owners.

SEC. 2. **Failure to comply with first section, guilty of misdemeanor—fine not over \$100, nor less than \$10—imprisonment not exceeding 30 days.** If any master or owner of any steam boat, as aforesaid, shall neglect to comply with the provisions of the first section of this act, or shall fail to pay for said wood or other property when called upon to do so by such owner or owners thereof, every captain or owner of such steam boat shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding one hundred dollars, nor less than ten dollars, and shall moreover be liable to the party injured for the value of said wood or other property, also be imprisoned not exceeding thirty days at the discretion of the court.

SEC. 3. **Suit before justice, if damages exceed his jurisdiction, recoverable by presentment in district court.** Suit may be instituted before any justice of the peace of the proper county, for any violation of the first section of this act; and should the amount of the damages exceed the jurisdiction of the justice of the peace, the same shall be recovered by presentment or indictment in the district court.

[44] SEC. 4. **Master taking any water craft, liable to double damages.** If the master or owner of any steam boat, as aforesaid, shall at any time hereafter take or cause to be taken, any flat, keel-boat or other water craft from any person in this territory, for the purpose of aiding or assisting them in lighting said boat, or in any way conveying freight from, or to, said boat, or lighting the freight of said boat over either the upper or lower rapids of the Mississippi river or any bar or shoal or other place on said river, or any river of this territory, without the consent of the owner or owners, or

in his or their absence, and shall refuse to pay a reasonable compensation for the use of said flat, keel-boat or other craft; he or they shall forfeit and pay to the owner or owners thereof, double the amount of what may be considered by the court or jury, a fair compensation for the use of such craft, to be recovered by action of debt before any court having competent jurisdiction thereof.

SEC. 5. Master liable for all damages. If any master or owner of any steam boat as aforesaid, shall obtain any craft, as aforesaid, either with or without the consent of the owner or owners thereof, and shall lose, injure or destroy the same, or lose or misplace any apparatus belonging to the same, he or they shall be liable for all such damages to the owner or owners thereof.

SEC. 6. Action by warrant or attachment—master held to bail—proviso, action to be brought within two years. All actions brought under the provisions of this act, shall be by warrant or attachment, and the master or owner of said boat shall be held to bail in such sum as the court before which the suit is instituted shall require, until all damages shall be paid, together with costs of suit: provided, all such steam boats, as aforesaid, shall be held liable and responsible for all debts and damages arising under the provisions of this act, for a period of time not exceeding two years, and the same shall be a lien on said boat for that length of time, whether said boat shall be sold and transferred, or remain in possession of the original owner or owners.

SEC. 7. Master leaving wharf after process served, liable for double damages. If the master or owner of any steam boat, as aforesaid, after process is served on him or them by any constable, sheriff or other officer, as aforesaid, shall, with intent to avoid the payment or without securing such demand, leave the landing or wharf where such process is served, with his boat, he shall be liable for double the amount of the demand.

SEC. 8. Master carrying off officer deemed guilty of misdemeanor—fine \$500. Should any master or owner of any such steam boat, as aforesaid, take or carry off any constable, sheriff or other officer, forcibly and against his will, who may hereafter go on board of such steam boat to serve any process as provided for in this act, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined [45] in any sum not exceeding five hundred dollars, nor less than one hundred dollars.

SEC. 9. Takes effect after July 4th, 1845. This act to take effect and be in force from and after the fourth day of July next.

Approved, June 10th, 1845.

CHAPTER 24.

BAIL.

AN ACT to amend an act entitled "An act concerning bail," approved January 25, 1839.

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

SECTION 1. When bond is forfeited defendant not allowed to enter new bond. That, hereafter, when any bail bond or recognizance is required by the court of any defendant or defendants in pursuance of an act (to which this is amendatory,) approved, January 25th, 1839, and the said bail bond or recognizance becomes forfeited in consequence of the defendant or defendants

not complying with the conditions of the same, the said defendant or defendants shall not be permitted to enter into any further bail bond or recognizance.

SEC. 2. Forfeited bond to be prosecuted. That when the said recognizance or bail bond shall become forfeited, the same shall be prosecuted to final judgment; any provisions in the act to which this is amendatory to the contrary notwithstanding.

SEC. 3. All acts and parts, conflicting herewith, repealed. All acts and parts of acts that come in conflict with the provisions of this act, be and the same are, hereby repealed.

SEC. 4. This act to take effect after 1st of August next. This act to take effect and be in force from and after the first day of August next.

Approved, June 10th, 1845.

[46] CHAPTER 25.

TRESPASSING UPON LANDS.

AN ACT to punish persons trespassing upon lands.

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

SECTION 1. Persons removing property to pay double the value and costs. That, hereafter, if any person knowingly enter on the lands belonging to another person, fall, box, bore, or carry away any timber, stone or stone coal or minerals of any description; the person so offending shall forfeit and pay double the value of such timber, stone, stone coal or minerals, to be recovered, together with costs of suit, by the person injured before any justice of the peace or any court having jurisdiction thereof.

SEC. 2. Failing to pay, to be imprisoned not over 30 days. And hereafter when any person shall be found guilty of trespass according to the provisions of the preceding section, and shall on the rendition of judgment, neglect or refuse to pay said damages and costs of suit, or to give security for the payment of the same, it shall be the duty of the court before whom such judgment was rendered, to imprison said defendant in the county jail, if any in such county, and if not, then in the jail nearest said county, until said defendant shall pay or cause to be paid the aforesaid damages and costs: provided, said imprisonment shall not extend beyond the period of thirty days.

SEC. 3. Conflicting acts and parts of acts, repealed. All acts and parts of acts contravening the provisions of this act, be, and the same are, hereby repealed.

SEC. 4. Takes effect after August 10th, 1845. This act to take effect and be in force from and after the first day of August next.

Approved, June 10th, 1845.

[47] CHAPTER 26.

ROAD TAX, ETC.

AN ACT to amend an act to provide for levying a tax on real and personal property, for road purposes, approved, February 16, 1842.

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

SECTION 1. Supervisor to make list of those who have not paid or worked road—treasurer, when no personal property can be had, to sell real estate to lowest bidder. That, in case any road tax is not paid or worked out by either resident or non-resident, on or before the first day of November in each year, then the supervisor shall make out a list of delinquents, attach his certificate thereto, and deliver the same to the treasurer of the county; and the said treasurer, provided no personal property can be found out of which to make such road tax, shall proceed to sell the real estate of such delinquent upon which such road tax shall have been levied, by publishing, in the nearest newspaper, and by posting upon the court house door of the county in which such real estate shall be situated, a notice containing a description of such real estate, four weeks successively, that said real estate will be sold for the road tax levied thereon at the court house door, and that said real estate will be sold on the day to be therein specified, between the hours of 10 o'clock, a. m., and 4 o'clock, p. m., to the purchaser who will bid for the least quantity to be taken off of the northeast corner of the land so sold, for the said tax and expenses of sale.

SEC. 2. Treasurer to deed property. That said treasurer is hereby authorized and required to make to such purchaser, in his name as treasurer of his proper county, a deed conveying the real estate so sold in fee simple.

SEC. 3. Redeemable in two years, with 50 per centum interest. That the owner of said real estate may redeem the said estate so sold, by paying to such purchaser, or the treasurer of the county, for the purchaser or his assigns, the sum bid for said land, with fifty per centum per annum, at any time within two years after such sale.

[48] **SEC. 4. Such deed prima facie evidence.** That the deed so executed shall be *prima facie* evidence of the regularity of the proceedings.

SEC. 5. Title not to be questioned unless an offer of principal and above interest be first made. No person shall ever question the title of the purchaser to the real estate so purchased, in any court of law or equity, either as plaintiff or defendant, or complainant or defendant, unless he shall have paid or offered to the purchaser of said real estate, or his assigns, the sum so paid for said real estate, with fifty per centum per annum, from the date of such sale and the costs of such sale and deed.

SEC. 6. Certified allowance for over work. That it shall be the duty of the road supervisor to issue a certificate to any person for the number of days such person may have labored on the roads in his district, exceeding the number of days for which such person was taxed.

SEC. 7. Certificate to be applied to any road tax unpaid by holder. That the treasurer of the county shall receive such certificate as money, in payment of the road tax of the person holding the same, for any lands in his county owned by such person, unpaid.

SEC. 8. Moneys collected under this act to be appropriated by county on roads and bridges in road districts where paid. That the moneys collected on such sale shall be appropriated by the board of commissioners for the improvement of roads, and the erection of bridges within the road district where said land is situated.

SEC. 9. Act to take effect after passage. This act shall take effect from and after its passage.

Approved, June 10th, 1845.

CHAPTER 27.

OBSTRUCTION OF ROADS PUNISHED.

AN ACT to prevent and punish the obstruction of public roads and highways.

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

SECTION 1. Injuring road, fine of \$10—imprisonment, if not paid. That if any person shall obstruct any public road or highway in this territory by felling any tree or trees across the same, or by encroaching upon, or fencing, or ploughing up the same, or by placing any other obstruction thereon, or who shall destroy or injure any bridge or causeway, or remove any plank or timber therefrom without being legally authorized so to do, [*] nor less than ten dollars, and shall be imprisoned in the county jail until the fine and costs are paid.

[49] **SEC. 2. Sheriff to order person committing injury, to repair.** That in every case where a highway shall have been laid out, and the same has been, or shall be, obstructed as aforesaid, the sheriff of the proper county, shall, on being notified thereof, order such obstruction to be removed, which order shall be reduced to writing and signed by the sheriff, and a copy thereof served upon the person charged with having made or caused the same.

SEC. 3. If not done in six days, sheriff to do it, and the guilty person to pay costs. That if such removal shall not be made in accordance with such order, within six days after the service of the same, it shall then be the duty of the sheriff to take with him such assistance as may be necessary, and proceed without delay, to remove such obstruction; and the person guilty of making the same, shall pay all costs and expenses of said removal.

SEC. 4. Fees of sheriff for his duties. That the sheriff, for rendering the services required by this act, shall be entitled to receive the following fees, to-wit: for making out order of removal, one dollar; for serving same on each defendant, fifty cents, and mileage as now established by law; for superintending removal, two dollars per day, and for each person employed to assist him, one dollar per day.

SEC. 5. Conflicting acts repealed. That all the acts and parts of acts which conflict with this act, be, and the same are, hereby repealed.

SEC. 6. Takes effect September 1st, 1845. This act to take effect and be in force from and after the first day of September next.

Approved, June 11th, 1845.

*(Omission in the original enrolled act.)

CHAPTER 28.

SUITS BY FOREIGN EXECUTORS, ETC.

AN ACT to amend an act entitled "An Act to regulate the institution of suits by foreign executors, administrators, and guardians, within this territory.

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

SECTION 1. Foreign administrator to prosecute, by giving bond with resident securities. That, when any letters testamentary or of administration may have been or shall be granted on the estate of any deceased person who may have been a resident in any one of the United States or territories thereof, except this territory, any person [50] or persons to whom either of said letters may have been or shall be granted, shall be enabled to prosecute suits in any court in this territory, in the same manner as if such letters had been granted to such person or persons by any court in this territory; and such person or persons to whom either of said letters may have been or shall be granted, shall, before entering on the discharge of his or their duty, make out a good and sufficient bond, such as is now required by law for administrators with two or more good and sufficient securities, resident within the county where the estate of any deceased person may be, and shall file the same in the office of the judge of probate of said county.

SEC. 2. Probate judge to require letters to be filed in his office. That it shall be the duty of the judge of probate of the county to require all foreign executors, administrators and guardians, before entering on the discharge of his or their duty, to file in the office of said court his or their letters testamentary, or of administration, or an attested copy thereof.

SEC. 3. Acts and parts conflicting, repealed. That all acts and parts of acts that conflict with the provisions of this act, be, and the same are hereby repealed.

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

Approved, June 11th, 1845.

CHAPTER 29.

SAC AND FOX INDIAN COUNTRY.

AN ACT to attach the country ceded to the United States by the Sac and Fox Indians, 1842, to the adjacent counties.

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

SECTION 1. Country ceded in 1842, attached to organized counties adjacent, after 10th October next. That from and after the tenth day of October next, all of that part of the country ceded to the United States by the Sac and Fox Indians, by the treaty of October, A. D. 1842, which lies west of the present Indian boundary line, or of a line drawn north and south through the Red Rock on the Des Moines river, extending from the Missouri river to the

neutral ground, be, and the same is, hereby attached to the organized counties adjacent to said country, and lying along said Indian boundary line for judicial and other purposes.

[51] SEC. 2. **This act to take effect after passage.** That this act to take effect and be in force from and after its passage.

Approved, June 11th, 1845.

CHAPTER 30.

APPROPRIATION ACT.

AN ACT providing for the compensation of members and officers of both houses of the present session and for other purposes.

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

SECTION 1. **Appropriates for members council, seventeen hundred and eighty-four dollars.** That the following sums be, and they are, hereby appropriated out of any moneys in the hands of the secretary of the territory of Iowa, for the following purposes, viz:

For pay and mileage of the members of the council, seventeen hundred and eighty-four dollars.

[52] SEC. 2. **Officers of council, five hundred and forty dollars.** For pay of the officers of the council, five hundred and forty dollars.

SEC. 3. **Members house, three thousand six hundred ninety-seven dollars.** For pay and mileage of the members of the house of representatives three thousand six hundred and ninety-seven dollars.

SEC. 4. **Officers of house, five hundred and fifty-two dollars.** For pay of the officers of the house of representatives, five hundred and fifty-two dollars.

SEC. 5. **John Lorton, Peter Conboy, G. W. Jeffries and John Johnson, six dollars each.** To John Lorton, for services as sergeant-at-arms for two days, six dollars; to Peter Conboy, as fireman for two days, six dollars; to George W. Jeffries, as assistant clerk two days, six dollars as per resolution; and that John Johnson be allowed six dollars for two days' services as speaker pro tem. of the house of representatives.

SEC. 6. **President of council, one hundred and eight dollars.** For extra pay to the president of the council, one hundred and eight dollars.

SEC. 7. **Speaker of house, one hundred and eight dollars.** For extra pay to the speaker of the house of representatives, one hundred and eight dollars.

SEC. 8. **For postage of house, one hundred and seventy-five dollars and ninety-two cents.** To S. C. Trowbridge for postage on letters, papers, documents, etc., for the house of representatives, the sum of one hundred and seventy-five dollars and ninety-two cents.

SEC. 9. **Postage of council, one hundred and fourteen dollars and fifty-two cents.** To S. C. Trowbridge for letters, papers, documents, etc., for the council the sum of one hundred and fourteen dollars and fifty-two cents as per bill.

SEC. 10. **House incidental printing, three hundred and seventy-seven dollars and forty-six cents.** To Williams and Palmer for printing, as per bill rendered for the house of representatives, the sum of three hundred and seventy-seven dollars and forty-six cents.

SEC. 11. Council incidental printing, two hundred and sixty-eight dollars and fifty-four cents. To Williams and Palmer for printing for the council, as per bill rendered, the sum of two hundred and sixty-eight dollars and fifty-four cents.

SEC. 12. Cleaning basement, twenty dollars. To Peter Conboy, for work in basement of Capitol, twenty dollars.

SEC. 13. Balance for binding laws, one hundred dollars. To William Green (a balance) for stitching and pressing the session laws of 1843 and 4, one hundred dollars, as per resolution.

SEC. 14. To James Trimble, six dollars. To James Trimble, (justice of the peace,) for administering official oaths to the several members of the house of representatives, the sum of three dollars;—and to James Trimble, for administering official oaths to the members of the Council, three dollars.

SEC. 15. James Clarke, seven dollars. To James Clarke, editor of the Territorial Gazette, for papers furnished members of the house of representatives, the sum of seven dollars.

SEC. 16. Jonathan Reed, fifteen dollars—J. F. Kinny, two hundred and fifty dollars. To Jonathan Reed, for two and one-half dozen bottles ink, fifteen dollars; to J. F. Kinny, secretary of the council, two hundred [53] and fifty dollars for superintending, indexing, and distributing the journals of the council, for the present session.

SEC. 17. Thomas Snyder, four dollars. To Thomas Snyder, for work on desks, four dollars.

SEC. 18. A. P. Wood, eighty-four dollars. To A. P. Wood, for papers furnished the members of the house of representatives, as per bill rendered, the sum of eighty-four dollars.

SEC. 19. A. P. Wood, forty-four dollars. To A. P. Wood, for papers furnished the members of the council, as per bill rendered, forty-four dollars.

SEC. 20. Wm. Thompson, two hundred and seventy-five dollars. To William Thompson, for indexing and superintending the printing of the journals of the house of representatives for the present session and distributing the same, the sum of two hundred and seventy-five dollars.

SEC. 21. John Larue, ninety-six dollars and thirty-seven cents. To John Larue, for wood furnished the legislature, as per contract in December, 1844, eighty-nine dollars thirty-seven cents; to drawing goods from Bloomington, as per secretary's receipt, seven dollars.

SEC. 22. Henry Felkner, eighty-one dollars and twenty-five cents. To Henry Felkner for wood furnished the legislature, as per contract under date of March 17, 1844, eighty-one dollars and twenty-five cents.

SEC. 23. S. J. Burr, fifty-eight dollars and twenty-five cents. To S. J. Burr, for amount paid Bridgman and Brothers for articles furnished the legislative assembly, fifty-eight dollars and twenty-five cents.

SEC. 24. Wesley Jones, twenty-four dollars and fifty-nine cents. To Wesley Jones, for articles furnished the legislature, as per bill rendered, bearing date June the 2nd, 1845, twenty-four dollars and fifty-nine cents.

SEC. 25. Samuel Isaacks, one hundred and eighty-five dollars and fifty cents. To Samuel Isaacks, of New York, for stationery furnished the legislature for the present session, as per agreement with the secretary of the territory, one hundred and eighty-five dollars and fifty cents.

SEC. 26. J. S. Kimball, forty-two dollars and fifty cents. To J. S. Kimball, for stationery furnished the legislature for the present session, the sum of forty-two dollars and fifty cents.

SEC. 27. James G. Edwards, three dollars. To James G. Edwards, for papers furnished the house of representatives, the sum of three dollars.

SEC. 28. Jones & Powell, twenty-nine dollars and forty-six cents. To Jones and Powell, for articles furnished the legislature, the sum of twenty-nine dollars and forty-six cents.

SEC. 29. **Hepburn and Shoup, eighteen dollars.** That Hepburn and Shoup be allowed the sum of eighteen dollars.

SEC. 30. **William Crum, eighty-six dollars.** To William Crum, for eighty-six tokens press work, at \$1 per token, eighty-six dollars.

SEC. 31. **S. J. Burr, two hundred and fifty dollars.** To S. J. Burr, for indexing and superintending the printing of the laws of the present session, and laws of the extra session in June last, the sum of two hundred and fifty dollars.

SEC. 32. **F. M. Irish, one hundred and fifty dollars.** To F. M. Irish, for distributing the laws passed at the present session, the sum of one hundred and fifty dollars.

SEC. 33. **James MacIntosh, twelve dollars.** To James Macintosh, for framing and varnishing maps, twelve dollars.

SEC. 34. **Hughes & Waters, one dollar.** To Messrs. Hughes and Waters, for newspapers, one dollar.

SEC. 35. **Pro tem. officers of the council forty-five dollars.** To pro tem. officers of the council, as follows: to Shepherd Lefler, president pro tem., nine dollars; to James W. Woods, secretary, and Alexander D. Anderson, assistant secretary, nine dollars each; to James R. Hartsock, sergeant-at-arms, Robert Secrest, door keeper, and Charles W. Anderson, fireman, nine dollars each.

Approved, June 11th, 1845.

CHAPTER 31.

MINERS' BANK OF DU BUQUE.

AN ACT to repeal the charter of the Miners' Bank of Du Buque, and to provide for winding up the affairs of the same.

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

SECTION 1. **Repeals the charter.** That the act entitled "An act to incorporate the stockholders of the Miners' Bank of Du Buque," approved November 30th, 1836, is hereby repealed.

SEC. 2. **Judge to appoint trustees, who are to settle concerns.** It shall be the duty of the judge of the third judicial district, and he is hereby authorized to appoint two trustees who shall have full power to settle the affairs of the said bank, to sell and convey the personal and real estate thereof, and to collect and pay the debts of the same. The said trustees shall have authority to sue for and recover the debt, and property of the said Bank by the name of "The Trustees of said Bank;" and shall divide among the stockholders, the money and other property that shall remain after the payment of debts and necessary expenses.

SEC. 3. **How they shall settle.** The said trustees shall receive in payment of all debts [55] due to said bank, the bills of the same, at the value expressed on their face; and the real estate belonging to said bank shall be sold on a credit of four, eight and twelve months, and the amount of purchase money divided into three equal payments as above. The purchaser or purchasers shall give bond and security, to be approved by said trustees, together with a mortgage on the property purchased, to secure the payment of the money. If any purchaser shall fail to comply with the above requirements within two days after sale, the property shall be again

offered for sale, by giving twenty days previous notice; and the purchaser so failing, as aforesaid, shall be compelled to pay any deficiency that may arise by reason of such second sale, and pay the costs arising therefrom.

SEC. 4. **Trustees to give bond.** The said trustees, before entering on the discharge of their duties, shall give a bond to the clerk of the district court for Du Buque county, for the use of all persons in interest in such sum and with such securities as shall be approved by the said judge of the third judicial district, and shall be jointly and severally responsible to the creditors and stockholders of said bank to the extent of the property and effects of the said bank that shall come into their hands.

SEC. 5. **No pending suit affected hereby.** No suit pending in any court in the territory, in which the said bank is a party, shall be discontinued, or in any way affected by the repeal of the charter of said bank; but such suit may be prosecuted to a final termination by the said trustees.

SEC. 6. **Trustees to inventory property—allowed two years—judge can extend their time—to report whenever required by him—compensation.** The said trustees on receiving their appointment, shall take possession of the property and effects of said bank—shall make a complete schedule on the same, a copy of which shall be filed in the office of the clerk of the district court of DuBuque county, and shall close the affairs of the same within a reasonable time, not to exceed two years, unless, for good cause shown, the said judge shall extend the time. And they shall make a final report to said judge of their doings, and shall also report from time to time, the condition of their trust, whenever required by him. And they shall receive such compensation for their services as shall, by said judge, be deemed just and reasonable.

SEC. 7. **Takes effect 20 days after passage.** This act shall take effect and be in force from and after twenty days from its passage.

Secretary's Office, Iowa City, May 21, 1845.

This act was presented to the governor, for his approval on the 15th instant, and having been retained by him three days, was returned to [56] the committee from which it was received, without his signature. By the organic law said act became a law, and I hereby so declare it.

S. J. BURR,
Secretary of Iowa Territory.

CHAPTER 32.

MUSCATINE COMPANY.

AN ACT to amend an act entitled "An Act to incorporate the subscribers for erecting a dam across the Muscatine Slough," approved, 5th February, 1844.

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

SECTION 1. **Changes the name to "Muscatine Company."** That the name of the subscribers for erecting a dam across the Muscatine slough, be changed to the name and style of the "Muscatine Company," and shall ever hereafter be known under such name and style, and by such name and style transact all business pertaining to the business of their association: provided, that this act shall not revive said association, should the same have hitherto been forfeited.

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

Approved, May 26th, 1845.

CHAPTER 33.

TAX ON PROPERTY IN DU BUQUE COUNTY.

AN ACT to authorize the Board of Commissioners of the county of Du Buque, to levy a tax on all real estate and personal estate now subject to taxation in said county.

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

SECTION 1. Board of commissioners to levy tax not to exceed one per cent. That the board of commissioners of the county of Du Buque, be, and they are, hereby authorized to levy a tax for [57] county purposes, not to exceed one per centum, on all real and personal estate now subject to taxation in said county, for the term of two years from and after the passage of this act.

