

# LAWS OF IOWA

PASSED AT THE ANNUAL SESSION

OF THE

# LEGISLATIVE ASSEMBLY

WHICH COMMENCED ON THE FIRST DAY OF DECEMBER,  
EIGHTEEN HUNDRED AND FORTY-FIVE

---

JAMES CLARKE, Governor  
JESSE WILLIAMS, Secretary  
STEPHEN HEMPSTEAD, President of the Council  
GEORGE W. McCLEARY, Speaker of the House of Representatives

---

PUBLISHED BY AUTHORITY

---

IOWA CITY:  
A. H. & G. D. PALMER, PRINTERS  
1846

SECRETARY'S OFFICE, IOWA CITY, }

FEBRUARY 18TH, 1846 }

IT IS HEREBY CERTIFIED, That the Acts and Resolutions contained in this volume have been compared with the original enrolled acts on file in this office, and are found to be true and correct copies thereof.

JESSE WILLIAMS,  
Secretary of Iowa Territory.

# TITLES OF ACTS

---

Chapter	Reprint Page Page
1. An act to amend an act entitled "an act regulating criminal proceedings," approved January 4, 1839 .....	1 643
2. An act to amend an act entitled "an act to allow and regulate the action of right," approved December 29, 1838.....	2 643
3. An act to authorize and require the county assessor to take the enumeration of the inhabitants of their respective counties, for the purpose of making an apportionment at the next session of the legislature of the territory of Iowa.....	2 644
4. An act to prevent the firing of prairies.....	3 645
5. An act concerning rights of married women.....	4 645
6. An act to amend "an act for assessing territorial tax, and for other purposes," approved, 15th February, 1844.....	5 646
7. An act to amend an act entitled "an act to amend an act to provide for assessing and collecting public revenue," approved, twenty-eighth May, 1845 .....	5 646
8. An act to repeal all laws in force allowing compensation to military officers in this territory .....	6 647
9. An act to authorize the governor to appoint commissioners to take acknowledgment of deeds, or other contracts and depositions, in other territories and states .....	7 647
10. An act supplementary to an act entitled "an act to preserve good order in worshipping congregations .....	8 648
11. An act to amend "an act to establish a system of common schools," approved, January 16, 1840 .....	9 649
12. An act defining the term of office of constables .....	11 650
13. An act to levy an additional tax for territorial purposes.....	11 651
14. An act fixing the terms of the district courts, in the territory of Iowa.