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

Approved, May 26th, 1845.

CHAPTER 34.

NAME OF LOUISVILLE, CHANGED.

AN ACT to change the name of the town of Louisville, in the county of Wapello.

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

SECTION 1. Change to Ottumwa. That the name of the town of Louisville in the county of Wapello, be changed to that of Ottumwa.

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

Approved, May 26th, 1845.

CHAPTER 35.

NAME OF SALEM CHANGED.

AN ACT to change the name of the village of Salem, in the county of Muscatine.

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

SECTION 1. Name changed to Fairport. That the name of the village of Salem, in the county of Muscatine, be changed to that of Fairport.

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

Approved, May 26th, 1845.

[58] CHAPTER 36.

VACATING PART OF PORT ALLEN.

AN ACT to amend an act entitled "An Act to vacate a part of the town plat of Port Allen, and to legalize the re-location of a part of a territorial road," approved, 13th February, 1843.

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

SECTION 1. Repeal part of an act of 1843. That so much of the act entitled "An act to vacate a part of a town plat of Port Allen, and to legalize the relocation of a part of a territorial road;" approved 13th Feb., 1843, as vacates that portion of Water streets in front of the present town plat of said town on the Iowa and Cedar rivers, be, and the same is hereby repealed.

SEC. 2. Water streets highways. That said Water streets, fronting on the Iowa and Cedar rivers opposite the present town plat of the town of Port Allen, and within the bounds are hereby declared public highways.

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

Approved, 28th May, 1845.

CHAPTER 37.

ONE PER CENT. TAX IN LINN AND DELAWARE COUNTIES.

AN ACT to empower the board of commissioners of Delaware and Linn counties to levy a tax not exceeding one per cent. for the period of two years.

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

SECTION 1. Commissioners to levy tax. That for the purpose of raising a revenue to defray the expenses of Delaware and Linn counties, the board of commissioners of said counties are hereby authorized and required at their discretion to levy a tax not exceeding one per cent. for the period of two years upon all real and personal property subject to taxation within said counties.

[59] **SEC. 2. Act to take effect after July 1st.** This act to take effect and be in force from and after the first day of July next.

Approved, 28th May, 1845.

CHAPTER 38.

CHARLES E. BENSIL.

AN ACT to legalize the acts of Charles E. Bensil, former recorder of deeds in the county of Clayton.

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

SECTION 1. Declares his official acts valid. That the official acts of Charles E. Bensil, former recorder of deeds, in the county of Clayton, are hereby declared to be legal and valid to all intents and purposes.

SEC. 2. Present recorder to record deeds, etc. That it shall be the duty of the present recorder of deeds in said county of Clayton, to procure a good, sufficient and well bound book, such as is now required by law for such purposes, for which he shall be paid out of the treasury of said county, in which he shall record, in a fair and legible hand, all deeds, mortgages, bills of sale, &c., which were not recorded by his predecessor in office, and for that purpose he shall be paid out of the treasury of said county, the same amount that he is now allowed by law for such purposes.

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

Approved, 28th May, 1845.

CHAPTER 39.

JOSEPH A. REYNOLDS.

AN ACT to make valid in law the acts of Joseph A. Reynolds, a justice of the peace in and for the county of Buchanan.

Whereas, Joseph A. Reynolds a citizen of the county of Buchanan [60] in the territory of Iowa, was unanimously elected on the twenty-second day of April, 1845, a justice of the peace in and [for] said county: and whereas doubts have arisen as to his eligibility to said office, in consequence of his having been absent from said county on business for about one year, next preceding said election: therefore,

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

SECTION 1. Official acts legalized. That the official acts of Joseph A. Reynolds, an acting justice of the peace in the county of Buchanan in said territory, be, and the same are hereby legalized, and made as valid to all intents and purposes, as if the said Reynolds had been a resident of said county, within the meaning and provisions of the statute prescribing the qualifications of justices of the peace.

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

Approved, 29th May, 1845.

CHAPTER 40.

TERRITORIAL ROAD.

AN ACT to establish a territorial road from Marion, in Linn county, to the Indian boundary, in a direct line to Fort Atkinson.

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

SECTION 1. Appoints commissioners to lay out road from Marion to Indian boundary. That Alexander Niven, of Linn county; Malcolm M. Bane, of the county of Buchanan; and S. W. Durham, of the county of Linn, be, and they are hereby appointed commissioners to view, mark, lay out and establish a territorial road commencing at Marion in the county of Linn—from thence, the nearest and best route, to Niven's Grove—thence the nearest and best route to Quasqueton, in the county of Buchanan—then to the centre of said county—thence the nearest and best route, to the boundary line, in a direct route to Fort Atkinson.

SEC. 2. Commissioners to meet at Marion, June 15, 1845. Said commissioners or a majority of them, shall meet at Marion, in Linn county, on the fifteenth day of June next, or as soon thereafter as convenient; and shall proceed to locate said road according to the provisions of an act to provide for laying out and opening territorial roads, approved December 29th, 1838.

[61] **SEC. 3. [Compensation to commissioners, surveyor, etc.]** That the commissioners, chain-carriers and other hands employed to locate said road, shall each receive such compensation for their services as is now allowed by law for similar services in laying out county roads: provided, that if the said S. W. Durham shall perform the duties of surveyor of said road in addition to his duties as commissioner, that he shall receive the compensation for surveyor in addition to his compensation as commissioner of said road.

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

Approved, 29th May, 1845.

CHAPTER 41.

UNIVERSITY OF IOWA CITY.

AN ACT to incorporate the University of Iowa.

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

SECTION 1. Name of university—under direction of thirty regents. That a seminary of learning shall be, and the same is, hereby established in Iowa City or vicinity thereof to be known by the name and style of the 'Iowa City University;' which shall be founded and maintained forever on the most liberal principles being equally accessible to students of all religious denominations who shall be freely admitted to equal advantages and privileges of education, and to all the literary honors of said college or university, according to their merit; and said university shall be under the direction of thirty regents (in addition to those who are regents *ex officio*) to-wit: Smylie

H. Bonham, Charles R. Fisk, H. D. Downey, William K. Talbot, James Robinson, Robert Gower, A. H. Davenport, Edward E. Fay, Morgan Reno, Edward Johnson, G. W. Jeffries, A. B. Robbins, James Clark, M. D. Talbot, John McConnell, E. B. Turner, Josiah H. Bonney, Joseph B. Teas, William Patterson, Moses Beers, George S. Hampton, Joseph B. Davis, E. Metcalf, F. Springer, R. F. Shinn, William Abbe, Thomas S. Wilson, John Brophy and G. H. Walworth: provided, that noth- [62] ing herein contained shall be so construed as to grant to said university any interest in or to any lands which have heretofore been granted to the territory or state of Iowa for literary purposes.

SEC. 2. Regents a body politic, with perpetual succession—they may appoint officers, &c. That said trustees by the name of the regents of the university of Iowa, shall be a body politic and corporate, and as such forever exist; who, with their successors, shall be regents of said university to hold their office till the first Monday in March, A. D. one thousand, eight hundred and forty-six, and shall hold their first meeting at the capitol on the first Monday in June, A. D. 1845; and they shall have perpetual succession, and power to acquire, possess, retain and enjoy, mixed, personal and real property, and the same to sell, grant, convey, rent or otherwise dispose of at pleasure; and they shall have power to contract and be contracted with, sue and be sued, plead and be impleaded in any court of law or equity; and the said regents and their successors shall have authority to make use of a common seal, and the same to change, alter or renew at pleasure: and shall have power to appoint all subordinate officers, agents, visitors and instructors; ordain and establish such by-laws, ordinances, rules and regulations, as they may deem necessary for the locating and establishment and prosperity of the university: provided, they do not contravene the laws of this territory or of the United States.

SEC. 3. Election first Monday in March. The first board of regents of the university chosen by the stockholders to fill the places of those appointed by the legislature, shall be elected on the first Monday in March next, and ever afterwards once in every three years; and every stockholder shall be allowed one vote for each share owned, and any stockholder may vote in person or by proxy appointed by writing, but none but stockholders shall be proxy; and the stock of said university shall consist in shares of twenty-five dollars each, which shall so far be deemed personal property as to be subject to execution in like manner as personal property now is, or hereafter may be by the laws of this territory, and transferable on the books of said corporation in such a manner as may be prescribed by the board of trustees; and yet its funds, privileges and immunities shall be used for no other purposes than that of education. If said corporation shall engage in banking, mercantile or other business transactions, other than the purposes of education, it shall be taken and deemed a forfeiture of its charter, and the stockholders shall be liable in their individual capacity for all debts so created.

SEC. 4. Governor, ex officio president. The governor of the territory (or state) of Iowa, shall be *ex officio* president of the board of regents, when present; and he, together with the superintendent of schools in the territory, the presi-[63]-dent, professors and trustees in said university, shall be *ex officio* regents of the university.

SEC. 5. Regents may establish a law school. The said board of regents shall have power to connect with this university, a law school, and also a medical school, or either of them in such a manner as will in their view tend to promote the interests of the university and sound learning in those professions in a way which they may deem most expedient to secure the co-operation and influence of gentlemen connected with those professions within the territory.

SEC. 6. Regents to be sworn—shall appoint a treasurer and secretary—treasurer to give bond. The regents of this university before entering upon the trust reposed in them, shall severally take the following oath of office, administered to them by any justice of the peace in Iowa territory or state, to-wit: "I —— do solemnly swear (or affirm) that I will to the best of my ability, faithfully and truly discharge my duty as regent of the university of Iowa, pursuant to the laws of the territory (or state) of Iowa—the constitution of the United States, and the charter granted by the territory of Iowa; so help me God." And said regents shall have power to appoint annually a treasurer and secretary, and the treasurer so appointed shall give bond with such security and in such penalty as the regents shall deem proper, payable to the territory of Iowa, for the use of said university; which bond shall, by the treasurer and his securities, be acknowledged before the clerk of the district court of the United States, in the territory of Iowa, in and for the county of Johnson, and by him certified and recorded in his office, a copy of which shall be evidence against the treasurer and his securities for breach thereof; and it shall be conditioned for a true and faithful discharge of his duty as treasurer of said university, and for the safe keeping of all moneys, lands, notes, deeds, mortgages or other property belonging to the university, which may come into his hands from time to time, which may be renewed whenever the regents may require it. And it shall be the duty of the said treasurer to receive and safely keep all moneys, lands, notes, obligations or conveyances of real, personal or mixed property belonging to said university; and shall pay out no moneys except by order of the regents, signed by the president and countersigned by the secretary; and for any breach of said bond, the treasurer and securities may be proceeded against as upon other official bonds in the proper courts of the territory of Iowa. The treasurer shall furthermore, whenever required by the trustees, render to them an account of all moneys in his hands and all moneys paid out, stating from whom and from what source received, and to whom paid. And in case the treasurer [64] shall fail to perform any of the duties required of him by this act, the regents of said university shall have power to declare his office vacant, and proceed to the election of a treasurer to fill the vacancy. And it shall be the duty of every treasurer on leaving the office by removal, resignation or otherwise, upon the order of the board to pay and deliver all moneys and other property in his hands belonging to said university, into the hands of his successor in office. It shall be the duty of the secretary to keep a fair record of all the proceedings of the board of regents, and at the close of every session read them to the board for their approval, and lay them before the acting president of the board for his signature. All meetings of the board shall be recognized as legal when notice of the same shall be published in some weekly newspaper in the county, six weeks previous to said meetings; and the presence of thirteen shall constitute a quorum for doing business, but a majority of said thirty regents shall be required to make, pass and establish ordinances, rules and by-laws.

SEC. 7. Regents may admit charity scholars—may receive donations, etc. That the regents shall have authority, whenever in their opinion the funds of the institution may justify the measure, to admit gratuitously, in whole or in part, as the respective case may require, such person or persons as they may think proper to enjoy the benefits of tuition in said university. And said regents are hereby authorized to receive subscriptions, donations and bequests, either in money, personal, real or mixed property, for the purpose of enabling them to meet the expenditures requisite in establishing and continuing said institution.

SEC. 8. May confer degrees. That said regents shall have the usual powers and authority of college trustees, to graduate with literary honors such stu-

dents as shall be recommended by the faculty and board of instructions; and furthermore to confer upon such others as they may deem deserving, any and all the degrees in the arts and in the learned professions, whether honorary or otherwise, in as full and complete a manner as in any similar institution, and to issue testimonials thereof, or diplomas, bearing the seal of said university, and signed by the president of the university. And in conferring said honors, any person entitled to a seat in the council or house of representatives of the territory (or state) of Iowa, shall be entitled to a seat and vote with the board of regents.

SEC. 9. **This act declared a public act.** This act is declared to be a public act and shall be construed liberally for every beneficial use hereby intended; and no gift, grant, conveyance or devise to or for the benefit of said university shall be defeated or prejudiced by any misnomer, misdescription or [65] informality whatever: provided, the intention can be shown or ascertained without a reasonable doubt.

SEC. 10. **May be repealed, etc.** This act may be altered, amended or repealed by any future legislature of the territory (or state) of Iowa, and is to take effect and be in force from and after its passage.

Approved, 2d June, 1845.

CHAPTER 42.

WILLIAM FOSTER.

AN ACT to legalize the acts of William Foster, an acting justice of the peace.

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

SECTION 1. **Legalizes his acts.** That all the acts had and done by William Foster as justice of the peace in the county of Iowa, be, and the same are, hereby legalized to all intents and purposes as if he had been elected or appointed and duly qualified a justice of the peace in and for said county.

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

Approved, 5th June, 1845.

CHAPTER 43.

TERRITORIAL ROAD.

AN ACT to relocate a part of the territorial road running from Burlington, via Fort Madison, to the bridge on Sugar creek, in Lee county.

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

SECTION 1. **Appoints commissioners to relocate part of road.** That R. Land, G. C. Neally and Anthony W. Carpenter are hereby appointed commissioners to relocate so much of the territorial road running from Burlington via Fort Madison to the bridge on Sugar creek, in Lee county, as lays between Ebenezer Riddle's and Jonathan Donnels, in Burlington township.

Said commiss-[66]-ioners shall meet at the house of said Riddle, on the first Monday of July next, or within five days thereafter and proceed to relocate so much of said road as above described: provided, that no part of the expenses of relocating said road shall be paid out of the county treasury.

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

Approved, June 5th, 1845.

CHAPTER 44.

ROAD IN WASHINGTON COUNTY.

AN ACT to declare a certain road in Washington county, a public highway.

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

SECTION 1. Declares the road a public highway. That so much of a road laid out by Sexton Mount of Jefferson county, Joseph Walker of Henry county, and John Garnet of Washington county, from Brighton, to intersect a road leading from Washington to Mount Pleasant, as lies in Washington county, be, and the same is hereby declared a public highway, and shall be opened and kept in repair as other public highways are.

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

Approved, 5th June, 1845.

CHAPTER 45.

WASHINGTON COUNTY EASTERN BOUNDARY.

AN ACT to change the eastern boundary of Washington county.

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

SECTION 1. Attaches part of Washington to Johnson. That all that portion of township number seventy-seven, north, and range number six west, lying on the east [67] side of Iowa river and now composing a part of Washington county be detached from the county of Washington, and the same is, hereby, attached to and make a part of Johnson county, for all purposes whatever.

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

Approved, 5th June, 1845.

CHAPTER 46.

SAMUEL PARKER.

AN ACT for the relief of Samuel Parker.

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

SECTION 1. **Instructs auditor to audit Parker's accounts.** That the auditor of public accounts be, and he is hereby authorized to audit the accounts of Samuel Parker, for the sum of fifty-nine dollars, as per order of the district court of Henry county, made at the October term of said county, A. D. 1844.

Approved, June 7th, 1845.

CHAPTER 47.

STREET IN MABION VACATED.

AN ACT to vacate a street in the town of Marion, in Linn county.

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

SECTION 1. **Vacates street in Marion.** That so much of West street in the town of Marion, in Linn county, as lies between Broad street and the north line of said town, be, and the same is hereby declared vacated.

SEC. 2. **Street to be laid off in lots.** That the present commissioners of said county, or, if necessary, their successors in office, are hereby authorized and empowered to divide and lay off the said street into town lots of such dimensions as they may think proper, and sell the same in such way and manner as they have heretofore sold lots in said town.

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

Approved, June 7th, 1845.

CHAPTER 48.

ROAD IN LEE COUNTY.

AN ACT to change a part of territorial road in the county of Lee.

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

SECTION 1. **Changes part of road.** That so much of a territorial road leading from Keokuk, in the county of Lee, to the city of Burlington, in the county of Des Moines, as lays between Montrose and Keokuk, be; and so much of the same as lays between Charles McIntosh's and John Appleby's, is hereby so changed as to run on the section lines beginning as follows, to-wit: commencing at or near the house of the aforesaid Charles McIntosh—thence

east along the section line to the northeast corner of section twenty-three—thence south, along the southern line to where the said road crosses the said section line, south of James McMurray's in a direction to John Appleby's.

SEC. 2. **Establishes the change forever.** That the said road as aforesaid, shall forever after the passage of this act be, and remain established on the section line aforesaid.

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

Approved, June 7th, 1845.

[69] CHAPTER 49.

TERRITORIAL ROAD.

AN ACT to re-locate a certain territorial road.

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

SECTION 1. **Commissioners appointed to relocate the road.** That John Campbell, Dennis Barnes and Isaac Cody, of Scott county, be, and they are, hereby appointed commissioners to examine and relocate, if they think that the public interest requires it—so much of the territorial road leading from Parkhurst, in Scott county, to Tipton, in Cedar county, as lies between Parkhurst and the residence of Dennis Barnes.

SEC. 2. **Power to vacate old road on certain conditions.** That if the commissioners aforesaid or a majority of them, should locate said road down Quarry creek, then and in that case, they shall have power to vacate the old road or legalize the last survey of said road, which runs on the north side of the farm of Theodore P. Litton, as they may, in their judgment, think best.

SEC. 3. **To meet first Monday of July next, at Parkhurst.** That the commissioners aforesaid or a majority of them, shall meet at Parkhurst on the first Monday of July next, or any day thereafter during the year that they may agree upon and proceed to discharge their duties according to an act entitled "An act to provide for laying out and opening territorial roads;" approved, Dec. 29th, 1838.

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

Approved, June 7th, 1845.

[70] CHAPTER 50.

TERRITORIAL ROAD.

AN ACT to establish a territorial road from Linn Grove of Linn county to the military road in Johnson county.

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

SECTION 1. **Appoints commissioners to establish road.** That E. Cox, A. B. Mason, and Elias Rogers, of the county of Linn, be, and they are hereby ap-

pointed commissioners to lay out and establish a territorial road as follows: Beginning at or near the first angle post west of the eighth mile post on the territorial road leading from Marion, in said county, to Belvieu, in Jackson county—thence to Andrew Safely's—thence to Elijah D. Waln's—thence to Benjamin Dewitt's—thence to intersect the military road at or near the county line of Johnson county.

SEC. 2. Commissioners to meet at Isaac Butler's on a day to be agreed upon. Said commissioners shall meet at the house of Isaac Butler, of said county of Linn, on any day when a majority of said commissioners shall agree, and proceed to lay out and establish said road.

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

Approved, June 7th, 1845.

CHAPTER 51.

TERRITORIAL ROAD.

AN ACT to locate a territorial road from Washington county to Miles B. Friend's in Keokuk county.

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

SECTION 1. Appoints commissioners to locate road. That Joseph R. Edwards and Eli Haworth of Keokuk county, and Francis Thom, of Washington county, be, and they are, hereby appointed commissioners to view, mark and locate a [71] territorial road, commencing at or near the corner of sections twenty-six and twenty-seven, in township seventy-four, north range nine west, in Washington county; and running thence, the nearest and best route, to a bridge three-fourths of a mile east of Eli Haworth's, from thence, the nearest and best way, to Western City, in Keokuk county, and from thence, the nearest and best route, to Miles B. Friend's in said county of Keokuk.

SEC. 2. Commissioners to meet within two months. That said commissioners shall meet at a time and place to be agreed on by them, within two months from the passage of this act, and take to themselves the necessary assistance; and proceed to locate said road agreeably to the first section of this act, doing as little damage to private property as possible.

SEC. 3. Certain portion of a road laid out by Henry Hardy, vacated. That so much of a road located by Henry Hardy, of Jefferson county, in the year 1842, as lies between the beginning and termination of the road contemplated in this act, be, and the same is hereby vacated.

SEC. 4. Reasonable compensation to be paid. Said commissioners shall receive a reasonable compensation, to be paid out of the county treasury of Keokuk and Washington counties, in proportion to the time spent in each.

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

Approved, June 7th, 1845.

CHAPTER 52.

UNIVERSITY OF IOWA CITY.

AN ACT for a supplement to an act entitled "An Act to Incorporate the University of Iowa City," approved, 2d day of June, 1845.

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

SECTION 1. **Adds the name of Israel Clark to regents.** That Israel Clark be added to the list of regents of said university.

SEC. 2. **James MacIntosh's name inserted in, and M. D. Talbot's, stricken from list of regents.** That the name of M. D. Talbot be stricken from the list of regents of said university, and that James MacIntosh be appointed to fill his place as one of said regents.

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

Approved, June 9th, 1845.

[72] CHAPTER 53.

TERRITORIAL ROAD.

AN ACT to establish a territorial road from the eastern line of Washington county, to the Widow Fry's, on Old Man's creek.

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

SECTION 1. **Appoints commissioners and gives route of road.** That John Clark and Nathaniel McClure, of the county of Washington, and John Fry, of the county of Johnson, be, and they are, hereby appointed commissioners to view, mark and establish a territorial road, commencing in Louisa county, at the most practicable point on the territorial road leading from Burlington to Iowa City, near the farm of John Clark on the Washington and Louisa county line—thence, on the most practicable route, to McClure's Mill, on English river—thence, the nearest and best route to the Widow Fry's on Old Man's Creek, to intersect the territorial road leading from Iowa City to the boundary line.

SEC. 2. **Commissioners to meet 2d Monday in August, at John Clark's.** Said commissioners or a majority of them, shall meet at the house of John Clark, on the second Monday in August next, or on such other day as they may agree upon within one month thereafter, and proceed to the discharge of the duties required of them by the provisions of this act.

SEC. 3. **Commissioners to be governed by general act of 1838.** Said commissioners shall, in all other respects, be governed by the provisions of the act to provide for laying out and opening territorial roads, approved, December 29th, 1838.

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

Approved, 9th June, 1845.

[73] CHAPTER 54.

BURLINGTON CITY CHARTER.

AN ACT to incorporate and establish the city of Burlington, and for revising and repealing all laws and parts of laws heretofore enacted on that subject.

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

[74] SECTION 1. **Boundaries described and contents declared a city—inhabitants a body politic—name, city of Burlington—all corporate powers.** That all that part of the territory included in the following defined limits, to-wit: Beginning on the west bank of the Mississippi river, in the county of Des Moines, at a point where the southern boundary line of the official survey of the town of Burlington, made by authority of the United States, strikes said river; thence with the said southern boundary line to the southwestern corner of said survey; thence with the western boundary of said survey to the northwestern corner of said survey; thence with the northwestern boundary line of said survey to where the same strikes the Mississippi river; thence due east to the middle of the main channel of said river; thence down the middle of the main channel thereof to a point in said main channel due east from the place of beginning, and thence due west to the place of beginning shall be and hereby is declared to be a city, and the inhabitants thereof are created a body corporate and politic with perpetual succession by the name and style of the city of Burlington; and as such by that name shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places and in all matters whatsoever, and also of purchasing, using, occupying, enjoying and conveying real, personal and mixed estate, and may have and use a corporate seal, and change, alter and renew the same at pleasure, and shall be competent to have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation, and for the better ordering and governing said city, the exercise of the corporate powers of the same, hereby and herein granted, and the administration of its fiscal, prudential and municipal concerns, with the conduct, direction and government thereof, shall be vested in a mayor and board of aldermen, consisting of two members from each ward, to be denominated the city council, together with such other officers as are hereinafter mentioned and provided for.

[75] SEC. 2. **City invested with all powers, property, etc., as heretofore held—no suit at law to abate by the change.** That the said city of Burlington, shall be, and hereby, is invested as the lawful owner and proprietor with all the real, personal and mixed estate, and all the rights and privileges thereof, together with all the property, funds and revenues, and all moneys, debts, accounts and demands due and owing, or in any wise belonging to said city; or which by, or under the authority of any former act or acts, have been acquired, vested in or is, or may be, owing or belonging to the city of Burlington; and the same are hereby transferred to the corporate body created and established by this act; and all suits pending and judgments recovered by, in favor of, or against said city of Burlington, together with all rights, interests, claims and demands in favor of, or against said city of Burlington together with all rights, interests, claims and demands in favor of, and against the same, may be continued, prosecuted, defended and collected in the same manner as though this act had never been passed.

SEC. 3. Mayor to be elected annually, 1st Monday, February—he must be a resident of 3 years—each ward to elect 2 aldermen, residents of two years—mayor and aldermen to constitute city council—majority a quorum—council, to be judges of election returns and qualifications of their members, may compel members to attend, under penalty—alderman's term 1 year—shall elect pro tem. president. That the qualified electors of said city shall on the first Monday in February, annually, elect a mayor who shall have resided in said city, three years; and the qualified electors of each ward in said city, shall at the same time elect two aldermen, who shall have resided in said city two years, and shall be residents and inhabitants of the ward in which they shall be elected; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of the whole number of whom, shall be necessary to constitute a quorum for the transaction of business; they shall be the judges of the election returns, and qualifications of their own members, and shall continue in office for the term of one year, and until their successors shall be chosen and qualified. They shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection and examination of every citizen; and may compel the attendance of absent members in such manner and under such penalties as they shall think fit to prescribe. And they shall meet in some convenient place, in said city on the second Monday in February, and after taking the oath of office before some officer qualified to administer oaths, they shall elect from their own body, a president *pro tempore*.

SEC. 4. People to elect treasurer annually, he to exercise lawful powers not specified herein; city marshal to be annually elected, and perform duties not specified herein—recorder to be annually elected, to keep record of, and duties required by, council. That there shall be elected by the qualified voters of said city, on the first Monday of February, annually, a treasurer who shall hold his office for the term of one year, and until his successor shall be chosen and qualified. He shall perform such duties and exercise such powers not herein and by this act specified, as may be lawfully required of him by the ordinances of said city. There shall also be elected by the qualified voters of said city on the first Monday of February, annually [76] a city marshal, who shall hold his office one year, and until his successor be chosen and qualified; who shall perform such duties and exercise such powers not herein specified as may be lawfully required of him by the ordinances of said city. There shall also be elected by the qualified electors of said city on the first Monday of February, annually, a city recorder, who shall hold his office for one year, and until his successor be chosen and qualified; whose duty it shall be to keep a regular and correct journal of the proceedings of the council, and perform such other duties as may be lawfully required of him by the ordinances of said city.

SEC. 5. Mayor to give 10 days' notice of election, by proclamation; election from 8 or 10 a. m., to 4 p. m., returns to be made to the mayor within two days, except those for mayor which go to the president pro tem.; mayor and pro tem. president to open returns; persons having most votes elected—if no choice, mayor to order new election; persons elected to be notified by marshal, and qualified in ten days, or office be vacant; council to appoint judges and clerks of election. That in all elections for city officers, it shall be the duty of the mayor to issue a proclamation to the qualified voters of said city, or to those of the respective wards, as the case may require, setting forth the time of such elections, the place or places where the same shall be held, the officer or officers to be chosen, and cause such proclamation to be posted up in three of the most public places in said city at least ten days previous to such election. And every such election shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock

in the afternoon; and shall in all things be conducted agreeably to the laws regulating township elections for the time being. And it shall be the duty of the judges of such elections in the several wards, within two days thereafter, to make and direct the returns thereof to the mayor of the said city, at his office, in the same manner that election returns are required to be made by the township trustees for the time being: provided, that in all elections for mayor, the returns thereof shall be made and directed to the president, *pro tempore* of the city council. And the mayor and president *pro tempore* of the city council, as the case may be, shall within five days after any such election, open the returns which have been made to him as aforesaid, and shall make an abstract of all the votes, and file the same with the city recorder, who shall make a record thereof in a book to be kept by him for that purpose; and the person or persons having the highest number of votes shall be declared duly elected; but if from any cause, the qualified voters of said city, or of any of the respective wards, as the case may be, should fail to effect any election at the time and in the manner herein provided, the mayor shall forthwith issue his proclamation for a second or other election which in all things shall be notified, conducted, regulated and the returns thereof made, as in and by this act is prescribed; and the person or persons who shall be chosen at any such second or other election, shall hold his or their office until the next stated period for the [77] choice of a successor or successors. And it shall be the duty of the mayor or president *pro tempore* of the city council, immediately to notify such person or persons as may be elected as aforesaid, of his or their election, by causing a written notice thereof to be served upon him or them by the city marshal. And every person so chosen or elected as aforesaid, shall within ten days after his election, cause himself to be qualified to enter upon the duties of his office, and in default thereof, the office to which he shall have been elected, shall be deemed and considered in law to be vacant. And it shall be the duty of the city council to prescribe the time and manner, and provide the place or places of holding all elections in said city, for city officers, and of making the returns thereof, not herein otherwise directed and prescribed. And the said city council shall appoint judges and clerks for all city elections.

SEC. 6. Inhabitants 21 years of age to vote—suspected or challenged voter to be sworn. That each and every white male inhabitant above the age of twenty-one years, who shall have been a resident in said city six months immediately preceding any election for the election of city officers, shall be deemed a qualified voter of said city; and shall be entitled to vote in the ward in which he resides, for mayor, aldermen, treasurer, and such other officer or officers as are in and by this act directed to be chosen by the qualified voters of said city, or of the respective wards therein, and all others, which by public ordinance may be required to be chosen or elected. And when any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the requisite qualification of an elector, or if his vote shall be challenged by any elector who has previously given his vote at such election, the judges of each election shall tender to such person an oath or affirmation in the following form to-wit: I, (A. B.) do solemnly swear (or affirm, as the case may be,) that I have been a resident of this city six months immediately preceding this election—am a resident of this ward, and to the best of my knowledge and belief, have attained the age of twenty-one years, and that I have not voted at this election.

SEC. 7. Councilmen not to accept any city office or be interested in any contract during his term. That no member of the city council shall be eligible to any office within the gift of the city council, during the year for which he may have been elected; nor shall any member of the city council be interested directly or indirectly, in the profit of any contract or job for work or services to be performed for the city.

SEC. 8. Mayor to put in force the laws, to sign all laws, etc.; see them published, preside in council and have casting vote. That it shall be the duty of the mayor to be vigilant and active at all times, in causing the laws and ordinances of said city to be put in force and duly executed. He shall keep the seal of said city, and [78] all of the records, papers and official documents thereunto belonging. He shall sign all by-laws and ordinances adopted and passed by the city council; and see that the same are published at least six days before they go into effect. He shall preside, when present, at the meetings of the city council and be denominated president of the same; and, when there is a tie, shall give the casting vote. He shall do and perform such other duties as the city council may prescribe and determine, not inconsistent with the provisions of this charter and the dignity of his office.

SEC. 9. Officers to take oath and give bond when required. That the treasurer, marshal, recorder, and all other officers under the government of said city shall, before entering upon the duties of their respective offices, take an oath or affirmation to support the constitution of the United States, and the organic law of this territory, and faithfully and impartially to perform the several duties of the offices to which they may be respectively elected or appointed, and when required shall give such bond to said city with good and sufficient security in such sum or sums, and with such conditions thereto, as the city council may from time to time direct, and in all cases not herein before provided for, shall respectively be allowed and receive such fees and compensation for their services, and be liable to such fines, penalties and forfeitures for negligence, carelessness, misconduct in office, and positive violation of duty, as the said city council shall order and determine.

SEC. 10. Council to provide places for meeting open to the public. That the city council shall provide the times and places of holding their meetings not herein otherwise provided for, which shall at all times be open for the public, they shall provide by ordinance for the election by the qualified voters of said city, of such other city officers whose election is not herein otherwise provided for, as shall be necessary for the good government of said city, and the due exercise of its corporate powers, and which shall have been provided for by ordinance, and all city officers whose term of service is not prescribed and whose powers and duties are not defined in and by this act, shall perform such duties, exercise such powers, and continue in office for such term of time, not exceeding one year, as shall be prescribed by ordinance.

SEC. 11. Council to fill vacancies; president pro tem. to act in mayor's absence. That whenever the office of mayor, councilmen, treasurer, marshal, recorder or other officer in and by this act specified or provided for, shall become vacant by death, resignation, removal from the city or otherwise, it shall be the duty of the council as soon as may be, to appoint some suitable person having the requisite qualifications, to fill such vacancy, and the person so appointed shall continue in office during the remainder of the term for which his pred-[79]-ecessor was elected or appointed, and in case of sickness or temporary absence of the mayor, the duties of his office, during such sickness or temporary absence, shall be discharged by the president pro tem., who shall be obeyed and respected accordingly.

SEC. 12. Council to publish ordinances; to punish offences against inhabitants; if contrary to law of territory, void. That the said city council shall have power, and it is hereby made their duty, to make and publish from time to time all such ordinances as shall be necessary to secure said city, and the inhabitants thereof, against injuries by fire, thieves, robbers, burglars and all other persons violating the public peace, for the suppression of riots and gambling, and indecent and disorderly conduct, for the punishment of all lewd and lascivious behavior in the streets, and other public places of said city; they shall have power from time to time, to make and publish all such

laws and ordinances as to them shall seem necessary to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of said city, and the inhabitants thereof; to impose fines, forfeitures and penalties on all persons offending against the laws and ordinances of said city, and provide for the prosecution, recovery and collection thereof; and shall have power to regulate by ordinance the keeping and sale of gunpowder within the city: provided, that all laws or ordinances passed by said city council, conflicting in any wise with the statute laws of this territory, shall be null and void, and of no effect.

SEC. 13. Council to organize fire companies and provide apparatus; to construct landings, fix wharfage, etc. That the said city council shall have power to establish and organize all fire companies and provide them with proper engines and such other instruments as shall be necessary to extinguish fire, and preserve the property of the inhabitants of said city from conflagration, and they shall have power to establish and construct landing places, wharves, docks and basins in said city, at or on any of the city property, and fix the rates of landing, wharfage, and dockage of all steam boats, boats, rafts and other water crafts and of all goods, wares, merchandise, produce and other articles that may be moored at, landed on or taken from any landing, wharf, dock or basin belonging to said city.

SEC. 14. On application of three-fourths of owners on any square, council to prescribe manner of building. That for the purpose of more effectually securing said city from the destructive ravages of fire, the said city council, shall have power and authority, and for such purpose they are hereby empowered and authorized, on the application of three-fourths of the whole number of owners or proprietors of any square or fractional square in said city to prohibit in the most effectual manner, the erection of any building or the addition to any building before erected more than ten feet high in any such square or fractional square, except the outer walls thereof, shall be composed entirely of brick or stone and mortar, and to provide [80] for the most prompt removal of any building or addition to any building which may be erected contrary to the true intent and meaning of this section.

SEC. 15. Councils to regulate all taverns, exhibitions, etc., etc.; to grant licenses to the same; to revoke licenses if necessary; existing ferries not to be disturbed. That the city council shall have power, and it is hereby made their duty to regulate by good and wholesome laws and ordinances for that purpose all taverns, ale and porter shops and houses, and places of significant and habitual resorts for tippling and intemperance where spiritous liquors are sold or used by a less quantity than a quart, and all other houses of public entertainment in said city—all theatrical exhibitions, and public shows and all exhibitions of whatever name or nature, to which admission is obtained on the payment of money or any other reward, and all ferries across the Mississippi river, from said city to the opposite shore, and to impose reasonable fines and penalties for the violation of any such laws and ordinances. And the said city council shall have full and exclusive power to grant or refuse license to tavern keepers, inn holders, retailers of spirituous liquors by less quantity than a quart, keepers of ale and porter houses, and shops and all other houses of public entertainment. Showmen, keepers and managers of theatrical exhibitions, and other exhibitions for money or other reward, auctioneers for the sale of horses and other domestic animals at public auction in the streets, lanes, alleys and commons of said city, and keepers of ferries from said city across the Mississippi to the opposite shore; and in granting any such license, it shall be lawful for said city council to exact, demand and receive such sum or sums of money as they shall think fit and expedient; to annex thereto such reasonable terms and conditions in regard to time and place and other circumstances under which such license shall be acted

upon, as in their opinion the peace, quiet and good order of society and said city may require, and for the violation of such reasonable terms and conditions as aforesaid, the city council shall have power to revoke or suspend any such license, whenever the good order and welfare of said city may require it, in such manner as shall be provided for by ordinance: provided, that no power herein granted to the said city council shall be so construed as to impair, interfere with, or in any way affect any right or rights, now existing by virtue of any acts heretofore passed by the legislative authority of this territory, establishing ferries across the Mississippi river, opposite the town of Burlington, in Des Moines county.

SEC. 16. Council to remove all nuisances; proprietors to fill up lands occasionally overflowed; they failing, council to do so, and assess costs on lot; cost to be collected by sale of lot if necessary—proprietors may redeem in one year. That the city council shall have power, and they are hereby, authorized to require and compel the abatement and removal of all nuisances within the limits of said city, under such regulations as shall be prescribed by ordinance; to cause all grounds therein where [81] water shall at any time become stagnant to be raised, filled up, or drained, and to cause all putrid substances, whether animal or vegetable to be removed; and to effect these objects, the said city council may from time to time, give order to the proprietor or proprietors or to his or their agents, and to the non-resident proprietors who have no agents therein, notice by publication in one or more of the newspapers printed in said city, for the period of two weeks, of all or any grounds subject at any time to be covered with stagnant waters, to fill up, raise, or drain such grounds at their own expense; and the said city council shall designate how high such grounds shall be filled up and raised, or in what manner they shall be drained, and fix some reasonable time for filling up, raising, or draining the same; and if such proprietor or proprietors, or agents, shall refuse or neglect to fill up, raise, or drain such grounds in such manner and within such time as the said city council shall have designated and fixed, they shall cause the same to be done at the expense of the city, and assess the amount of the expenses thereof on the lot or lots of grounds so filled up, raised, or drained as aforesaid, and place the assessment so made as aforesaid, in the hands of the city collector, who shall proceed to collect the same by the sale of such lot or lots, if not otherwise paid in such manner and under such restrictions and regulations as may be prescribed by ordinance: provided, the proprietor or proprietors shall have the privilege and right to redeem such lot or lots within one year after such sale, by paying to the purchaser or purchasers the amount by them paid, together with ten per cent. interest on the same.

SEC. 17. Council to appoint supervisors, etc., and collect \$1 from each liable person, as road tax: may prohibit animals from running at large; may license carts, etc., and livery stables, brokers and loan offices. That said city council shall have the exclusive power of appointing supervisors and other officers of the streets and of the highways within the said city, and of collecting in money or labor, any sum not exceeding one dollar annually, as a road tax, from each and every person liable, by law, to pay such tax, or to labor on the highways; they shall have the power whenever the public convenience or safety shall require it, to prohibit hogs, cattle, horses and other description of animals from running at large in the streets, lanes, alleys, commons and other public places in said city; they shall have power to license and regulate all carts, wagons and drays, and every description of two and four wheeled carriages which may be kept in said city for hire; and all livery stables, brokers and loan offices.

SEC. 18. Money to be placed in treasury, and not paid except by order of council. That all moneys raised, recovered, received or collected by means

of any tax, license, penalty, fines, forfeiture or otherwise, under the authority of this act, or which may belong to said city, shall be paid into the city treasury, and shall not be drawn therefrom except [82] by order or under the authority of the city council. And it shall be the duty of the city council to liquidate and settle all claims and demands against said city; and to require all officers, agents or other persons entrusted with the disbursement or expenditure of the public money, to account to them therefor, at such time and in such manner as they may direct; and they shall annually publish for the information of the citizens, a particular statement of the receipts and expenditures of all public moneys belonging to said city, and also of all debts due and owing to and from the same. And the said city council shall have power to pass all such laws and ordinances as may be necessary and proper to carry into effect the powers herein, and by this act, granted.

SEC. 19. Before laws of council are binding they must be approved and published. That every law or ordinance of said city before it shall be of any force or validity, or in any manner binding on the inhabitants thereof, or others, shall be signed by the mayor and published in one or more newspapers of said city at least six days.

SEC. 20. Defines the meaning of the term 'owner.' That for the purpose of opening or improving any street, lane, alley, market space, public landing or common, or other purposes, the term owner or owners used in this act, is hereby declared to mean any person or persons who may own any lease upon lands for any term not less than ninety-nine years, renewable forever, or any freehold estate, either for life or otherwise, upon any ground to be affected by petition; and such tax shall be a lien upon the real estate upon which it may be assessed, from the time of filing such petition, until it shall be fully paid and satisfied.

SEC. 21. Council to regulate grades. That said city council shall have exclusive power to establish and regulate the grades of the wharves, streets and banks along the Mississippi river, within the corporate limits of said city.

SEC. 22. Justices to issue process for corporation, try offenders; may summon jury; convicted persons liable for costs; if cleared, corporation to pay; may commit to Des Moines county jail. That the justices of the peace in said city shall have full power and authority, and it is hereby made their duty at such times as the same, by the city authorities, shall be required of them, or any of them, to issue all needful process for the apprehension of offenders against the by-laws, ordinances and regulations of said city; and to hold a court for the trial of all offenders within the said city, and the same to fine, imprison or discharge, as the by-laws, ordinances and regulations of said city and the facts of the case may require. And for that purpose, they and each of them are authorized and required to cause to come before them, when necessary, a jury of six citizens of said city who shall be qualified voters of said city. And all such offenders, on conviction, shall be liable for the costs of prosecution, and judgment shall go accordingly; and in case of acquittal, the same shall be paid by the corporation, having first been allowed by the city council. And all process in behalf of said city shall [83] run in the name of the United States for the use and benefit of said city, and shall otherwise conform to the requisitions and provisions that may be made by the mayor and aldermen in common council, and shall be served, executed and returned by the marshal of said city; and until other provisions be made by said city authorities it shall be lawful for said justices or any of them, to commit all offenders against said by-laws, ordinances and regulations, on conviction, to the jail of Des Moines county. And in case where a portion or all the punishment shall be imprisonment, the keeper of said jail is hereby required to receive such persons on the proper warrant of such justices or

justice of the peace, into his custody in said jail, in the same manner as in ordinary cases. And all expenses of such imprisonment, in cases where the same cannot be collected from the persons so convicted and imprisoned, shall be paid out of the treasury of the corporation; the fees of the justices and jurors, in such cases, shall be the same as are allowed by the statutes of this territory.

SEC. 23. No person to be deprived of liberty or fined more than \$20, unless tried by jury. That all trials for the violation of the by-laws, ordinances and regulations of said city shall be in a summary manner, and that no person shall, for any offense, be deprived of his or her liberty, or fined in any sum greater than twenty dollars, unless convicted by a jury of six citizens of said city, qualified to vote as aforesaid.

SEC. 24. Council to have charge of all property, but cannot sell without people's consent. That the said city council shall have the custody, care, superintendence, management and control of all real, personal and mixed estate, and other corporate property belonging to said city; and all the real, personal and mixed estate, money, funds and revenues which from time to time, may be owned by, or of right belong to said city; with full power to purchase, hold, possess use and occupy; and to sell and convey the same, for the use and benefit of said city and the inhabitants thereof: provided, that the city council shall not have power to sell any real estate belonging to the said city of Burlington, unless the qualified voters thereof, in pursuance of ten days previous notice given by order of the city council, published in two or more of the newspapers printed in said city, setting forth the time, place, and purpose of voting, shall by a majority of written or printed ballots given, express their consent thereto.

SEC. 25. Council to levy taxes on city property not to exceed one quarter per cent; may tax dogs, &c.; open streets and tax for costs of same. That to defray the current expenses of said city, the city council shall have power to levy and collect taxes on the real and personal property therein: provided, the amount of taxes levied shall not, in any one year, exceed twenty-five cents on each one hundred dollars worth of property taxed. They shall also have power, whenever in their opinion the interest of said city shall require it, to levy and collect taxes on dogs or other domestic animals not included in the list of taxable property for territorial and county purposes; which said taxes shall be collected, by the city collector and paid into the treasury in such a manner and under such restrictions and regulations, as may be prescribed by ordinance. The city council shall have power to cause to be opened, paved, repaved or improved, any street, lane, alley, markets, space, or public landing, on petition of not less than two-thirds of the number of owners of any square or parts of a square of said city, bounding or abutting on such street, lane, alley, market space or public landing so to be opened, paved, repaved or improved, and to levy and collect a special tax for defraying the costs and expenses of the same, by an equal assessment on the feet front bounding and abutting as aforesaid.

SEC. 26. All north of Columbia street to be ward No. 1—south thereof and north of Jefferson, ward No. 2—south thereof, ward No. 3—council may alter boundaries or add other wards. The said city shall be divided into wards as follows, viz.: all that part of the city north of Columbia street and abutting upon the same, shall constitute one ward, and shall be known and designated as, ward, number one—all that part of the city south of Columbia and north of Jefferson streets, shall constitute one ward, and be known and designated as ward, number two—and all that part of the city south of Jefferson street, and abutting upon the same, shall constitute one ward, and be known and designated as ward, number three, until such boundaries may be altered or the number of wards may be increased by the city council who

are hereby authorized and empowered to make alterations in the boundaries, or to establish additional wards, as the public convenience may require.

SEC. 27. Council may borrow money if two-thirds of citizens agree. That whenever in the opinion of the city council, it is expedient to borrow money for any public purpose, the question shall be submitted to the citizens of Burlington—the nature and the object of the loan shall be stated, and a day fixed for the electors of the said city to express their wishes; the like notice shall be given as in cases of an election; the loan shall not be made unless two-thirds of all the votes polled at such election shall be given in the affirmative.

SEC. 28. Charter to be submitted to the people for adoption. That before this act shall take effect and be in force, a vote shall be taken upon the adoption of the same, by the qualified voters residing within the limits of said city, at such time and place, and under such regulations as the present mayor and aldermen of said city may prescribe and determine: provided, that a majority of the whole vote cast shall be deemed necessary to adopt and carry into effect this act: provided further, that each and every person authorized to vote for city officers under the charter now in force in said city shall be entitled to vote for or against this charter.

SEC. 29. Charter declared a public act. That this act shall be taken and received in all courts and [85] by all judges, magistrates and other public officers, as a public act; and all printed copies of the same which shall be printed by or under the authority of the council and house of representatives, shall be admitted as good evidence thereof, without any other proof whatsoever.

SEC. 30. That the act entitled “An act to incorporate the city of Burlington;” approved January 19th, 1838, and all other laws and parts of laws heretofore passed, and coming within the purview of this act be, and the same are hereby repealed.

Approved, June 10th, 1845.

CHAPTER 55.

IOWA COUNTY.

AN ACT for the organization of the county of Iowa.

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

SECTION 1. Organized county after first of July next—constitutes it the second judicial district. That the county of Iowa be, and it is, hereby organized, from and after the first day of July next; and the inhabitants of said county shall be entitled to all the rights and privileges to which by law, the inhabitants of other organized counties of this territory are entitled, and the said county shall constitute the second judicial district of this territory.

SEC. 2. Clerk of district court or sheriff of Johnson county, after 10th July, to order election for county officers—to appoint election judges—ten days notice of election. That for the purpose of organizing said county, it is hereby made the duty of the clerk of the district court of said county, and in case there should be no such clerk appointed and qualified, or for any other cause such office should become vacant on or before the 10th day of July next, then it shall be the duty of the sheriff of Johnson county, [86]

to proceed immediately after the 10th day of July next, to order a special election in said county, for the purpose of electing three county commissioners, one judge of probate, one county treasurer, one clerk of the board of county commissioners, one county surveyor, one county assessor, one sheriff, one coroner, one recorder of deeds and such number of justices of the peace and constables for said county as may be directed by the officer ordering said elections; the said officer having due regard to the convenience of the people; which special election shall be on the first Monday in the month of August next, and that the officer ordering such election shall appoint as many places of holding elections in said county as the convenience of the people may require, and shall appoint three judges of election for each place of holding election in said county, and issue certificates to said judges of their appointment; and the officer ordering such election shall give at least ten days notice of the time and place of holding such election by at least three written or printed advertisements, which shall be posted up at three of the most public places in the neighborhood where each of the polls shall be opened as aforesaid.

SEC. 3. Clerk or sheriff to canvass polls and certify to elected. That the officer ordering the election aforesaid, shall receive and canvass the polls, and grant certificates to the persons elected to fill the several offices mentioned in this act, and in all cases not provided for by this act.

SEC. 4. Elections as usual. Said elections shall, in all cases not provided for by this act, be conducted according to the laws of this territory regulating general elections.

SEC. 5. Officers hold till general election. The officers elected under the provisions of this act, shall hold their offices until the next general election, and until their successors are elected and qualified.

SEC. 6. Books and papers to be given to the board of commissioners. The officer ordering the election in said county, shall return all the books and papers which may come into his hands by virtue of this act to the clerk of the board of county commissioners of said county forthwith, after such clerk shall have been elected and qualified.

SEC. 7. Sheriff of Johnson, to act in Iowa, until election. That the sheriff of the county of Johnson be, and he is, hereby required to discharge the duties of sheriff for the county of Iowa, until a sheriff of said county shall be elected and qualified, under the provisions of this act.

SEC. 8. District court to appoint clerk. That the clerk of the district court for the said county of Iowa, may be appointed by the district court and qualified at any time after the passage of this act; but shall not enter upon the discharge of the duties of his office prior to the first day of July next.

SEC. 9. Cases in Johnson not to abate. That all actions at law in the district court for the county [87] of Johnson, commenced prior to the organization of the said county of Iowa, where the parties or either of them, reside in the aforesaid county of Iowa, shall be prosecuted to final judgment, order or decree, as fully and effectually, as if this act had not been passed.

SEC. 10. Justices to return books to elected justices—suits commenced may be prosecuted before newly elected justices. That it shall be the duty of all justices of the peace residing within the said county, to return all books and papers in their hands, pertaining to said office, to the next nearest justice of the peace, who may be elected and qualified for said county under the provisions of this act; and all suits at law and other official business which may be in the hands of such justices of the peace, and unfinished, shall be completed or prosecuted to final judgment by the justice of the peace to whom such business or papers may have been returned as aforesaid.

SEC. 11. Assessor of Iowa to assess his county. That the county assessor elected under the provisions of this act for the county of Iowa, shall assess his county in the manner, and be under the same obligations and liabilities as is now, or may hereafter be, provided by law in relation to township or county assessors.

SEC. 12. Commissioners appointed to locate seat of justice—to meet 2d Monday of July, or any day before 1st September. Thomas Henderson, of Keokuk county, Luman M. Strong, of Linn county, and Stephen B. Gardner, of Johnson county, be, and they are, hereby appointed commissioners to locate and establish the seat of justice of the county of Iowa. Said commissioners or any two of them, shall meet at the house of James M. Price in said county, on the second Monday in the month of July next, or at such other time within the month of August, as a majority of said commissioners shall agree, in pursuance of their duties under this act.

SEC. 13. Commissioners' oath. Said commissioners shall first take and subscribe the following oath, to-wit: "We do solemnly swear (or affirm) that we have no personal interest, directly or indirectly, in the location of the seat of justice of the county of Iowa; and that we will faithfully and impartially locate the same according to the best interest of said county, taking into consideration the future as well as the present population of said county," which oath shall be administered by the clerk of the district court, notary public, or some justice of the peace in the county of Iowa; and the officer administering the same shall certify and file the same in the office of the clerk of the board of county commissioners of said county, whose duty it shall be to record the same.

SEC. 14. Commissioners to locate seat of justice and clerk to file the report. Said commissioners, when met and qualified under the provisions of this act, shall proceed to locate the seat of justice of said county for which they have been appointed; and as soon as they shall have come to a determination, the same shall be committed to writing—signed [88] ed by the said commissioners, and filed with the clerk of the board of county commissioners of said county, whose duty it shall be to record the same, and forever keep it on file in his office; and the place thus designated, shall be the seat of justice of said county.

SEC. 15. Compensation \$2 per day. Said commissioners shall each receive the sum of two dollars per day while necessarily employed in the duties enjoined upon them by this act, which shall be paid by said county out of the funds arising from the sales of town lots in said seat of justice.

SEC. 16. Act takes effect after passage. This act shall take effect and be in force from and after its passage.

Approved, June 10th, 1845.

CHAPTER 56.

LEE COUNTY.

AN ACT to relocate the seat of justice of Lee county.

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

SECTION 1. Election for seat of justice 1st Monday of August. That on the first Monday of August next, the qualified voters of Lee county shall be allowed to vote for the relocation of the seat of justice of said county, subject to the conditions, restrictions and limitations hereinafter provided.

SEC. 2. Place receiving a majority of all the votes, to be seat of justice. Every voter may vote for any point as the seat of justice, and if at said election, any one point shall receive a majority of votes over all other points, it shall be declared the seat of justice of said county.

SEC. 3. If no selection, three highest to be voted for the 1st Monday of September. And if no one point receive a majority of all the votes cast at said election, then there shall be a second election held on the first [89] Monday of September next, at which second election the three points receiving the highest number of votes at the first election, shall be voted for, and no other; and if at said election, any one point shall receive a majority of votes over all other points, it shall be declared the seat of justice of said county.

SEC. 4. If no selection, two highest to be voted for 1st Monday of October. If no one point receives a majority of all the votes cast at said second election, then there shall be a third election held on the first Monday of October next, at which third election, the two points receiving the highest number of votes at the second election and no other, shall be voted for; and the point for which the highest number of votes is cast, shall be declared the seat of justice of said county.

SEC. 5. Judges and clerks of last general election to act. That the same persons who officiated as judges and clerks in the several townships of said county at the last general election, shall be judges and clerks of the elections as directed by this act; and in case of failure of any of them to attend at the hour for opening the polls, their places shall be supplied in the manner directed by the law regulating general elections. And the said judges and clerks, before entering upon the discharge of their duties, shall take an oath before some person authorized to administer the same, honestly, faithfully and impartially, to perform the duties required of them by this act. And the person administering said oaths or affirmations, shall cause an entry thereof to be made and subscribed by him and prefixed to the poll book, which shall be returned to the clerk of the district court as hereinafter provided.

SEC. 6. Judges to challenge electors. That the said judges or any of them shall have power, and on any person offering to vote being challenged by any elector who has voted at such election or elections, are hereby required to administer an oath to such person offering to vote, true answers to make to such questions touching his qualifications as a voter, as shall be propounded to him; and shall therefore examine such person as to his right to vote, and such judges shall not permit any person to vote at said elections who is not qualified according to the provisions of this act.

SEC. 7. Poll books to be kept—polls at usual places from 9 or 10 a. m., to 6 p. m. That the first election shall be conducted as follows, to-wit: That each of the clerks of said election, shall keep a separate poll book or list of votes, and shall enter thereon the name of every person voting in his township, numbering them from one progressively, in the order in which they shall vote, with the proper number set opposite each name. And the judges of said election are hereby required to number the vote or ballot on the back thereof, of each and every voter, with the same number that stands opposite the name of each voter on the clerk's poll book. And the ballot so given and numbered shall be deposited in [90] a box, and shall be safely kept by the judges of said election, until disposed of as hereinafter directed. The polls shall be opened at the usual place of holding elections in each township, between the hours of nine or ten o'clock, a. m., and shall be closed at 6 o'clock, p. m., of the same day; after which the judges shall proceed openly and in the presence of such electors as may choose to attend, to count the ballots so given in. And the clerks shall severally keep a tally of the votes so counted out designating the name of the town or place for which said votes or ballots may have been given; and when they shall all have been counted, they shall

be added up, and the aggregate for each town or place voted for, set down in figures and in words at full length. And the said judges and clerks shall certify that the same is a true statement of the votes polled in such townships, and shall return the said ballots into the box from which they were taken, and seal up said box. And the said judges shall return said box containing the ballots so sealed up, and shall also return one of the poll books of each township to the clerk of the district court of Lee county, by three o'clock, p. m., of the fourth day after said election; at which time the judges of the several townships shall meet at the office of the clerk of said county, and shall, in the presence of each other and of the clerk of said district court, proceed to examine the returns from each township; and if a majority of said judges are satisfied that any one point voted for shall have received a majority of the legal votes polled at said first election, then they shall declare said point the seat of justice of Lee county, and the clerk of the district court shall so enter the same on the minutes of said court.

SEC. 8. Notices to be posted for second election. But if on such examination it shall appear that no one point has received a majority of all the votes cast at said first election, it shall be the duty of the clerk of the district court to write three notices for each township in said county, which notices shall set forth the three places receiving the highest number of votes at the first election, and which places are to be voted for at the second election, and also, the day on which said second election is to be held; which notices shall be delivered to the sheriff of said county, and by him posted up in the following manner, to-wit: One notice at the place of voting in each township, and the two others in two of the most public places in each township, at least fifteen days before the time of holding such election.

SEC. 9. Notices for third election. But if it shall appear that no one point has received a majority of all the votes cast at said second election, then notices setting forth the two places receiving the highest number of votes at the said [91] second election, shall be made out and posted up in the same manner as provided for in the eighth section of this act.

SEC. 10. Second and third elections as first. That the second and third elections shall be conducted, and the results made known, in the same manner as provided for in the seventh section of this act, providing for holding the first election.

SEC. 11. Ballots to be destroyed after final election. That the ballots and poll books returned from the several townships, shall be safely kept by the clerk of the district court, in his office for twenty days from the day of holding the final election, at which time he shall destroy said ballots, unless within that time said election shall be contested in the manner hereinafter provided.

SEC. 12. Five voters may contest election—giving twenty days' notice and bond. That any five electors who shall have voted at either of said elections, may, within twenty days after the election giving a majority of the votes cast to any one point for the seat of justice of said county notify the clerk of the district court, in writing, that they contest said election. And if they shall, within twenty days, enter into bond with sufficient security, to be approved by said clerk, and to him made payable in the penal sum of three hundred dollars, conditioned to prosecute said contest with effect, or failing therein to pay all such costs as may accrue in the premises; the said clerk shall immediately notify the judge of said district court, that said election is contested. And the said judge on receiving such notice, shall appoint a time and place in Lee county, for inquiring into and deciding said contested election; and notice of such time and place shall be given by said clerk, by written notices, one to be posted up at the place of holding elections in each township fifteen days prior to the time so appointed for said trial; and said

clerk shall issue subpoenas for all such witnesses as said persons contesting said election, may require, returnable to the place and before the time appointed for said trial.

SEC. 13. Judges to decide contested election. That the clerk of said district court and the sheriff of Lee county shall attend the judges of said court at the time and place so appointed, and the clerk of said court shall deliver to the judge thereof the ballots and poll books returned to him at the final election as above provided; and said judge shall proceed to enquire into the legality of said election, and may examine said ballots and poll books, and receive the testimony of all such witnesses as may be produced before him, and shall purge the said polls of all illegal votes that may have been received, and shall decide the said contested election in favor of the town or place which may have received the greatest number of legal votes at said election; and the clerk of said district court shall make an entry of the decision of said judge on the minutes of said court as a judgment thereof.

[92] **SEC. 14. Declares seat of justice.** The town or place which shall have received the greatest number of legal votes, shall thenceforth be the seat of justice of Lee county.

SEC. 15. Fine \$20 to \$100 for false voting. That if any person shall vote at either of said elections who is not a citizen of the United States, and who has not been a resident of the county for more than thirty days preceding said election or who is not otherwise duly qualified, or who shall vote more than once at either of said elections or who shall, for the purpose of voting, swear falsely touching his qualifications as a voter; he shall be fined in a sum not less than twenty nor more than one hundred dollars—one half thereof to be applied to the use of the county, and the other half to any one who shall prosecute for the same, and shall be further liable to an indictment; and if proved guilty of swearing falsely, shall suffer all the pains and penalties of wilful and corrupt perjury.

SEC. 16. Fine \$500 to \$1000 upon judges or clerks for violating duty. That if either of the judges or clerks of either of said elections shall be guilty of any wilful violation of any duty required of them by this act, and shall thereof be convicted on indictment; such persons, so convicted, shall be fined in any sum not less than five hundred dollars, nor more than one thousand dollars, or imprisoned not more than twelve months at the discretion of the jury trying the same.

SEC. 17. Courts to be held at seat of justice when buildings are prepared. That as soon as there shall be suitable buildings erected or provided at the place getting the permanent seat of justice, the courts shall be held at said place.

Approved, June 10th, 1845.

[93] CHAPTER 57.

MARION COUNTY.

AN ACT to organize the county of Marion.

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

SECTION 1. Constitutes and describes boundaries of Marion county. That the following shall constitute and be the boundary of a new county, to be called "Marion," to-wit: Beginning at the northwest corner of Mahaska

county, and running west on the township line, dividing townships seventy-seven and seventy-eight north, to the northwest corner of township seventy-seven, north of range twenty-one west; thence south to the southwest corner of township seventy-four north, of range twenty-one west; thence east along the line dividing townships seventy-three and seventy-four north, to the southwest corner of Mahaska county; thence north along the range line, dividing ranges sixteen and seventeen, to the place of beginning.

SEC. 2. Organized after 1st Monday in August next. That the county of Marion be, and the same is hereby organized from and after the first Monday in August next; and the inhabitants of said county shall be entitled to all the privileges to which by law the inhabitants of other organized counties of this territory are entitled.

SEC. 3. Clerk of district court or sheriff of Mahaska to order special election for county officers. That for the purpose of organizing said county, it is hereby made the duty of the clerk of the district court of said county, and in case there should be no such clerk appointed and qualified, or for any cause, said office should become vacant, on or before the first Monday in August next; then it shall be the duty of the sheriff of Mahaska county, to proceed immediately after the first Monday in August to order a special election in said county for the purpose of electing three [94] county commissioners, one judge of probate, one county treasurer, one clerk of the board of county commissioners, one county surveyor, one county assessor, one sheriff, one coroner, one county recorder, and such number of justices of the peace and constables as may be directed by the officer ordering the same, he having due regard to the convenience of the people; which special election shall be on the first Monday in September next. And the officer ordering said election shall appoint as many places of election in said county as the convenience of the people may require, and shall appoint three judges of election for each place of holding [elections] in said county, and issue certificates to said judges of their appointment. And the officer ordering said election, shall by three advertisements, which shall be posted up at three of the most public places in the neighborhood, where each of the polls shall be opened.

SEC. 4. Clerk or sheriff to give certificates to those elected. That the officer ordering said election (aforesaid) shall receive and canvass the polls, and grant certificates to the persons elected to fill the several offices mentioned in this act. The officer ordering each of said elections, shall discharge the duties of the clerk of the board of county commissioners, until there shall be one elected and qualified for said county.

SEC. 5. Election to be as usual. Said election shall in all cases not provided for in this act, be conducted according to the law of this territory regulating general elections.

SEC. 6. Officers to hold till general election. The officers elected under the provisions of this act, shall hold their offices until the next general election, and until their successors are elected and qualified.

SEC. 7. Clerk or sheriff to return all books to county commissioners. The officer ordering the election in said county, shall return all the books and papers which may come to his hand by virtue of this act, to the clerk of the board of county commissioners of said county, forthwith, after said clerk shall be elected and qualified.

SEC. 8. Sheriff of Mahaska to act in Marion until 1st September. That it shall be the duty of the sheriff of Mahaska county, to perform the duties required by this act, until the first Monday in September next; and until a sheriff shall be elected and qualified for said county of Marion; and the said sheriff shall be allowed the same fees for services rendered by him under the provisions of this act, that are allowed for similar services performed by the sheriff in similar cases.

SEC. 9. Clerk of court to be appointed by judge. That the clerk of the district court for said county of Marion may be appointed by the judge of said district, and qualified at any time after the passage of this act; but he shall not enter on the duties of said office, prior to the first day of August next.

SEC. 10. No action at law to abate. That all actions at law in the district court for the county [95] of Mahaska, commenced prior to the organization of the said county of Marion; where the parties or either of them reside in the county of Marion, shall be prosecuted to final judgment or decree, as fully and effectually as if this act had not passed.

SEC. 11. Justices to deliver books to newly elected justices. That it shall be the duty of all justices of the peace residing within said county, to return all books and papers in their hands, appertaining to said office, to the next nearest justice of the peace which may be elected and qualified for said county, under the provisions of this act; and all suits at law or other official business which may be in the hands of such justice of the peace and unfinished, shall be completed or prosecuted to final judgment by the justices of the peace to whom such business or papers may have been returned.

SEC. 12. Assessor to assess county. That the county assessor elected under the provisions of this act for said county, shall assess said county in the same manner and be under the same obligations and liabilities, as now are or may hereafter be, provided by law, in relation to the county assessors.

SEC. 13. Commissioners appointed to locate seat of justice. That Ezra M. Jones, of Van Buren, Joseph Robertson, of Scott county, and James Montgomery, of Wapello county, be, and they are, hereby appointed commissioners to locate and establish the seat of justice of Marion county. Said commissioners, or a majority of them, shall meet at the house of William Stanley, in said county, on the second Monday in August next; or at such other time in the month of August next, as may be agreed on by them, in pursuance of their duties under this act.

SEC. 14. Commissioners to take oath. Said commissioners shall first take and subscribe the following oath or affirmation, to-wit: "We do solemnly swear (or affirm) that we have no interest, either directly or indirectly, in the location of the county seat of Marion county; and that we will faithfully and impartially examine the situation of said county, taking into consideration the future as well as the present population of said county; and that we will take into consideration the best interests of the whole people of the county; and that we will not be influenced by any fear, reward, or any promise thereof,"—which oath shall be administered by the clerk of the district court, or by some justice of the peace of said county of Marion. And the officer administering the same, shall certify and file the same in the office of the clerk of the board of county commissioners of said county, whose duty it shall be to record the same.

SEC. 15. Commissioners to record place selected. Said commissioners when met and qualified under the provisions of this act, shall proceed to locate the seat of justice of said county, and as soon as they have come to a determination, they shall commit to writing the place so selected, with a particular description thereof, signed by the said commissioners, in which such seat of justice [96] is located, whose duty it shall be to record the same and forever keep it on file in his office; and the place thus designated shall be the seat of justice of said county.

SEC. 16. Compensation. Said commissioners shall each receive the sum of two dollars per day, while necessarily employed in the duties enjoined on them by this act; and two dollars for every twenty miles travel, in going and returning, to be paid out of the first funds arising from the sale of lots in said seat of justice.

SEC. 17. County to form part of second judicial district. The county of Marion shall form a part of the second judicial district, and it shall be the duty of the judge of said district, to hold one term of said court in the same, on the twelfth Monday after the first Monday of March, in each year.

SEC. 18. Takes effect after passage. This act to take effect and be in force from and after its passage.

Approved, June 10th, 1845.

CHAPTER 58.

ADDITIONAL JUSTICE IN LEE COUNTY.

AN ACT to provide for the election of an additional justice of the peace, in Madison township, in the county of Lee.

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

SECTION 1. Additional justice to be elected at the annual election, to hold office till April, 1847. That there shall be elected at the annual election to be held on the first Monday of August next, one additional justice of the peace, in and for Madison township, in the county of Lee; who shall, when so elected, hold his office until the annual election in April, eighteen hundred and forty-seven, and until his successor shall be elected and qualified.

SEC. 2. Madison township to have hereafter, three justices. That the aforesaid township of Madison shall forever after the passage of this act, be entitled to three justices of the peace, who shall be elected according to the law providing for the election of justices of the peace.

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

Approved, June 10th, 1845.

[97] CHAPTER 59.

WILLIAM B. SNYDER.

AN ACT for the relief of William B. Snyder.

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

SECTION 1. Treasurer to sell after twenty days notice lots enough to raise two hundred and sixty dollars, in cash. That the territorial treasurer be, and he is, hereby authorized and empowered to offer at public sale, and sell to the highest bidder, for cash, so many of the unsold lots in Iowa City, as may be necessary to raise the sum of two hundred and sixty dollars, exclusive of the expenses of such sale, upon giving twenty days previous notice thereof in the Iowa Capital Reporter.

SEC. 2. Treasurer to pay William B. Snyder for pine shingles and costs of former suit. It shall be the duty of the territorial treasurer immediately after such sale as aforesaid, to allow and pay over unto William B. Snyder, upon his presenting proper vouchers therefor, the amount incurred by the said Snyder for the purchase of shingles for the capitol of this territory, at Cin-

cinnati, together with all the costs incurred by the said William B. Snyder in consequence of a suit brought against him for the amount of said shingles in the state of Ohio in April last: provided however, that should a sufficient sum of money be paid into the territorial treasury, previous to the expiration of twenty days as aforesaid for the liquidation of said claim, then such sale shall be dispensed with, and the money shall be applied to the payment of said demand.

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

Approved, June 10th, 1845.

[98] CHAPTER 60.

HENRY HEFFLEMAN.

AN ACT for the relief of Henry Heffleman and others.

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

SECTION 1. Allows pay to several sheriffs for posting first election. That the auditor of public accounts, be and he is, hereby authorized to audit and allow, if found to be correct and unpaid, the sum of fifty dollars, to Henry Heffleman, former sheriff of the county of Van Buren; and Martin Harless, of Louisa county; and J. W. Tallman, for extra services as sheriff of said counties in the year 1838, as allowed by an act entitled "An act for the compensation of the sheriffs of the different counties of this territory for advertising elections and putting up notices," approved, January 25, 1838: provided, that in case the said sheriffs shall have sold their claims, the person now holding them, shall alone be entitled to receive the pay.

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

Approved, June 10th, 1845.

CHAPTER 61.

ROAD.

AN ACT to legalize the location of a road from Cascade, in Du Buque county, to O. A. Olmstead's mill, in Delaware county.

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

SECTION 1. Legalizes the road. That the road leading from Cascade, in Du Buque county, to O. A. Olmstead's mill, in Delaware county, be and the same is, hereby declared a territorial road; and the action of the commissioners which were appointed by the law, approved 13th February, 1843, be, and the same is, hereby legalized.

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

Approved, June 10th, 1845.

[99] CHAPTER 62.

TERRITORIAL ROAD.

AN ACT to establish a territorial road in the counties of Van Buren and Davis.

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

SECTION 1. Appoints commissioners and states course of road. That Samuel Swearinger and Israel Rister, of the county of Davis, and John B. Wilson, of Van Buren county, be, and they are, hereby appointed commissioners to lay out and establish a territorial road, commencing at the Sullivan line of Missouri, where the road leading from Keosauqua to Churchville crosses said line—thence on the divide between Fox river and Indian creek, via Fox post office, Sebastian Streeter's and Loyd A. Nelson's; keeping the divide between Fox river, Cherrynest and Soap creeks, to the western line of Davis county.

SEC. 2. Commissioners to meet 1st Monday in July and proceed to lay out road. Said commissioners shall meet at Fox post office, on the first Monday of July next, or on such other day as a majority of them may agree on, within one month thereafter, and proceed to the discharge of the duties required of them by the provisions of this act.

SEC. 3. Commissioners to be governed by the general road law. Said commissioners shall in all other respects be governed by the provisions of the act to provide for laying out and opening territorial roads; with the exception, that nothing contained in said act shall be so construed as to authorize the expense of said road to be paid out of the treasury of either of said counties.

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

Approved, June 10th, 1845.

[100] CHAPTER 63.

TERRITORIAL ROAD.

AN ACT to re-locate a part of a territorial road leading from Rockingham, in Scott county, to Moscow, in Muscatine county.

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

SECTION 1. Appoints commissioners to relocate part of road. That Field H. Richardson, Delevan Bratt and Robert Stewart, be, and they are, hereby appointed commissioners to relocate and establish all that part of the territorial road leading from Rockingham to Moscow, as lies between Moscow and Centre grove.

SEC. 2. Commissioners to meet 1st Monday in July. Said commissioners shall meet at Moscow on the third Monday in July next, or on such other day as a majority of them may agree upon, within thirty days thereafter, and proceed to the discharge of the duties required of them by this act.

SEC. 3. Commissioners to be governed by general road laws. Said commissioners shall in all respects be governed by the provisions of the act to provide for laying out and opening territorial roads, approved December the 29th, 1838.

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

Approved, June 10th, 1845.

CHAPTER 64.

TERRITORIAL ROAD.

AN ACT to establish a territorial road from Bloomington to the county line of Muscatine county, near the present road leading to Davenport.

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

SECTION 1. Appoints commissioners to lay out road. That George H. Fitch, Elijah Sells and Stephen Nye, of Muscatine county, be and they are, hereby appointed [101] commissioners to lay out and establish a territorial road from Bloomington, in Muscatine county, to the county line of Scott county, near the present road leading towards Davenport.

SEC. 2. Commissioners to meet first Monday in July. Said commissioners shall meet at Bloomington on the first Monday of July next, or on some subsequent day to be agreed upon by them, and proceed to lay out and establish said road upon this side of the Mississippi bluffs, and above the floods of the Mississippi river, so as to suit the convenience of the inhabitants and without injury to the farms.

SEC. 3. Vacates certain road along the Mississippi river when new road is improved. That the county road along the Mississippi river, near or on the banks of the same, after the said road shall be established and sufficiently improved, shall be vacated so far as the said road so to be established shall extend along the said county road in the county of Muscatine, whenever the commissioners of the county shall deem it expedient.

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

Approved, June 10th, 1845.

CHAPTER 65.

TERRITORIAL ROAD.

AN ACT to repeal "An act repealing a portion of an act to locate and establish a territorial road from the town of Du Buque, to Camp Atkinson;" approved, January 13, 1841, and providing for the re-location of said road.

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

SECTION 1. Repeals law of January 13, 1841. That "An act repealing a portion of an act to locate and establish a territorial road from the town of Du Buque, to Camp Atkinson;" approved January 13, 1841, be and the same is hereby repealed.

SEC. 2. Appoints commissioners to relocate as much of said road as was affected by law of January 13, 1841. That Peter D. Sharp, David Moreland and William J. Anderson are hereby appointed commissioners to re-locate so

much of said road as was repealed by the act aforesaid, the territorial road leading from Du Buque to Fort Atkinson, by the way of the Colony and Ead's Grove, in Delaware county, to Fort Atkinson; and said commissioners shall keep the county road from Du Buque, through the Bankston set- [102] tlement. Said commissioners or a majority of them shall meet at the house of William J. Anderson, on the first Monday in July next, or as soon after as may be convenient for them, and proceed to locate said road.

SEC. 3. Allows usual compensation. That the commissioners, surveyor, chain-carrier and other hands employed to relocate said road as herein specified, shall receive the usual rates allowed for similar work, two thirds of which shall be paid out of the treasury of Du Buque county, and one third out of the treasury of Delaware county.

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

Approved. June 11th, 1845.

CHAPTER 66.

FERRIES.

AN ACT to authorize the board of commissioners of Muscatine county, to license certain ferries across the Mississippi river.

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

SECTION 1. Commissioners to issue license to any one to keep ferry across Mississippi, opposite Wyoming and section 30 and 31, in township 77, N. R. 1 W. and opposite section 36, T. 77, N. R. 2 W. That the commissioners of the county of Muscatine be, and they are, hereby authorized to issue license to any person or persons, to keep a ferry across the Mississippi river, opposite the town of Wyoming; and also opposite sections thirty and thirty-one, in township seventy-seven north, range one west; and opposite section thirty-six, township seventy-seven north, range two west, of said county of Muscatine: provided, said board of commissioners shall not license a ferry to conflict with the rights of the corporation of the town of Bloomington, to establish and keep a ferry across said river.

SEC. 2. No license to exceed ten years. That said board of commissioners shall not issue a license to keep a ferry to exceed the term of ten years.

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

Approved, June 11th, 1845.

[103] CHAPTER 67.

KISHKEKOSH COUNTY ORGANIZED.

AN ACT to organize the county of Kishkekosh, and to provide for the location of the seat of justice thereof.

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

SECTION 1. Declares the county organized after July 1, 1845. That the county of Kishkekosh be, and the same is, hereby organized, from and after

the first day of July next, and the inhabitants of said county shall be entitled to all the privileges to which by law the inhabitants of other organized counties of this territory are entitled; and the said county shall constitute a part of the first judicial district of this territory.

SEC. 2. Clerk of said county or sheriff of Wapello to order election for usual county officers after 10th July. That for the purpose of organizing said county, it is hereby made the duty of the clerk of the district court of said county, and in case there should be no such clerk appointed and qualified, or for any cause said office should become vacant on or before the tenth day of July next, then it shall be the duty of the sheriff of Wapello county, to proceed immediately after the tenth day of July, to order an election in said county for the purpose of electing three county commissioners, one judge of probate, one county treasurer, one clerk of the board of county commissioners, one surveyor, one county assessor, one sheriff, one coroner, one county recorder, and such number of justices of the peace and constables as may be directed by the officer ordering said election; the officer having due regard to the convenience of the people; which election shall be on the first Monday in the month of August next. And that the officer ordering said election shall appoint as many places of holding elections in said [104] county, as the convenience of the people may require, and shall appoint three judges of election for each place of holding elections in said county; and issue certificates to said judges of their appointment. And the officer ordering said election shall give at least fifteen days notice of the time and place of holding such election, by at least three printed or written advertisements, which shall be posted up at three or more of the most public places in the neighborhood where each of the polls shall be opened as aforesaid.

SEC. 3. Said clerk or sheriff to canvass poll, and give certificates to elected. That the officer ordering the elections aforesaid shall receive and canvass the polls and grant certificates to the persons selected to fill the several offices mentioned in this act, and in all cases not provided for by this act. The officer ordering said election shall discharge the duties of a clerk of the board of county commissioners, until there shall be a clerk of the board of county commissioners elected and qualified for said county under the provisions of this act.

SEC. 4. Election to be held as usual. Said election shall in all cases not provided for by this act, be conducted according to the laws of this territory regulating general elections.

SEC. 5. Elected, to hold till next general election. The officers elected under the provisions of this act, shall hold their offices until the next general election, and until their successors are elected and qualified.

SEC. 6. Clerk or sheriff to deliver all papers to county commissioners. The officer ordering the election in said county shall return all the books and papers which may come into his hands by virtue of this act, to the clerk of the board of county commissioners of said county, forthwith, after said clerk shall be elected and qualified.

SEC. 7. Compensation. That the officer conducting said election shall be allowed the same fees for services rendered by him under the provisions of this act, that are allowed by law for similar services performed by the sheriff in similar cases.

SEC. 8. Judge of district court to appoint clerk. That the clerk of the district court for said county of Kishkekosh, may be appointed by the judge of said district and qualified at any time after the passage of this act; but shall not enter upon the discharge of the duties of said office, prior to the first day of July next.

SEC. 9. No action at law to abate. That all actions at law in the district court for the county of Wapello, commenced prior to the organization of said county of Kishkekosh, when the parties, or either of them, reside in said county of Kishkekosh, shall be prosecuted to final judgment, order or decree, as fully and effectually, as if this act had not been passed.

SEC. 10. Justices to deliver books to nearest elected justice. That it shall be the duty of all justices of the peace, residing within said county, to return all books and papers in their hands [105] appertaining to said office, to the next nearest justice of the peace which may be elected and qualified for said county under the provisions of this act. And all suits at law or other official business which may be in the hands of such justices of the peace and unfinished, shall be completed, or prosecuted to final judgment by the justices of the peace to whom such business or papers may have been returned as aforesaid.

SEC. 11. Assessor to assess new county. That the county assessor elected under the provisions of this act for said county, shall assess the said county in the same manner and be under the same obligations and liabilities, as are now or may hereafter be provided by law, in relation to township assessors.

SEC. 12. Commissioners appointed to locate seat of justice. That James A. Galliher, of the county of Jefferson; E. S. Rand, of the county of Van Buren; and Israel Kister, of the county of Davis, be, and they are, hereby appointed commissioners to locate and establish the seat of justice of said county of Kishkekosh. Said commissioners or any two of them, shall meet at the house of W. G. Clark, Esquire, in said county, on the first Monday in July next, or at such other time within one month thereafter as a majority of said commissioners may agree upon, in pursuance of their duties under this act.

SEC. 13. Commissioners to take oath. Said commissioners shall first take and subscribe the following oath, to-wit: "We do solemnly swear (or affirm) that we (or either of us) have no personal interest, either directly or indirectly, in the location of the seat of justice for Kishkekosh county; and that we will faithfully and impartially examine the situation of said county, taking into consideration the future as well as the present population of said county; also to pay strict regard to the geographical centre of said county, and locate the seat of justice as near the centre as an eligible situation can be obtained;"—which oath shall be administered by the clerk of the district court or justice of the peace of the county of Kishkekosh; and the officer administering the same shall certify and file the same in the office of the clerk of the board of county commissioners of said county, whose duty it shall be to receive the same.

SEC. 14. Commissioners to file their report with clerk of county commissioners. Said commissioners when met and qualified under the provisions of this act, shall proceed to locate the seat of justice of said county; and as soon as they shall have come to a determination, they shall commit to writing the place so selected, with such name as they may see proper, and a particular description thereof, signed by the said commissioners and filed with the clerk of the board of county commissioners, in which such seat of justice is located, whose duty it shall be to record the same, and forever keep it on file in his office, and the place thus designated shall be the seat of justice of said county.

[106] **SEC. 15. Compensation of commissioners.** Said commissioners shall each receive the sum of two dollars per day while necessarily employed in the duties enjoined upon them by this act, which shall be paid by the county out of the first funds arising from the sale of town lots in said seat of justice.

SEC. 16. County west of new county attached thereto for judicial purposes. That the territory west or said county be, and the same is hereby attached to the county of Kishkekosh, for election, revenue and judicial purposes.

SEC. 17. Judge to appoint time of holding court. The judge of the first judicial district may appoint such time of holding court in said county, as he shall deem proper and convenient.

SEC. 18. This takes effect after passage. This act to take effect and be in force from and after its passage.

Approved, June 11th, 1845.

CHAPTER 68.

HENRY SWAN TO CONVEY CERTAIN PROPERTY.

AN ACT to authorize Henry Swan, administrator of the estate of David Duke, deceased, late of the county of Henry, to convey certain lands.

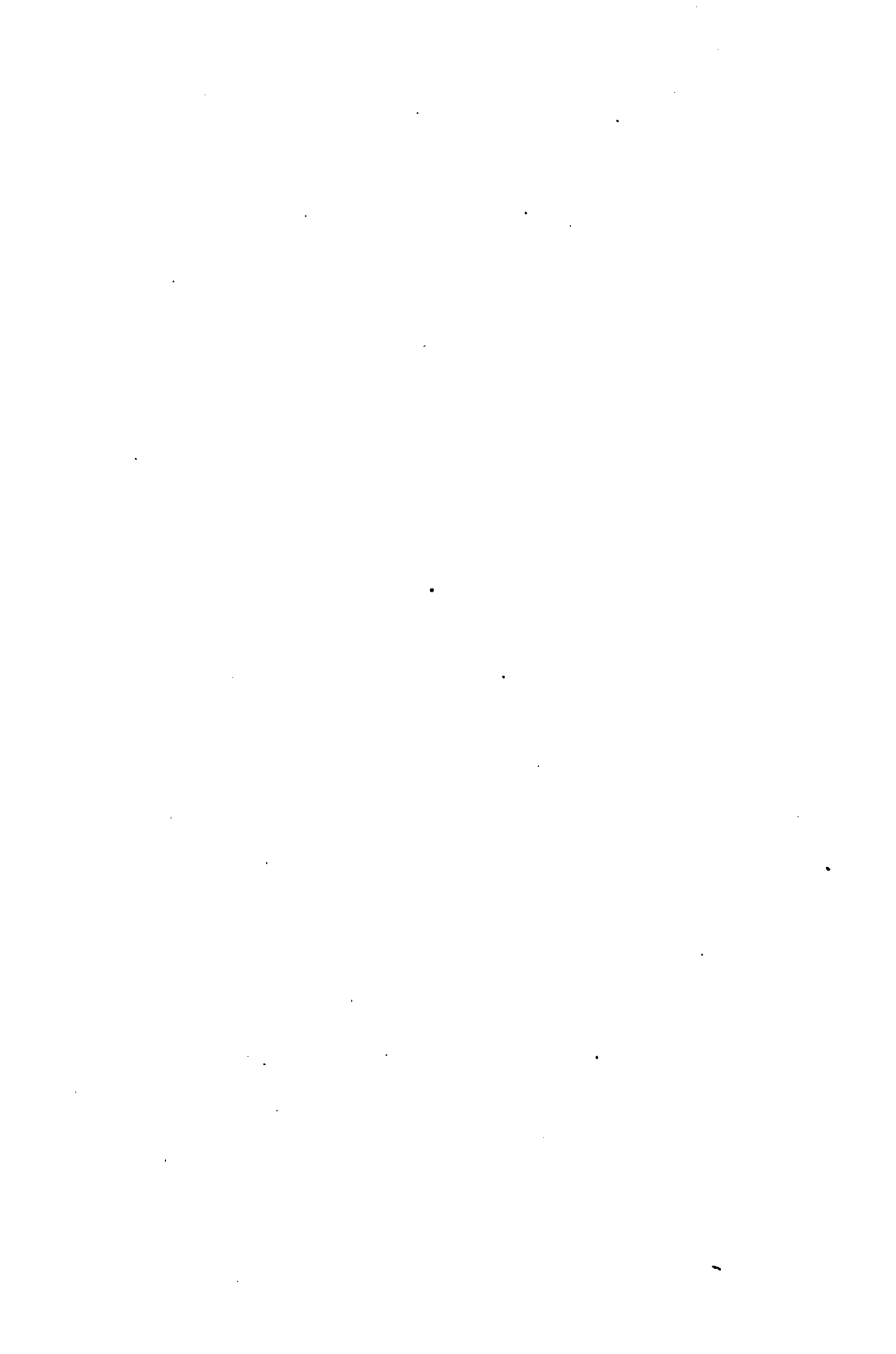
Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. Henry Swan to convey certain lands. That Henry Swan, administrator of the estate of David Duke, late of the county of Henry, deceased, be, and he is, hereby authorized to convey by deed, the undivided half of the north west quarter of the south east quarter of section number twenty-seven, in township number seventy, north of range number five west, to the heirs as designated in the last will and testament of Alexander McDonald, deceased, late of the county of Henry.

SEC. 2. Henry Swan to act under direction of probate judge. And the said administrator aforesaid shall make said deed aforesaid to the said heirs under the order and direction of the judge of the probate court of said county of Henry.

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

Approved, 11th June, 1845.



JOINT RESOLUTIONS

NO. 1. —

JOINT RESOLUTION providing that the maps voted for the use of the legislative assembly, be distributed among the different counties.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That Barrow's map of Iowa and notes, in possession of the members of the council, be, and they are, hereby appropriated for the use of the respective counties of this territory; and it is hereby made the duty of the members of the council immediately after the adjournment thereof, to deposit the same with the clerk of the board of commissioners of their respective counties.

Approved, May 29th, 1845.

NO. 2.

JOINT RESOLUTION providing seals for counties therein named.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That Paul Bratton be, and he is, hereby authorized to contract with some person to furnish a full set of seals for the county of Davis, for which they shall receive such compensation, out of the territorial treasury, as the legislature may hereafter direct.

That William Edmundson, of Mahaska county, is hereby authorized to contract for, and furnish a full set of seals for the county of Mahaska, to be allowed and paid for as above.

[108] That Samuel James, of the county of Keokuk, be authorized to contract for and furnish a full set of seals for the county of Keokuk, to be paid as above.

That Paul Bratton, of Van Buren county, be authorized to contract for and furnish a full set of seals for the county of Wapello, to be paid for as above.

Approved, June 5th, 1845.

NO. 3.

JOINT RESOLUTIONS instructing our delegate in congress to procure an increase of facility on mail route No. 4228.

Resolved, by the Council and House of Representatives of the Territory of Iowa:

That our delegate in congress be, and he is hereby requested to use his influence and best exertions to extend the service on the mail route, number four thousand two hundred and twenty-eight, (4228) from Fulton City, in the state of Illinois, via Lyons, De Witt, Washington ferry and Spring Rock post office, to Tipton, in the territory of Iowa, to once a week, instead of once in two weeks, as under the present arrangement.

Resolved, that his excellency, the governor, is hereby respectfully requested to forward one copy of this resolution to the post master general, and one copy to our delegate in congress.

Approved, June 7th, 1845.

NO. 4.

JOINT RESOLUTION requesting the delegate in congress to endeavor to procure the establishment of a mail route from Burlington, via Lowell, Salem, and Washington, in Henry county, to the county seat of Mahaska county.

Resolved, by the Council and House of Representatives of the Territory of Iowa:

That our delegate in congress be requested to use his best endeavors to obtain the establishment of a mail route from Burlington, in Des Moines county, to the county seat of Wapello county, via Lowell, Salem and Washington, in Henry county, to Winchester, Birmingham, in the county of Van Buren—thence to the county seat of Wapello county, and thence to Oscaloosa, in Mahaska county: said mail route to be carried on the military road, from Burlington to the Old Agency, or as [109] near thereto as practicable, so as to touch the points designated above, and that his excellency, the governor of the territory, be requested to forward a copy of this resolution to our delegate in congress.

Approved, June 7th, 1845.

NO. 5.

A JOINT RESOLUTION to authorize the trustees of the Protestant Methodist church to convey their church half lot in Iowa City, to the trustees of the Iowa City College.

Whereas, the trustees of the Protestant Methodist church of Iowa City have sold the east half of their church lot, in block number sixty-six, as designated on the recorded plat of Iowa City, to the trustees of the Iowa City college, for the sum of twenty-five hundred dollars, and whereas, by the grant of said half lot, the said premises are to be held for religious and literary purposes, according to the discipline of said Protestant Methodist church: therefore,

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That the trustees of the Protestant Methodist church, or a majority of them, be, and they are, hereby authorized, to convey said premises, to the trustees of the Iowa City college, to be used for literary purposes, according to the by-laws and rules of said Iowa City college. And the said trustees of the Iowa City college, or a majority of them, shall have full power to sell and convey said premises for religious or literary purposes, whenever in their opinion, such conveyance will advance the interest of said college.

Approved, June 9th, 1845.

NO. 6.

A JOINT RESOLUTION to provide for the printing of the laws.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That Palmer & Williams, publishers of the Iowa Capital Reporter, be, and they are, hereby employed to print twenty-five hundred copies of all laws passed at the present session—also, all those passed at the extra session of June, 1844, at the prices and conditions prescribed by an act establishing the prices of public printing, approved Feb., 1843. And that said publishers be authorized to have the laws stitched and bound in the usual manner: provided, the same be executed at a price not exceeding ten cents per copy: and the said Palmer and Williams be required to enter into bond, with good and sufficient security, to the secretary of the territory of Iowa, in the penal sum of three thousand dollars, conditioned that they have the said laws printed and bound as aforesaid, and ready for delivery, on the first day of August next.

Approved, June 10th, 1845.

NO. 7.

JOINT RESOLUTION instructing our delegate in congress in regard to the boundaries of the future state of Iowa.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That the delegate in congress be instructed to insist unconditionally on the convention boundaries, and in no case to accept or proffer to accept anything short of the St. Peters on the north, and the Missouri on the west, as the northern and western limits of the future state of Iowa.

Approved, June 10th, 1845.

NO. 8.

JOINT RESOLUTION providing for the care of public property at the Capitol.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That the treasurer of this territory is hereby directed to collect all stoves, pipes or other furniture, or any stationery or books, belonging to this territory; and cause the same to be kept in a safe and suitable place, during the recess of the legislature.

Approved, June 10th, 1845.

NO. 9.

JOINT RESOLUTION to authorize the clerk of the supreme court to use a certain room in the Capitol, for the purpose of a clerk's office.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That the clerk of the supreme court of the territory of Iowa [111] be, and he is hereby authorized to use the northwest corner room, on the first floor of the capitol, in Iowa City, for all the purposes of a clerk's office of said court.

Approved, June 10th, 1845.

NO. 10.

JOINT RESOLUTION instructing the secretary to pay the widow of the late James Leonard, the full amount of his per diem for this entire session.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That the secretary of the territory be, and he is, hereby authorized to pay to Betsy K. Leonard, the widow of James Leonard, deceased, late a member of this house, the full amount of per diem and mileage, that he would have otherwise been entitled to receive for the present session.

Approved, June 10th, 1845.

NO. 11.

JOINT RESOLUTION providing for the adjournment of the legislative assembly.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That both houses of the legislative assembly, adjourn *sine die*, on Wednesday, the eleventh day of June, instant.

Approved, June 10th, 1845.

NO. 12.

JOINT RESOLUTION providing for the appointment of a fiscal agent.

Whereas, The secretary of the territory has not received the draft for the payment of the expenses of the present session of the legislative assembly: therefore,

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That Chauncey Swan be, and he is, hereby appointed Fiscal Agent, for the purpose of obtaining a loan of three thousand dollars, for the payment in part, of the expenses of the officers and members of this legislature; and that the secretary of the territory be, and he is, here- [112] by authorized and required to pay said loan as soon as he receives said draft; and that said fiscal agent be instructed to report to this house, at his earliest convenience, the terms on which he can obtain said loan.

Approved, June 10th, 1845.

NO. 13.

JOINT RESOLUTION providing for an examination of the affairs of the penitentiary.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That there be a committee of one member appointed on the part of the council, and two members on the part of the house of representatives, to examine into the affairs of the penitentiary; and that they have power to send for persons and papers, and report the same to the legislature at its next annual session.

Approved, June 10th, 1845.

NO. 14.

JOINT RESOLUTION providing for the safe keeping of the property belonging to the Capitol and for other purposes.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That the treasurer of the territory take charge of all property belonging to the capitol, and on no account permit it to be used or taken from the same; and that he shall not permit either of the legislative halls to be used for any purpose during the recess of the legislature.

Approved, June 11th, 1845.

NO. 15.

JOINT RESOLUTION instructing the secretary of the council and clerk of the house.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That the secretary of the council and clerk of the house, are hereby required to place in the hands of the secretary of the territory, all accounts which have been presented to and allowed by this legislature, and the said secretary is hereby requested to file the same in his office at Iowa City.

Approved, June 11th, 1845.

[113] NO. 16.

JOINT RESOLUTIONS relative to the distribution of the laws.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That the laws of the present session shall be distributed as follows, to-wit: To the counties of Des Moines, Van Buren and Du Buque, each, one hundred and fifty copies—to the counties of Henry, Jefferson and Jackson, one hundred and twenty copies each—to the counties of Washington, Louisa, Johnson, Muscatine, Scott and Linn, one hundred copies—to the county of Cedar, eighty copies—to the counties of Clinton, Jones, Clayton, Delaware, Davis, Wapello, and Keokuk, each seventy-five copies—to the counties of Iowa, Buchanan, Fayette, Kishkekosh, Appanoose and Marion fifty copies each; to be deposited with the clerks of the board of county commissioners of each county herein named.

Resolved, that in the distribution of said laws, the clerks of the several boards of county commissioners shall be governed by the act relative to the distribution of laws, approved, 16th February, A. D. 1844.

Resolved, that S. J. Burr, secretary of the territory, is hereby required to prepare for publication and to superintend the printing, etc., etc., of the laws of the extra session of the legislative assembly, and make an index thereto; and that he be allowed for said services, two hundred and fifty dollars.

Resolved, that F. M. Irish be employed to distribute the laws so printed as soon as they are printed, according to the provisions of this act; and that he be allowed therefor, one hundred and fifty dollars: provided, that said Irish shall enter into a bond conditioned that said laws shall be delivered as aforesaid; within thirty days from the time the same shall be ready for delivery by the said Williams and Palmer, with good securities, for the faithful distribution of the laws, in behalf of the territory of Iowa, and deposit the same with the treasurer of the territory.

Resolved, that the secretary of the territory furnish the printers with copies of said laws as soon as practicable: provided, that the joint resolutions be printed in their order at the end of the acts.

Approved, June 11th, 1845.

[114] NO. 17.

JOINT RESOLUTION instructing our delegate to use his influence for an appropriation to repair the bridge on Devil creek in Lee county.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That our delegate in congress be instructed to use his influence to procure an appropriation of one thousand dollars, to improve and repair the bridge on Devil creek, in the county of Lee, on the mail route leading from St. Francisville, in the state of Missouri, to Burlington, in the territory of Iowa.

Approved, June 11th, 1845.

NO. 18.

A JOINT RESOLUTION supplementary to a joint resolution adopted by the council and house of representatives, for the appointment of a committee to examine into the affairs of the penitentiary.

Resolved, by the Council and House of Representatives of the Territory of Iowa.

That the committee appointed by the council and house of representatives to examine into the affairs of the penitentiary, be, and they are hereby authorized to administer oaths, examine persons under oath, and receive proposals for leasing said penitentiary—which proposals, said committee shall submit to the next legislature.

Approved, June 11th, 1845.

[115] CHAPTER 69.

S. J. BURR.

AN ACT for the relief of S. J. Burr, secretary of Iowa territory.

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

SECTION 1. Appropriates for payments made. That there be appropriated to the secretary of the territory, the sum of twelve hundred and seventeen dollars and thirty-seven and a half cents, for the purpose of making up the amount of the following bills, which have been paid as expenses of the year ending July 1st, 1844, viz:

Wilson and Keesecker's bill for printing and binding the journals of the house of representatives of the session of 1843-44, five hundred and ninety-three dollars and twenty-five cents;

James G. Edward's bill for printing and binding journals of council of same session, four hundred and ninety-nine dollars, and twelve and a half cents;

William Green's bill for binding laws of session 1843-44, two hundred dollars;

William Windham's bill for work for the library during session of 1843-44, fifteen dollars;

Peter Conboy's bill for services in library during session of 1843-44, ten dollars.

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

Approved, May 14th, 1845.

NOTE.—This bill not having reached me in season, will account for its not appearing in its regular order in the book.

S. J. BURR.

INDEX

A.

Chap.	Sec.		Page.	Reprint Page.
		ABBE, WILLIAM—		
41	1	Appointed regent of university.....	61	569
		ACCOUNTS—		
8	1	Of convention—to be allowed.....	25	543
		ADMINISTRATOR—		
		Claimants to serve written notice on.		
21	1	Who, if satisfied shall pay.....	39	553
21	2	List of demands kept by, and paid once a year.....	39	553
21	4	If refused by—claimant to go to probate judge.....	39	554
21	5	Authorized to administer oaths.....	40	554
		Foreign—to prosecute by giving.		
28	1	Resident securities.....	49	561
28	2	Letters to be filed in probate office.....	50	561
28	3	Laws conflicting, repealed.....	50	561
68	1	Henry Swan—authorized to convey certain property.....	106	601
68	2	Henry Swan, and to be made heirs of Dan'l Duke.....	106	601
		ADVERTISEMENTS—		
4	1	Persons injuring or destroying to be fined or imprisoned...	21	540
4	2	May be destroyed when no longer useful.....	21	540
		AGENT—		
4	1	Territorial—salary of.....	3	527
7	1	Office of abolished.....	24	542
7	2	Papers to be given to treasurer.....	24	542
		Fiscal—appointed to borrow \$3,000.....	111	607
		ALDERMEN—		
		Of Burlington—(see Burlington.)		
		ALLEN, PORT—		
36	1	Vacating laws, repealed.....	58	567
36	2	Streets declared highways.....	58	567
		ANDERSON, WILLIAM J.—		
65	2	Appointed road commissioner.....	101	597
65	3	His compensation.....	102	597
		ANIMALS—		
54	25	Taxed in Burlington.....	83	585
		APPROPRIATION—		
30	1	For members of council.....	51	562
30	2	For officers of council.....	52	562
30	3	For members of House.....	52	562
30	4	For officers of House.....	52	562
30	5	John Lorton, Peter Conboy, G. W. Jeffries and John Johnson	52	562
30	6	President of council.....	52	562
30	7	Speaker of House.....	52	562
30	8	Postage of House.....	52	562
30	9	Postage of council.....	52	562
30	10	House incidental printing.....	52	562
30	11	Council incidental printing.....	52	563
30	12	Cleaning basement.....	52	563
30	13	Balance for binding laws.....	52	563
30	14	James Trimble.....	52	563
30	15	James Clarke.....	52	563

Chap.	Sec.		Reprint	
			Page.	Page
30	16	Jonathan Read and J. F. Kinny.....	52	563
30	17	Thomas Snyder	53	563
30	18	A. P. Wood	53	563
30	19	A. P. Wood	53	563
30	20	William Thompson	53	563
30	21	John Larue	53	563
30	22	Henry Felkner	53	563
30	23	S. J. Burr	53	563
30	24	Wesley Jones	53	563
30	25	Samuel Isaacs	53	563
30	26	J. S. Kimball	53	563
30	27	James G. Edwards	53	563
30	28	Jones and Powell	53	563
30	29	Hepburn and Shoup	53	564
30	30	William Crum	53	564
30	31	S. J. Burr	53	564
30	32	F. M. Irish	54	564
30	33	James Mackintosh	54	564
30	34	Hughes and Waters	54	564
30	35	Pro. tem officers of council.....	54	564
ARREARAGES—				
1	2	Secretary to pay if allowed by congress.....	1	525
ASSEMBLY, LEGISLATIVE—				
		to adjourn sine die	111	606
ASSESSOR—				
5	1	Elected annually in each county.....	22	541
5	2	To give bond	22	541
5	3	Office vacant if no bond given in twenty days.....	22	541
5	4	Commissioners to fill vacancy	22	541
5	5	Person appointed give bond	22	541
5	6	Assessment to commence in May.....	23	541
5	7	Approval of commissioners	23	541
5	9	Parts of act of February 15, 1844, repealed.....	23	542
55	2	For Iowa county, to be elected.....	85	586
55	11	His duty	95	593
57	3	For Marion county to be elected.....	94	592
57	12	His duty	95	593
67	2	In Kishkekosh—chosen	103	599
67	11	His duty	105	600
ATTACHMENT—				
3	1	Judgment with—to be served or garnisheed.....	20	540
3	2	No pending suit to be interfered with.....	20	540
17	1	Writs of—granted in certain cases.....	35	550
17	2	Declaration to be filed ten days before return day of.....	35	551
17	3	26th section of act allowing writs of attachment, altered..	35	551
23	6	Against masters of steam boats, allowed in certain cases...	44	557
AUDITOR—				
3	1	To issue warrants upon the treasury for expenses of convention	25	543
46	1	To allow Samuel Parker \$59.....	67	574
60	1	To allow \$50 each to certain sheriffs.....	98	595
B.				
BAIL—				
24	1	When bond is forfeited, defendant not allowed to enter new bond	45	557
24	2	Forfeited bond to be prosecuted.....	45	558
24	3	Law conflicting, repealed	45	558
BANE, MALCOLM M.—				
40	3	Appointed road commissioner	60	569
40	3	His compensation	61	569
BANK, MINERS' OF DUBUQUE—				
18	3	Provision made for the payment of the debts due from Terri- tory, to	36	551
31	1	Charter repealed	54	564

Chap.	Sec.		Reprint	
			Page	Page
31	2	To be closed by trustees.....	54	564
31	3	Manner of closing	54	564
31	4	Trustees to give bond	55	565
31	5	No pending suit affected.....	55	565
31	6	Two years allowed, but judge may extend the time.....	55	565
BARNES, DENNIS—				
49	1	Appointed, road commissioner	69	575
BASEMENT OF CAPITOL—				
30	12	Appropriation for cleaning the.....	52	563
BEERS, MOSES—				
41	1	Appointed regent of university	61	569
BENSIL, CHARLES E.—				
38	1	Acts of—as Recorder, legalized	59	568
BENTON COUNTY—				
10	1	Commissioners of—not compelled to pay for wolf scalps.....	26	544
BLACK, WILLIAM—				
13	3	Appointed road commissioner	9	531
13	6	His compensation	10	532
BLOOMINGTON—				
64	..	Road from line of Muscatine county, to.....	100	597
BONHAM, SMYLLIE H.—				
41	1	Appointed regent of university	61	569
BONNEY, JOSIAH H.—				
41	1	Appointed regent of university.....	61	569
BOUNDARIES—				
45	1	Of Washington county—eastern line changed.....	66	573
13	8	Adoption of constitution not to be considered as an acceptance of the congressional boundaries for future state... ..	32	548
54	1	Of Burlington, of the city.....	74	578
54	26	Of Burlington, of the wards	84	585
57	1	Of Marion, county	93	591
		Of state, delegate instructed therein.....	110	605
BRATT, DELEVAN—				
63	1	Appointed road commissioner	100	596
BRATTON, PAUL—				
		appointed to procure seals for Davis county.....	107	603
		appointed to procure seals for Van Buren county.....	108	603
BROPHY, JOHN—				
41	1	appointed regent of university.....	61	569
BUCHANAN COUNTY—				
39	1	Acts of a justice legalized, in.....	60	568
40	1	Road—authorized in	60	569
BURCHARD, J. H. Jr.—				
15	1	Appointed road commissioner	11	533
BURLINGTON—				
16	1	Congregational church of—allowed to sell property.....	12	533
16	2	Former sales by—valid	12	533
43	1	Road from—to Sugar creek, re-located.....	65	572
CITY CHARTER—				
54	1	Boundaries described and contents declared a city—inhabitants a body politic—name, city of Burlington—all corporate powers	74	578
54	2	City invested with all powers, property, etc., as heretofore held —no suit at law to abate by the change.....	75	578
54	3	Mayor to be elected annually, 1st Monday in February. He must be a resident of 3 years—each ward to elect two aldermen, residents of two years—mayor and aldermen to constitute city council—majority a quorum—council, to be judges of election returns and qualifications of their		

Chap.	Sec.		Reprint Page Page
		members, may compel members to attend, under penalty.	
		Aldermen's term one year; shall elect pro tem. president.	75 579
54	4	People to elect treasurer annually, he to exercise lawful powers not specified herein; city marshal to be annually elected and perform duties not specified herein—recorder to be annually elected, to keep record of, and duties required by, council	75 579
54	5	Mayor to give ten days notice of election, by proclamation; election from 8 or 10 A. M. to 4 P. M., returns to be made to the mayor within two days, except those for mayor which go to the president pro tem., mayor and pro tem. President to open returns; persons having most votes elected,—if no choice, mayor to order new election; persons elected to be notified by marshal, and qualified in ten days, or office be vacant; council to appoint judges and clerks of election.	76 579
54	6	Inhabitants 21 years of age to vote—suspected or challenged vote to be sworn	77 580
54	7	Councilmen not to accept any city office or be interested in any contract during his term	77 580
54	8	Mayor to put in force the laws, to sign all laws, etc.; see them published, preside in council and have casting vote	77 581
54	9	Officers to take oath and give bond when required	78 581
54	10	Council to provide places for meeting open to the public	78 581
54	11	Council to fill vacancies; president pro tem. to act in mayor's absence	78 581
54	12	Council to punish ordinances; to punish offences against inhabitants; if contrary to law of territory, void	79 581
54	13	Council to organize fire companies and provide apparatus; to construct landings, fix wharfage, etc.	79 582
54	14	On application of three-fourths of owners on any square, council to prescribe manner of building	79 582
54	15	Council to regulate all taverns, exhibitions, etc., etc.; to grant license to the same; to revoke licenses if necessary; existing ferries not to be disturbed	80 582
54	16	Council to remove all nuisances; proprietors to fill up lands occasionally overflowed; they failing, council to do so, and assess cost on lot; cost to be collected by sale of lot if necessary. Proprietors may redeem in one year	80 583
54	17	Council to appoint supervisors, etc., and collect \$1 from each liable person, as road tax; may prohibit animals from running at large; may license carts, etc., and livery stables, brokers and loan offices	81 583
54	18	Money to be placed in treasury and not paid except by order of the council	81 583
54	19	Before laws of council are binding they must be approved and published	82 584
54	20	Defines the meaning of the term "owner"	82 584
54	21	Council to regulate grades	82 584
54	22	Justices to issue process for corporation; try offenders; may summon jury; convicted persons liable for costs; if cleared, corporation to pay; may commit to Des Moines county jail	82 584
54	23	No person to be deprived of liberty or fined more than \$2, unless tried by jury	83 585
54	24	Council to have charge of all property, but cannot sell without people's consent	83 585
54	25	Council to levy taxes on city property not to exceed one quarter per cent; may tax dogs, etc.; open streets and tax for cost of the same	83 585
54	26	All north of Columbia street to be ward No. 1; south thereof and north of Jefferson, ward No. 2—south thereof, ward No. 3—council may alter boundaries or add other wards.	84 585
54	27	Council may borrow money if two-thirds of the citizens agree.	84 586
54	28	Charter to be submitted to people for adoption	84 586
54	29	Charter declared a public act	84 586
		Mail route to county seat of Mahaska county, asked for from	100 604

Chap.	Sec.		Reprint	
			Page	Page
BURR, S. J.—				
30	23	Appropriation to	53	563
30	31	Appropriation to	53	564
69	1	Appropriation to	53	610
C.				
CAMP ATKINSON—				
65	1	Road from Dubuque to	101	597
65	2	Commissioner appointed to locate the same.....	101	597
65	3	Commissioner's compensation	102	598
CAMPBELL, JOHN—				
49	1	Appointed road commissoiner	69	575
CAPITOL—				
property at—placed in the hands of the territorial treasurer for safe keeping			112	607
CARPENTER, ANTHONY—				
43	1	appointed road commissioner	65	572
CASCADE—				
13	1	road from Blue Banks, to.....	9	531
61	1	road from Olmsteads Mill, to	98	595
CENSUS RETURNS—				
to be given to convention			14	535
CHARITY—				
41	7	scholars, in university	64	571
CHURCH—				
16	1	Congregational, of Burlington, allowed to sell property.....	12	533
16	2	former conveyances, valid	12	533
Protestant Methodist, of Iowa City, allowed to convey their church half lot			109	604
CITY—				
of Burlington—(see Burlington.)				
CLAIMANTS—				
21	1	to serve notice of claim against estate on administrator or exe- cutor, who, if satisfied, shall pay.....	39	553
21	3	shall make oath to the payments that have been made.....	39	553
21	4	if pay is refused; to go to probate court.....	39	554
CLAIMS—				
21	8	not less than \$25; to be presented to probate court, administra- tor or executor, refuses to pay	40	554
CLARK—				
30	15	James; appropriation to	52	563
41	1	James; appointed regent of university.....	61	569
53	1	John; appointed road commissioner	72	577
52	1	Israel; made regent of university.....	61	569
CLAYTON COUNTY—				
10	1	not compelled to pay for wolf scalps.....	26	544
38	1	recorder of—his acts legalized	59	568
38	2	recorder of—to make record	59	568
CLEANING—				
30	12	basement of capitol; appropriation for.....	52	563
CLERK—				
20	1	of district court—to transmit copy of record to proper court, in cases of change of venue	38	552
55	2	of district court—for Iowa county to order election.....	85	586
55	3	of district court—to canvass polls	86	587
55	8	of district court—how appointed	86	587
56	5	of election, (last)—in Lee county; to act.....	89	589
56	16	of election, (last)—fine for violation of duty.....	92	591
57	3	of district court—of Mahaska to order election in Marion... ..	93	592
57	4	of district court—to give certificates	94	592
57	7	of district court—return books, etc.	94	592

Chap.	Sec.		Reprint*	
			Page	Page
57	9	of district court—for Marion to be appointed.....	94	593
67	2	of district court—for Kishkekosh county—his duty.....	103	599
67	3	of district court—to canvass polls.....	104	599
67	6	of district court—to deliver papers to commissioners.....	104	599
67	7	of district court—his compensation.....	104	599
67	8	of district court—how appointed.....	104	599
		of supreme court—room in capitol for office appropriated to.....	110	606
		of house of representatives—to place accounts in hands of secretary of territory.....	112	608
67	2	of county commissioners for Kishkekosh to be elected.....	103	599
		CODY, ISAAC—		
49	1	appointed road commissioner.....	69	575
		COLLECTOR—		
6	1	of taxes—to make deeds, etc.....	4	527
17	1	of taxes—Des Moines; time for collecting extended.....	12	534
18	1	of taxes—of Louisa; time for collecting extended.....	13	534
		COLLEGES—(see University.)		
		COLLEGIATE—		
41	8	degrees to be conferred by university.....	64	571
		COMMISSIONERS—		
11	1	of county—to be satisfied any road is required, before appointed viewers.....	7	530
13	1	Cascade—to lay out road from Blue Banks, to.....	9	531
13	3	Eddyville—to lay out road from county seat of Mahaska to.....	9	531
15	1	Tipton—to lay out road from Parkhurst, to.....	11	533
5	4	of county—to appoint assessors in certain cases.....	22	541
5	7	of county—deputy assessors to be appointed by.....	23	541
49	1	Tipton—road from Parkhurst to be re-located.....	69	575
50	1	Linn Grove—road from military road, to be located.....	70	575
51	1	Washington and Keokuk counties, road in.....	70	576
53	1	Widow Fry's—road from eastern line of Washington county to, to be located.....	72	577
57	3	of Marion county, elected.....	93	592
57	13	of Marion county, seat of justice, to be located.....	95	593
57	14	of Marion county, their oath.....	95	593
57	15	of Marion county, to record their report.....	95	593
57	16	of Marion county, their compensation.....	96	593
40	1	in Linn and Buchanan counties, road.....	60	569
43	1	Burlington—to relocate part of road between Sugar creek, and.....	65	572
55	2	of Iowa county—the election.....	85	586
55	12	of Iowa county—appointed to locate seat of justice of.....	87	588
55	13	of Iowa county—their oath.....	87	588
55	14	of Iowa county—they to record place chosen.....	87	588
55	15	of Iowa county—their compensation.....	88	588
62	1	Van Buren and Davis—appointed to establish road in these counties.....	99	596
63	1	Scott and Muscatine counties—commissioners appointed to relocate a certain road in those counties.....	100	596
64	1	Muscatine county—commissioners appointed to establish road in.....	100	597
65	1	Du Buque and Delaware counties—commissioners appointed to re-locate certain road in those counties.....	101	597
66	1	Muscatine—county commissioners allowed to license ferries.....	102	598
66	2	for not more than ten years.....	102	598
67	2	of Kishkekosh county—to be elected.....	103	599
67	12	of Kishkekosh county—of locate seat of, appointed.....	105	600
67	13	of Kishkekosh county—their oaths.....	105	600
67	14	of Kishkekosh county—to file report.....	105	600
67	15	of Kishkekosh county—their compensation.....	106	600
		COMPENSATION—		
31	6	to trustees—for winding up affairs of Miners' Bank of Du Buque.....	55	565
38	2	Clayton county—to recorder of, for making record.....	59	568
40	3	to road commissioners.....	61	569
55	15	Iowa county, commissioners to locate seat of justice.....	88	588

Chap.	Sec.		Revised Page	Page
57	16	Marion county, commissioners to locate seat of justice.....	96	593
60	1	to certain sheriffs, of \$50 each.....	98	595
65	3	road commissioners	102	598
67	7	to sheriff of Wapello or clerk of district court of Kishkekosh for organizing the latter	104	599
67	15	Kishkekosh—to commissioners to locate seat of justice of.....	106	600
		Bratton, Paul, for procuring seals for Davis county.....	107	603
67		Brattain, Paul, for procuring seals for Van Buren county... ..	108	603
		Edmundson, William, for seals of Mahaska county.....	107	603
		James, Samuel for seals for Keokuk county.....	108	603
CENBOY, PETER—				
30	12	appropriation to	52	563
CONGRESS, DELEGATE IN—				
		instructed to procure certain mail routes.....	108	604
CONSTABLES—				
12	1	acts of, legalized	8	530
11	1	to obey electors at township meeting	27	545
12	1	not to be paid by territory, for any service for which they have been paid by the United States	30	547
55	2	of Iowa county, elected.....	85	586
57	3	of Marion county, elected	93	592
67	2	for Kishkekosh county, elected	103	599
CONSTITUTION—				
convention to form—				
8	1	additional members allowed	5	528
13	1	re-submitted to the people, 1st Monday of August next.....	31	547
13	2	judges to interrogate voters	31	548
13	3	returns to be made as in 1844, and governor to proclaim the result	31	548
13	4	secretary to send certified copy to delegate with abstract of votes	31	548
13	5	how election shall be conducted	32	548
13	6	secretary to publish this act; county commissioners to give notice of polls; sheriff to post them 20 days before election. .	32	548
13	7	who entitled to vote	32	548
13	8	no election for state officers to be held till Iowa is admitted; ratification of, no acceptance of congressional boundaries..	32	548
CONVENTION—				
to form constitution—(see Constitution)				
		census—to have returns of	14	535
8	1	pay—of delegates	25	543
CORONER—				
55	2	of Iowa county, to be elected	85	586
57	3	of Marion county, to be elected	93	592
67	2	of Kishkekosh county, to be elected	103	599
COUNCIL—				
30	1	legislative—pay of members	51	562
30	2	pay of officers	52	562
30	6	pay extra, to president	52	562
30	9	pay for postage	52	562
30	11	pay incidental printing	52	563
30	35	pay to pro tem officers	54	564
		of Burlington—(see Burlington.)		
		members of legislature—to distribute maps.....	107	603
		members to appoint one member on committee to examine affairs of penitentiary	112	607
		secretary of—to place in hands of secretary of territory all ac- counts passed by	112	608
COUNTIES—				
9	2	to protect territorial lands from trespass.....	3	529
10	1	certain—not compelled to pay for wolf scalps.....	26	544
		certain seals to be provided for.....	107	603

Chap.	Sec.	COUNTY—	Reprint	
			Page	Page
11	1	commissioners—to be satisfied, road petitioned for is required —before appointing viewers	7	530
14	2	commissioners—of Lee to approve record of judge of probate.	11	532
14	3	commissioners—of Lee to pay him therefor.	11	532
17	1	commissioners—of Des Moines—their act extending time for collecting taxes, declared valid	12	534
18	1	commissioners—of Louisa—empowered to extend time of col- lecting taxes	13	534
19	1	commissioners—spring term fixed for 2d Monday in April.	37	552
21	7	commissioners—to appoint probate judge, when office is va- cant	40	554
33	1	commissioners—of Du Buque, allowed to levy a tax not to exceed one per cent	56	566
37	1	commissioners—of Linn and Delaware—the same.	58	567
47	2	commissioners—of Linn to lay off street in Marion into lots.	67	574
67	2	commissioners—of Kishkekosh—to be elected	103	599
14	1	of Lee—probate judge to make record.	10	532
56	1	election for seat of justice	88	588
56	2	place having a majority, to be the seat of justice.	88	589
56	3	second election for the same	88	589
56	4	third election for the same	89	589
56	5	judges and clerks of last election to act.	89	589
56	6	electors may be challenged	89	589
56	7	continuance of election	89	589
56	8	notice of second election	90	590
56	9	notice of third election	90	590
56	10	second and third, conducted as first	91	590
56	11	ballots to be destroyed	91	590
56	12	election, how contested	91	590
56	13	contested election, how decided.	91	591
56	14	seat of justice declared	92	591
56	15	fine for illegal voting	92	591
56	16	fine for violation of duty by judge or clerk.	92	591
56	17	courts to be held at seat of justice	92	591
58	1	additional justice to be elected in Madison township.	95	594
58	2	said township in future to have three justices.	95	594
		bridge on Devil creek	114	609
5	8	treasurer—to assess property omitted by assessor.	23	541
20	4	in case of change of venue, costs to be paid by the county in which the crime was committed.	38	553
38	1	Clayton—acts of recorder legalized	59	568
39	1	Buchanan—acts of a justice in—legalized.	60	568
40	1	Linn—road in—established	60	569
47	1	street in Marion vacated	67	574
50	1	road in—established	70	575
42	1	Iowa—act of a justice in—legalized	65	572
55	1	organized	85	586
55	2	election after July 10th	85	586
55	3	election, how canvassed	86	587
55	4	election, manner of holding	86	587
55	5	election, term of office	86	587
55	6	books, etc., to be given up.	86	587
55	7	sheriff of Johnson to act in.	86	587
55	8	district court to appoint clerk	86	587
55	9	no case at law to abate	86	587
55	10	justices to return papers	87	587
55	11	duty of assessor	87	588
55	12	duty of commissioners	87	588
55	13	oath of commissioners	87	588
55	14	seat of justice located	87	588
55	15	pay of commissioners	88	588
57	1	of Marion—boundaries of	93	591
57	2	organized	93	592
57	3	officers elected	93	592
57	4	certificates granted to elected	94	592
57	5	manner of election in.	94	592
57	6	term of new officers.	94	592

Chap.	Sec.		Reprint	
			Page	Page
57	7	books to be returned to the commissioners of.....	94	592
57	8	sheriff of Mahaska shall act in	94	592
57	9	clerk of district court to be appointed for.....	94	593
57	10	no action at law to abate in.....	94	593
57	11	books to be given to justices.....	95	593
57	12	duty of the assessor of	95	593
57	13	seat of justice to be located	95	593
57	14	commissioners' oath	95	593
57	15	commissioners' report to be filed	95	593
57	16	commissioners' compensation	96	593
57	17	to form part of second judicial district.....	96	594
60	1	Louisa—allowance to sheriff of	98	595
60	1	Van Buren—allowed to sheriff of	98	595
62	1	Van Buren—road in	99	596
43	1	Des Moines—not to pay for re-locating certain road.....	65	572
61	1	Du Buque—road in	98	595
65	1	DuBuque—road in	101	597
44	1	Washington—road in, declared public.....	66	573
		eastern boundary of, change, and a part attached to John-		
		son	66	573
53	1	road in, located	72	577
49	1	Scott—road in, changed	69	575
63	1	Scott—road in, changed	100	596
51	1	Keokuk—road located in Washington, and.....	70	576
61	1	Delaware—road in	98	595
65	1	Delaware—road in	101	597
62	1	Davis—road in	99	596
63	1	Muscatine—road in	100	596
66	1	to license ferries	102	598
66	2	to license not over 10 years.....	102	598
67	1	Kishkekosh—organized	103	598
67	2	clerk of—of sheriff of Wapello to order election.....	103	599
67	3	same to canvass polls	104	599
67	4	election as usual	104	599
67	5	term of office	104	599
67	6	papers to be given to county commissioners.....	104	599
67	7	pay to persons holding election	104	599
67	8	clerk to be appointed	104	599
67	9	no action at law to abate.....	104	600
67	10	justices to give up books or	104	600
67	11	assessor's duty	105	600
67	12	commissioners to locate seat of justice, appointed.....	105	600
67	13	commissioners oath	105	600
67	14	commissioners to file report	105	600
67	15	commissioners compensation	106	600
67	16	country west of—attached for judicial purposes, etc.....	106	601
67	17	judge of district court to appoint time of holding court....	106	601
COURTS—				
9	1	trespass on territorial lands to be prosecuted in district.....	6	529
1	1	Lee county—additional term of—in	19	539
56	17	district—where held	92	591
2	1	Henry county—June term abolished	20	539
2	2	writs, etc., returnable to be made to next term.....	20	539
67	8	Kishkekosh—judge to appoint clerk of district—for.....	104	599
3	1	practice in district—judgment with attachment clause to be		
		on garnishee	20	540
3	2	no pending suit interfered with thereby.....	20	540
9	1	practice in supreme—no writ of error issued to order of district		
		court, pending trial, shall stay proceedings.....	25	543
9	2	rights of plaintiff in error not injured by decree of the dis-		
		trict court	26	544
9	3	plaintiff in error to give bond to indemnify co-plaintiffs....	26	544
9	4	8th section of act of February 8th, 1844, repealed.....	26	544
20	1	affidavit of criminal asking change of venue, must be verified		
		by two witnesses	38	552
		supreme—clerk of—allowed room in capitol for office.....	110	606

Chap.	Sec.		Reprint Page Page
22	3	Half Breed Tract—such construction to be given to chapter 22, as will show the real owner or owners, in any action to recover any portion of said tract.....	42 555
25	1	removing property—persons removing property from lands to be fined double the value and costs.....	46 558
25	2	offender to be imprisoned if the above judgment is not complied with	46 558
55	8	Iowa county, clerk of district—to be appointed.....	86 587
57	9	Marion county, clerk of district—to be appointed.....	94 593
14	1	Linn county, additional term of district—granted.....	33 549
14	2	Mahaska county, additional term of district—granted.....	33 549
COX, E.—			
50	1	appointed road commissioner	70 576
CRIMINAL—			
20	2	affidavits of—asking change of venue must be verified by two witnesses	38 553
CRUM, WILLIAM—			
30	30	appropriation to	53 564
CROW, EDWARD—			
13	1	appointed road commissioner	9 531
13	6	his compensation	10 532
D.			
DAVENPORT, A. H.—			
41	1	appointed regent of university	61 569
DAVIS—			
	2	3 county, attached to second electoral district.....	2 526
	8	1 allowed member of convention to form constitution.....	5 528
		allowed revised statutes	14 535
10	1	not compelled to pay for wolf scalps.....	26 544
62	1	road in—established	99 596
		seals to be procured for	107 603
41	1	Joseph B.—appointed regent of university.....	61 569
DEBTS—			
1	2	of past legislatures—to be paid if allowed by congress.....	1 525
DEED—			
26	4	of county treasurer, for land sold for road tax, prima facie evidence	48 559
DELAWARE—			
37	1	county—commissioners allowed to levy tax of 1 per cent....	58 567
61	1	road in, legalized	98 595
DELEGATE IN CONGRESS—			
		instructed to use his exertions to procure certain additional mail facilities	108 604
		to take nothing short of the St. Peters and the Missouri, as the northern and western boundaries of the future state of Iowa	110 605
		to procure appropriation for bridge on Devil creek.....	114 609
DES MOINES—			
17	1	county—act of commissioners extending time for collecting taxes, valid	12 533
43	1	not to pay certain road commissioners.....	65 572
54	23	jail—to be used by Burlington City	83 585
DISTRIBUTION OF LAWS—			
		resolution thereon	112 608
DISTRICT—			
1	1	court—additional term of, for Lee county.....	19 539
2	1	June term in Henry county abolished.....	20 539
2	2	writs to be returned to next term	20 539
3	1	judgment containing attachment clause to be served on garnishee	20 540
67	8	judge to appoint clerk of—for Kishkekosh county.....	104 599

Chap.	Sec.		Page	Reprint Page
3	2	no suit commenced to be interfered with.....	20	540
14	1	additional term for Linn county.....	33	549
14	2	additional term for Mahaska county.....	33	549
55	1	judicial—Iowa county made second	85	586
55	8	clerk to be appointed for Iowa county.....	86	587
DOGS—				
54	25	taxed in Burlington	83	585
DOWNEY, HUGH D.—				
41	1	appointed regent of university	61	569
DU BUQUE—				
33	1	county—allowed to levy one per cent tax.....	56	566
61	1	road in, legalized	98	595
DURHAM, S. W.—				
40	1	appointed road commissioner	60	569
40	3	his compensation	61	569
E.				
EDMUNDSON, WILLIAM—				
		to procure seals for Mahaska county.....	107	603
EDWARDS—				
30	27	James G.—appropriation to	53	
51	1	Joseph R.—appointed road commissioner	70	576
ELECTION—				
1	1	for members—postponed until April, 1845.....	1	525
1	2	entirely suspended in case congress changes appropriation.	1	525
1	3	twenty days notice to be given	1	525
13	2	judges—to interrogate voters for and against constitution....	31	548
13	5	how conducted	32	548
16	1	for members of house of representatives, postponed.....	34	550
16	2	conflicting acts, repealed	34	550
55	2	in Iowa county—how ordered	85	586
55	3	how canvassed	86	587
55	4	how conducted	86	587
56	1	in Lee county—for seat of justice.....	88	588
56	3	second election	88	589
56	4	third election	89	589
56	5	who to preside at	89	589
56	7	polls when opened	89	589
56	8	notices of second election	90	590
56	9	notices of third election	90	590
56	10	second and third, how conducted.....	91	590
56	12	how contested	91	590
56	13	how decided	91	591
56	15	fine for false voting	92	591
56	16	fine for violation of duty by judges.....	92	591
67	2	in Kishkekosh county—for county officers.....	103	599
67	3	how canvassed	104	599
67	4	how held	104	599
ELECTORAL DISTRICT—				
2	1	certain counties annexed to sixth	2	526
2	2	fifth—enlarged	2	526
2	3	second enlarged	2	526
ELECTORS—				
3	1	qualifications of	3	526
ESTATE—				
10	1	acts subjecting real and personal estate to execution, re- vived	7	529
EXECUTION—(see Estate)				
EXECUTORS—				
21	1	notice of claims to be served on—who, if satisfied, shall pay	39	553
21	2	shall keep note of claims, and pay once a year.....	39	553

Chap	Sec		Reprint	
			Page	Page
21	4	claimant, if refused, may go to probate court.....	39	554
21	5	may administer oaths	40	554
28	1	foreign—may prosecute by giving resident securities.....	49	561
28	2	letters to be filed in probate office	50	561
28	3	conflicting laws repealed	50	561
F.				
FAIRPORT—				
35	1	name of Salem, in Muscatine county, changed to.....	57	566
FAY, EDWARD E.—				
41	1	appointed regent of university	61	569
FELKNER, HENRY—				
30	22	appropriation to	53	563
FENCE VIEWERS—				
11	4	township trustees to be	28	545
FERRIES—				
62	1	to be licensed in Muscatine county.....	102	596
62	2	no license to be over ten years.....	102	596
FIRE COMPANIES—				
54	13	to be organized in Burlington.....	79	582
FISCAL AGENT—				
		Chauncy Swan, appointed	111	607
FISK, CHARLES—				
41	1	appointed regent of university.....	61	569
FITCH, GEORGE H.—				
61	1	appointed road commissioner	100	595
FOREIGN EXECUTORS—(see Executors)				
FOSTER, WILLIAM—				
42	1	his acts as justice, legalized.....	65	572
FRY, JOHN—				
53	1	appointed road commissioner	72	577
G.				
GALLIHER, JAMES A.—				
67	12	appointed commissioner to locate seat of justice of Kish- kekosh county	105	600
67	15	his compensation therefor	106	600
GARDNER, STEPHEN—				
55	12	appointed commissioner to locate seat of justice of Iowa county	87	588
55	15	his compensation therefor	88	588
GARRET, JOHN—				
44	1	appointed road commissioner	66	573
GARNISHEE—				
3	1	judgment containing attachment clause, to be served on....	20	540
3	2	no pending suit affected	20	540
GOVERNOR—				
41	4	ex-officio, president of university.....	62	570
13	3	to proclaim result of vote on constitution.....	31	548
		to forward resolution to delegate in congress.....	108	604
GOWER, ROBERT—				
41	1	appointed regent of university	61	569
GUARDIAN—				
28	1	foreign—to prosecute by giving resident securities.....	49	561
28	2	letters to be filed in probate office.....	50	561
28	3	conflicting laws repealed	50	561

Chap.	Sec.		Page	Reprint Page
H.				
HALF BREED LANDS—				
6	1	six months notice for partition, required.....	23	542
22	1	plaintiff, if a half breed, or claiming under one, in any real action to recover land must show the partition under which he claims. If he claims under judicial proceedings, must show that he complies with all necessary forms	41	555
22	2	defendants allowed to show titles outstanding, superior to that of plaintiff	42	555
22	3	court, to give such construction to this act, as will show the real ownership	42	555
HAMPTON, GEORGE S.—				
41	1	appointed regent of university	61	569
HAWORTH, ELI—				
51	1	appointed road commissioner	70	576
HARLESS, MARTIN—				
60	1	auditor to allow \$50 to	98	595
HARDY, HENRY—				
51	3	road laid out by—vacated	71	576
HEDGES, SAMUEL—				
15	1	appointed road commissioner	11	533
HEFFLEMAN, HENRY—				
60	1	auditor to allow \$50 to	98	595
HENDERSON, THOMAS—				
55	12	appointed commissioner to locate seat of justice of Iowa county	87	588
55	15	his compensation therefor	88	588
HEPBURN AND SHOUP—				
30	29	appropriation to	53	564
HIGHWAYS, ROADS AND—				
11	1	county commissioners to be satisfied road is required by the appointed viewers	7	530
HOUSE OF REPRESENTATIVES—				
16	1	election of members of—postponed.....	34	550
		to appoint two members of a joint committee of the two houses, to examine the affairs of the penitentiary.....	112	607
		clerk of—to place in the hands of the secretary of the territory, all accounts passed.....	112	608
		supplement to the resolution for committee to examine affairs of penitentiary	114	609
HUGHES AND WATERS—				
30	34	appropriation to	54	564
7	1	Hughes and Williams, appropriation to.....	5	528
I.				
INDIANS—				
Sac and Fox—country ceded by them in 1842, attached to adjacent organized counties, after October 10th, 1845.....				
40	1	boundary—road from Marion to.....	60	569
IOWA—				
18	3	city—lots in—to be sold to pay debt due Miners' Bank of Dubuque	36	551
41	1	university of—under 30 regents	61	569
41	2	a body politic	62	570
41	3	when elected	62	570
41	4	governor ex off. president	62	570
41	5	may establish laws, etc.	63	570
41	6	shall appoint treasurer, etc.	63	571
41	7	charity scholars to be admitted	64	571

Chap.	Sec.		Reprint	
			Page	Page
41	8	may confer degrees	64	571
41	9	act declared public	64	572
52	1	another regent appointed	71	577
52	2	change of regents	71	577
		Methodist Protestant church permitted to convey half lot to.	109	604
59	1	lots in to be sold by treasurer.....	97	594
42	1	county—acts of certain justices, legalized	65	572
		IRISH, F. M.—		
30	32	appropriation to	54	564
		ISAACS, SAMUEL—		
30	25	appropriation to	54	563
		J.		
		JAMES, SAMUEL—		
		to procure seals for Keokuk county	108	603
		JEFFRIES, G. W.—		
30	5	appropriation to	52	562
41	1	appointed regent of university.....	61	569
		JOHNSON—		
30	5	John—appropriation to	52	562
41	1	Edward—appointed regent of university	61	569
45	1	County—part of Washington county attached to.....	66	573
		JONES—		
30	24	Wesley—appropriation to	53	563
30	28	and Powell appropriation to	53	563
57	13	Ezra M.—appointed commissioner to locate seat of justice of Marion county	95	593
57	16	his compensation	96	593
		JUDGE—		
31	2	3d judicial district—to appoint trustees of the Miners' bank of Dubuque	54	564
31	4	to approve their bond	55	565
31	6	to receive their report and may extend their time.....	55	565
55	2	of election—appointed for Iowa	85	586
55	2	of probate—to be elected in Iowa county.....	85	586
67	2	to be chosen in Kishkekosh county.....	103	599
56	5	of election—in Lee county	89	589
56	6	of election in Lee county, to challenge voters.....	89	589
57	3	of election in Marion county, chosen.....	93	592
56	13	1st judicial district—to decide contested election in Lee county	91	591
56	16	fine of—for violating duty	92	591
67	8	to appoint clerk of Kishkekosh county.....	104	599
67	17	to appoint time of holding court in Kishkekosh county...	106	601
55	8	2d judicial district—to appoint clerk of court for Iowa county	86	587
57	9	to appoint the same for Marion county.....	94	593
		JUDICIAL—		
67	16	county west of Kishkekosh county attached thereto, for ju- dicial purposes	106	601
		JURORS—		
12	2	list of to be completed.....	8	530
		JUSTICES OF THE PEACE—		
25	1	to fine persons removing property from lands.....	46	558
39	1	Joseph A. Reynold's acts legalized.....	60	568
42	1	William Foster's acts legalized	65	572
54	22	of Burlington—to assist city council.....	82	584
55	2	for Iowa county—elected	85	586
55	10	books, etc., of certain justices to be delivered to.....	87	587
57	11	for Marion county—books, etc., of certain justices to be giv- en to	95	593
58	1	Madison township—Lee county to have additional justice..	96	594
58	2	to have in future 3 justices.....	96	594
67	2	for Kishkekosh county chosen	103	599
67	10	to receive certain papers, etc.....	104	600

K.

Chap.	Sec.		Reprint	
			Page	Page
		KEOKUK—		
2	1	county—attached to 6th electoral district	2	526
		allowed revised statutes	14	535
10	1	commissioners not compelled to pay for wolf scalps.....	26	544
48	1	road between Montrose and—changed	68	574
48	2	change established forever	68	575
51	1	county—road to Washington and	70	576
		seals to be procured for	108	603
		KIMBALL, J. S.—		
30	26	appropriation to	53	563
		KINNY, J. F.—		
30	16	appropriation to	53	563
		KISHKEKOSH—(see county—Kishkekosh.)		
		KISTER, ISRAEL—		
67	12	appointed commissioner to locate seat of justice for Kish- kekosh county	105	600
67	15	his compensation	106	600
		LANDS—		
9	1	territorial—settling on—trespass	6	529
9	2	countes to protect	6	529
6	1	six weeks notice for partition	23	542
6	1	half breed—for partition of—six months notice to be given. 23	542	
22	1	plaintiff to show how he claims, and that he has complied with all necessary forms	41	555
22	2	defendant allowed to show title outstanding, superior to plaintiffs	42	555
22	3	court to construe law so as to find real owner.....	42	555
25	1	private—persons removing property from—to pay double value and costs	46	558
25	2	failing to pay, to be imprisoned	46	558
25	3	conflicting laws, repealed	46	558
21	1	to be sold to pay road tax.....	47	553
21	3	may be redeemed in two years	47	554
54	15	to be sold for city tax in Burlington.....	80	582
43	1	road—commissioner to re-locate road	65	572
		LANDINGS—		
54	13	of Burlington	79	582
		LARUE, JOHN—		
30	21	appropriation to	53	563
		LAWS—		
30	13	appropriation for binding	52	563
30	31	appropriation for superintending printing	53	564
30	32	appropriation for distributing	54	564
		distribution of laws of this and extra session of 1844.....	112	608
		LAW SCHOOL—		
41	5	to be established by Iowa City university.....	63	570
		LEE COUNTY—		
14	1	probate judges—to make record	10	522
14	2	record to be approved	11	532
14	3	compensation	11	532
1	1	district court—additional term of.....	19	539
56	1	seat of justice—election for	88	588
56	2	place receiving majority to be.....	88	589
56	3	record election for	88	589
56	4	third election for	89	589
56	5	judges and clerks of last election to act.....	89	589
56	6	electors to be challenged	89	589
56	7	time of election	89	589
56	8	notices of second election	90	590
56	9	notices of third election	90	590
56	10	how conducted	91	590
56	11	ballots destroyed	91	590

Chap.	Sec.		Reprint	
			Page	Page
56	12	election contested	91	590
56	13	how decided	91	591
56	14	declared	92	591
56	15	fine for false voting	92	591
56	16	fine of judges and clerks for violation of duty.....	92	591
56	17	courts to be held at	92	591
58	1	justice—additional—for Madison township	96	594
58	2	three—in future for Madison township	96	594
		Devil Creek bridge, appropriation for	114	609
LEGISLATURE—				
1	4	to convene in May 1845	1	525
		to adjourn sine die	111	606
		committee of—appointed to examine affairs of penitentiary.....	112	607
LEONARD, JAMES—				
		widow of—allowed to draw the per diem and mileage of her late husband	111	606
LICENSE—				
64	15	in Burlington—for taverns, etc.	80	582
LINN COUNTY—				
14	1	additional term of district court, for.....	33	549
37	1	one per cent tax allowed	58	567
47	1	street in Marion vacated	67	574
47	2	to be laid off in lots	67	574
50	1	road in	70	575
LORTON, JOHN—				
30	5	appropriation to	52	562
LOTS—				
18	3	in Iowa City—to be sold to pay debt due Miners' Bank of Dubuque	36	551
18	5	also, to pay debt for erecting capitol.....	36	552
LOUISA COUNTY—				
18	1	taxes—time of collecting—in—extended	13	534
60	1	sheriff of—allowance to	98	595
M.				
McCLURE, NATHANIEL—				
53	1	appointed road commissioner	27	577
McCONNELL, JOHN—				
41	1	appointed regent of university	61	569
McCOSH, JAMES—				
15	1	appointed road commissioner	11	533
15	3	his compensation	11	533
McILVAIN, WILLIAM—				
13	3	appointed road commissioner	9	531
13	6	his compensation	10	532
McKENNY, JOHN H.—				
17	1	time for collecting taxes extended by commissioners of Des Moines, and their acts declared valid	12	534
MADISON—				
58	1	township, in Lee county to elect one additional justice.....	96	594
58	2	to have in future three justices	96	594
MAHASKA COUNTY—				
2	1	attached to 6th electoral district.....	2	526
		allowed members to convention to form state constitution...	14	535
10	1	not compelled to pay for wolf scalps.....	26	544
14	3	time fixed for holding district court in.....	33	549
		seals to be procured for	107	603
MAPS—				
		of Iowa—to be distributed among counties	107	603

Chap.	Sec.		Page	Reprint Page
MARION—				
40	1	In Linn county—road from Indian boundary to.....	60	569
40	2	commissioners to meet at	60	569
40	3	commissioners compensation	61	569
47	1	street in, vacated	67	574
47	2	street in, to be laid off in lots.....	67	574
COUNTY OF—(see county—Marion.)				
MARRIAGE—				
5	1	Ministers showing credentials, allow to marry.....	4	527
MARSHALL—				
of Burlington—(see Burlington.)				
MASON, A. D.—				
50	1	appointed road commissioner	70	575
MAYOR OF BURLINGTON—				
54	3	term of office	75	579
54	5	to notify elections	76	579
54	8	to enforce laws	77	581
MEDICAL SCHOOL—				
41	5	may be established by university	63	570
MEMBERS—				
16	1	of house—election of—postponed	34	550
16	2	conflicting laws repealed	34	550
		of council—to distribute maps of Iowa	107	603
METCALF, E.—				
41	1	appointed regent of university	61	569
MILITARY ORGANIZATION OF—				
15	1	acts of January 4, 1839; July 31, 1840, and February 17, 1842, revived	33	549
15	2	battalion to rendezvous once a year	34	550
15	3	act of February, 1844, repealed	34	550
MINERS' BANK OF DUBUQUE—				
18	3	territorial treasurer to sell 1st Monday of May, 1846, a sufficient number of lots in Iowa City, to pay debt due to.	36	551
31	1	charter of—repealed	54	564
31	2	trustees to wind up its concerns.....	54	564
31	3	how appointed; by whom	54	564
31	4	to give bond	55	565
31	5	no pending suit affected hereby	55	565
31	6	inventory of property to be made and affairs to be closed in two years, unless the judge of district court extend the time—compensation of trustees	55	565
MISSOURI RIVER—				
		made western boundary of future state of Iowa.....	110	605
MINISTERS—(see Marriage.)				
MONTGOMERY, JAMES—				
57	13	Commissioner to locate seat of justice of Marion county....	95	593
57	16	his compensation	96	593
MONTROSE—				
48	1	road changed between Keokuk and	68	574
48	2	change established forever	68	575
MORELAND, DAVID—				
65	1	appointed road commissioner	101	597
65	3	his compensation	102	598
MOSCOW—				
63	1	road from Rockingham, to	100	596
MOUNT, SEXTON—				
44	1	appointed road commissioner	66	573

Chap.	Sec.		Reprint Page Page
MUSCATINE—			
32	1	name of subscribers for erecting dam across—slough, changed	56 565
64	1	county—road in	100 597
66	1	authorized to license ferries	102 598
66	2	for not more than ten years	102 598
N.			
NEALLY, GREENLEAF C.—			
43	1	appointed commissioner to relocate road	65 572
NIVEN, ALEXANDER—			
40	1	appointed road commissioner	60 569
40	3	his compensation	61 569
NOTICES—			
4	1	persons to be punished for injuring	21 540
4	2	may be destroyed when no longer useful	21 540
NYE, STEPHEN—			
64	1	appointed road commissioner	100 597
O.			
OBSTRUCTION OF ROADS—			
punished—(see roads.)			
OFFICERS—			
30	2	of council—pay of	52 562
30	4	of house—pay of	52 562
30	5	of house—pay of pro tem	52 562
30	35	of council—pay of pro tem	54 564
OLD MAN'S CREEK—			
53	1	road relocated to	72 577
OTTUMWA—			
34	1	Louisville—in Wapello county, name changed to	57 566
OVERSEERS OF THE POOR—			
11	4	township trustees, to be	28 545
P.			
PALMER & WILLIAMS—			
		appointed printer of the laws	109 605
PARKER, SAMUEL—			
46	1	allowance to him	67 574
PARKHURST—			
49	1	road changed between Dennis Barnes', and	69 575
49	2	old road to be vacated	69 575
PATTERSON, WILLIAM—			
41	1	appointed regent of university	61 569
PAY—			
1	2	convention—expenses of	1 525
13	6	road commissioners, surveyor, chain carrier, etc	10 532
14	3	probate judges of Lee county	11 532
15	3	road commissioners	11 533
7	3	of territorial treasurer—duties of territorial agent	24 543
8	1	of convention—expenses	25 543
of legislature—late session—(see appropriation.)			
31	6	of trustees for winding up affairs of Miners' Bank of Dubuque	55 565
38	1	to recorder of Clayton county for making record	59 588
40	3	to road commissioners	61 569
46	1	to Samuel Parker	67 574
51	4	to commissioners of certain roads	71 576
55	15	of commissioners to locate seat of justice of Iowa county	80 588
57	16	of commissioners to locate seat of justice of Marion county	96 593
60	1	of fifty dollars allowed to certain sheriffs	98 595
65	3	to road commissioners	102 598

Chap.	Sec.		Page	Reprint Page
67	7	to sheriff of Wapello county, for organizing the county of Kishkekosh	104	599
67	15	to commissioners to locate seat of justice of Kishkekosh county	106	600
		for seals for Davis and Mahaska counties.....	107	603
		for seals for Keokuk and Van Buren counties.....	108	603
PENITENTIARY—				
		committee appointed to examine and report to next legislature, the affairs of	112	607
		supplementary resolution to the above.....	114	609
POSTAGE—				
30	9	of council—appropriation for	52	562
30	8	of house—appropriation for	52	562
PRACTICE—				
9	1	in supreme court—no writ of error to be issued to order of district court during trial, shall stay proceedings.....	25	543
9	2	right of plaintiff in error not to be injured by decree of district court	26	544
9	3	plaintiff in error to file bond to indemnify co-plaintiffs.....	26	544
9	4	eighth section of act defining jurisdiction of supreme court approved, 8th February, 1844, repealed	26	544
PRESIDENT—				
54	3	pro tem—of council of Burlington—elected.....	75	579
54	5	to receive votes for mayor	76	579
54	11	to act in absence of mayor	78	581
PORT ALLEN—				
36	1	so much of certain act as vacates Water street in said town repealed	58	567
36	2	said street declared public highways.....	58	567
PRINTING—				
30	10	incidental, of house—appropriation for.....	52	562
30	11	incidental, of council—appropriation for	52	563
		of laws—given to Palmer and Williams, to print 2500 copies, at statute prices, to be completed by the first day of August, 1845	109	605
PROBATE—				
14	1	judge of—of Lee county, to make record.....	10	532
14	3	his compensation therefor	11	532
21	4	court—claimant to serve notice on administrator, and if payment is refused, to go to—giving ten days notice—if court rejects claim, then claimant to pay costs.....	39	554
21	7	judge of—if office be vacant the county commissioners may appoint a	40	554
21	8	no claim less than \$25 to be presented to until payment is refused by administrator	40	554
21	9	conflicting laws repealed	40	554
28	2	to require letters of foreign administrators, executors or guardians, to be filed in his office.....	50	561
55	2	to be elected in Iowa county.....	85	586
57	3	to be elected in Marion county	93	592
67	2	to be elected in Kishkekosh county	103	599
PROPERTY—				
6	1	ninth section of act to provide for partition of real property so amended as to require notice in ordinary cases, to be printed six weeks, and in half-breed cases, 6 months....	23	542
6	2	contravening portions of said ninth section, repealed.....	24	542
R.				
RAND, E. C.—				
67	12	appointed commissioner to locate seat of justice of Kishkekosh county	105	600
67	15	his compensation	106	600

Chap.	Sec		Page	Reprint Page
		READ, JONATHAN—		
30	16	appropriation to	52	563
		RECORDER—		
38	1	of deeds—acts of former legalized	59	568
38	2	compensation to present, for making record.....	59	568
67	2	for Kishkekosh county	103	599
55	2	for Iowa county	85	586
57	3	for Marion county	93	592
54	4	for Burlington—for council	75	579
		REGENTS—(see University.)		
		RENO, MORGAN—		
41	1	appointed regent of university	61	569
		REPRESENTATIVES, HOUSE OF—		
16	1	election of members postponed	34	550
30	3	appropriation to pay members of	52	562
30	4	appropriation to pay officers of	52	562
30	5	appropriation to pay officers pro tem.....	52	562
30	7	appropriation to pay speaker of	52	562
30	8	appropriation to pay postage of	52	562
30	10	appropriation to pay incidental printing of	52	562
		RESOLUTION—		
		allowing copies of revised statutes to Davis, Wapello, Keo-		
		kuk and Mahaska counties	14	535
		for the preservation of census returns	14	535
		distributing maps of Iowa	107	603
		providing seals for certain counties	107	603
		for increased mail facilities	108	604
		allowing Protestant Methodist church to sell half lot.....	109	604
		for printing the laws	100	605
		insisting on state boundaries, north and west.....	110	605
		for care of public property	110	606
		giving room in capitol to clerk of supreme court for office..	110	606
		to pay widow of late Mr. Leonard, her husband's per diem..	111	606
		adjournment of legislature	111	606
		appointing fiscal agent	111	607
		appointing committee to investigate penitentiary	112	607
		for safe keeping of property at capitol.....	112	607
		requiring secretary of council and clerk of house to file all		
		accounts passed at this session, with the secretary of the		
		territory	112	608
		REVENUE—(See Assessor.)		
9	3	money collected for trespass on territorial land, to form part		
		territorial	6	529
		REYNOLDS, JOSEPH A.—		
39	1	official acts of—legalized	60	568
		RICHARDSON, FIFIELD H.—		
63	1	appointed road commissioner	100	596
		RISTER, ISREAL—		
62	1	appointed road commissioner	99	596
		ROADS—		
11	1	commissioners to be satisfied road is required, before ap-		
		pointing viewers	9	530
13	1	Du Buque—from Cascade to	9	531
13	2	route of road	9	531
13	3	Eddyville—from county seat of Mahaska to.....	9	531
13	4	route of road	9	531
13	6	compensation for laying out above roads.....	10	532
13	7	part of old route, repealed	10	532
13	8	time of surveying, extended	10	532
26	1	tax—supervisor to make a list of all who have not paid or		
		worked road—treasurer, when no personal property can		
		be found, to sell real estate to lowest bidder.....	47	559
26	2	treasurer to deed property	47	559

Chap.	Sec.		Reprint	
			Page	Page
26	3	redeemable in 2 years with 50 per cent interest.....	47	559
26	4	deed, prima facie evidence	48	559
26	5	title not to be questioned, unless an offer of principal and interest be first made	48	559
26	6	certificate allowed for overwork	48	559
26	7	certificate to be applied on any road tax unpaid by holder	48	559
26	8	moneys collected under this act to be applied on roads, or	48	559
15	1	Tipton—from Parkhurst, to	11	533
15	1	commissioners appointed	11	533
51	1	commissioners appointed to locate road in Keokuk and Washington counties	70	576
51	2	when to meet	71	576
51	3	part of old road vacated.....	71	576
51	4	compensation	71	576
65	1	Du Buque—from Camp Atkinson, to.....	101	597
65	2	commissioners appointed to re-locate	101	597
65	3	commissioners compensation	102	598
27	1	injury—punishable by fine and imprisonment.....	48	560
27	2	guilty person to repair by order of sheriff.....	49	560
27	3	if not done in 6 days, sheriff to do it, and guilty person to pay costs	49	560
27	4	sheriff's fees for above service	49	560
27	5	conflicting laws repealed	49	560
40	1	Marion—from Indian boundary, to	60	569
40	2	commissioners to meet at	60	569
40	3	compensation to those engaged	61	569
48	1	Burlington—from Sugar creek to—re-located	65	572
48	1	Keokuk—between Montrose and—changed	68	574
48	2	change established forever	68	575
49	1	Parkhurst—between Dennis Barnes and—re-located.....	69	575
49	2	old road to be vacated	69	575
49	3	when commissioners meet	69	575
50	1	Linn Grove—from military road in Johnson county to.....	70	575
50	2	when commissioners meet	70	576
53	1	Old Man's Creek—from eastern line of Washington county, to commissioners when to meet	72	577
53	2	commissioners when to meet	72	577
53	3	how governed	72	577
61	1	Cascade—from Olmstead's mill to—legalized.....	98	595
62	1	Sullivan's line of Missouri—from western line of Davis coun- ty, to	99	596
62	2	when commissioners meet	99	596
63	1	Rockingham road from Moscow, to.....	100	596
63	2	commissioners when to meet	100	596
63	3	commissioners how governed	100	596
64	1	Bloomington—from Muscatine county line, to	100	597
64	2	commissioners when to meet	101	597
64	3	part of old road vacated	101	597
ROBERTSON, JOSEPH—				
57	13	appointed commissioner to locate seat of justice of Marion county	95	593
57	16	his compensation	96	593
ROBINS, A. B.—				
41	1	appointed regent of university	61	569
ROINSON, JAMES—				
41	1	appointed regent of university	61	569
ROCKINGHAM—(See Roads.)				
ROGERS, ELIAS—				
50	1	appointed road commissioner	70	575
ROSS, WILLIAM R.—				
13	3	appointed road commissioner	9	531
18	6	his compensation	10	532

Chap.	Sec.		Page	Reprint Page
S.				
SALEM—				
35	1	in Muscatine—name changed to Fairport	57	566
SCHOOL—				
41	5	law and medical to be started by university.....	63	570
SCOTT COUNTY—				
49	1	road in—changed	69	575
49	2	road in—vacated	69	575
64	1	road in—re-located	100	597
SECRETARY—				
1	2	of territory—to apply certain funds to pay arrearages.....	1	525
7	1	to pay Hughes and Williams	5	528
		to furnish certain counties with copies of revised statutes..	14	535
		to deliver census returns to convention.....	14	565
13	4	to send certified copy of governor's proclamation and ab- stract of votes on constitution, to delegate.....	31	548
13	6	to publish act re-submitting constitution.....	32	548
		to pay per diem and mileage of late Mr. Leonard, to his widow	111	606
		to be furnished by clerks of two houses with all accounts passed at this session of the legislature.....	112	608
41	6	of university—to be chosen	63	571
SELLS, ELIJAH—				
64	1	appointed road commissioner	100	597
SHARP, PETER—				
65	2	appointed road commissioner	101	597
65	3	his compensation	102	598
SHERIFF—				
12	1	not to be paid by territory if he has been paid for the same services by the United States	30	547
12	2	conflicting parts of act of February 11, 1843, repealed.....	30	547
27	2	to order person injuring road to repair the same.....	49	560
27	3	must do it himself, if his order is not obeyed in 6 days.....	49	560
27	4	fees for his services	49	560
55	2	of Johnson—to conduct election in Iowa.....	85	586
55	3	to canvass polls	86	587
55	6	to deliver papers to commissioners of Iowa.....	86	587
55	7	to act in Iowa until certain time.....	86	587
57	3	of Mahaska—to order election in Marion	93	592
57	4	to give certificates to elected	94	592
57	7	to give papers to commissioners of Marion.....	94	592
57	8	to act in Marion until certain time.....	94	592
60	1	allowance to certain	98	595
67	2	of Wapello—to order election in Kishkekosk	103	599
67	3	to canvass polls	104	599
67	6	to give papers to commissioners of Kishkekosk.....	104	599
67	7	his compensation	104	599
SHINN, R. F.—				
41	1	appointed regent of university.....	61	569
SHOUP, HEPBURN AND—				
30	29	appropriation to	53	564
SNYDER—				
59	1	William B.—territorial treasurer directed to pay him \$260, and costs of certain suit	97	594
30	17	Thomas—appropriation to	53	563
SPRINGER, FRANCIS—				
41	1	appointed regent of university	61	569
STEAM BOATS—				
23	1	master, taking wood, etc., to leave written notice on the spot	43	556
23	2	failing, may be fined and imprisoned for misdemeanor....	43	556

Chap.	Sec.		Reprint Page Page
23	3	damages exceeding justices jurisdiction recoverable in dis- trict court	43 556
23	4	taking water craft—double damages	44 556
23	5	liable for all damages	44 557
23	6	held to bail on warrant or attachment if within 2 years....	44 557
23	7	double damages for leaving wharf after process is served..	44 557
23	8	carrying off officers a misdemeanor—fine \$500.....	44 558
ST. PETERS RIVER—			
		insisted upon as northern boundary of state.....	110 605
STEWART, ROBERT—			
63	1	appointed road commissioner	100 596
STRONG, LUMAN M.—			
55	12	commissioner to locate seat of justice of Iowa county.....	87 588
55	15	his compensation	88 588
STYLES, L. A.—			
13	1	appointed road commissioner	9 531
13	6	his compensation	10 532
SUPERVISOR—			
26	1	to make list of all who have not paid or worked road.....	47 559
26	6	to give certificate for overwork	48 559
SUPREME COURT—(See Practice)			
SURVEYOR—			
55	2	of Iowa county elected	85 586
57	3	of Marion county elected	93 592
67	2	of Kishkekosh county elected	103 599
SWAN—			
68	1	Henry—authorized to convey certain property.....	106 601
68	2	to make deed to heirs of David Duke.....	106 601
		Chauncey—appointed fiscal agent	111 607
SWEARINGER, SAMUEL—			
62	1	appointed road commissioner	99 596
T			
TALBOT—			
41	1	William R.—appointed regent of university.....	61 569
41	1	M. D.—appointed regent of university	61 569
52	1	M. D.—name stricken out	71 577
TALLMAN, J. W.—			
60	1	fifty dollars allowed him	98 595
TAX—			
6	1	collectors—to make deed in certain cases.....	4 527
17	1	time for collecting in Des Moines, extended.....	12 534
18	1	time for collecting in Louisa extended.....	13 534
33	1	Du Buque county, allowed to levy one per cent.....	56 566
37	1	Louisa county allowed to levy one per cent.....	58 567
54	13	at Burlington—for wharfage	79 582
54	15	at Burlington—for taverns, etc.	80 582
54	16	at Burlington—for lots, etc.	80 583
54	17	at Burlington—for roads	81 583
54	25	at Burlington—on city property	83 585
TEAS, JOSEPH B.—			
41	1	appointed regent of university	61 569
TERRITORY—			
4	1	agent of—salary of	3 527
7	1	office abolished	24 542
7	2	required to deliver papers to territorial treasurer.....	24 543
9	1	land of—settling upon—a trespass	6 529
9	2	counties to protect	6 529
9	3	counties to prosecute for offense	6 529
9	3	Revenue—money collected for trespass to form part of.....	6 529
7	1	treasurer—to act as territorial agent.....	24 542

Chap.	Sec		Page	Reprint Page
7	3	compensation for duties	24	543
18	1	to notify sale of lots for 1st Monday of May, '46.....	36	551
18	2	where to publish, and how long	36	551
18	3	to sell enough to pay Miners' Bank	36	551
18	4	to pay debt and interest	36	552
18	5	to re-sell forfeited lots	36	552
18	6	conflicting laws repealed	37	552
9	3	to receive money collected for trespasses.....	6	529
59	1	to sell lots in Iowa City for \$260.....	6	594
59	2	to pay the same to William B. Snyder.....	97	594
		to pay for seals for Davis and Mahaska counties.....	107	603
		to pay for seals for Keokuk and Van Buren counties.....	108	603
		to keep property during recess of legislature.....	110	606
		to keep property at the Capitol.....	112	607
THOM, FRANCIS—				
51	1	appointed road commissioner	70	576
THOMPSON, WILLIAM—				
30	20	appropriation to	53	563
TIPTON—				
		mail to desired	108	604
TOWNSHIP—				
11	1	organized—power of electors	27	545
11	2	vacancies filled	27	545
11	3	polls, when opened and closed	28	545
11	4	trustees to be overseers of poor, etc.	28	545
11	5	clerk to record township road	28	545
11	6	trustees to establish township road	28	545
11	7	road—how petitioned for	28	546
11	8	meetings, to be notified	28	546
11	9	owner may remonstrate	29	546
11	10	conflicting laws repealed	29	547
TREASURY—				
5	8	county—to assess property omitted by assessor.....	23	541
26	1	to sell estate to pay road tax	47	559
26	2	to deed same	47	559
26	7	to receive supervisors certificate for overwork, as money....	48	559
41	6	of university—elected	63	571
54	4	of Burlington, elected	75	579
55	2	of Iowa county, elected	85	586
57	3	of Marion county, elected	93	592
67	2	of Kishkekosh county, elected	103	599
TERRITORIAL—(See Territory.)				
TRESPASS—				
9	1	settling on territorial lands, declared.....	6	529
9	3	suit how brought	6	529
9	4	district courts and justice have jurisdiction.....	6	529
25	1	persons removing property to pay double value.....	46	558
25	2	falling to pay to be imprisoned	46	558
25	3	conflicting law repealed	46	558
TRIMBLE, JAMES—				
30	14	appropriation to	52	563
TRUSTEES OF TOWNSHIPS—				
11	2	to be judges of elections.....	28	545
11	4	to be overseers of poor and fence viewers.....	28	545
11	8	to appoint road viewers	28	546
11	9	to appoint reviewers	29	546
TURNER, E. B.—				
41	1	appointed regent in university	61	569

Chap.	Sec.		Reprint Page Page
UNIVERSITY OF IOWA CITY—			
41	1	under 30 regents	61 569
41	2	regents a body politic	62 570
41	3	when elected	62 570
41	4	governor, ex-officio president	62 570
41	5	may establish law school	63 570
41	6	shall appoint certain officers	63 571
41	7	charity scholars admitted	64 571
41	8	may confer degrees	64 571
41	9	act declared public	64 572
52	1	Israel Clark, a regent	71 577
52	2	James Macintosh a regent in place of M. D. Talbot.....	71 577
		Methodist church to convey half lot to.....	109 604
VAN BUREN COUNTY—			
60	1	allow to sheriff 50	98 595
62	1	road in	99 596
		seals to be procured for	108 603
VENUE, CHANGING—			
20	1	clerk to transmit copy of record to proper court.....	38 552
20	2	affidavit of criminal to be verified by two witnesses under oath	38 553
20	3	conflicting acts and parts, repealed.....	38 553
20	4	costs to be paid by county where crime was committed.....	38 553
WALKER, JOSEPH—			
44	1	appointed road commissioner	66 573
WALWORTH—			
13	1	C. C.—appointed road commissioner	9 531
13	6	his compensation	10 532
41	1	G. H.—appointed regent of university	61 569
WAPELLO COUNTY—			
2	2	attached to 5th electoral district.....	2 526
8	1	allowed members to convention to form constitution.....	5 528
		allowed revised statutes	14 535
10	1	not compelled to pay for wolf scalps	26 544
67	1	sheriff of—to organize Kishkekosh	103 598
WARDS—			
54	26	of Burlington—defined	84 585
WARRANTS—			
23	6	against steamboats in certain cases.....	44 557
WASHINGTON COUNTY—			
44	1	road in—declared public	66 573
45	1	eastern boundary changed	66 573
45	1	part of—attached to Johnson	66 573
51	1	road in Keokuk and	70 576
53	1	road from eastern boundary of—to Old Man's creek.....	72 577
WATERS, HUGHES &—			
30	34	appropriation to	54 564
WHARFAGE—(See Burlington).			
WIDOWS—			
21	6	dower of—secured	40 554
WILLIAMS, HUGHES &—			
7	1	allowance to	5 528
WILLIAMS & PALMER—			
		appointed printers of laws.....	109 605

Chap.	Sec.		Reprint	
			Page	Page
WILSON—				
41	1	Thomas S.—appointed regent of university.....	61	569
62	1	John B.—appointed road commissioner	99	596
WOLVES—				
10	1	certain counties exempt from paying for wolf scalps.....	26	544
WOOD, A. P.—				
30	18	appropriation to	53	563
30	19	appropriation to	53	563
WRITS OF ATTACHMENT—				
17	1	granted in certain cases	35	550
17	2	declaration to be filed 10 days before return of writs.....	35	551
17	3	acts allowing writs of attachment, altered	35	551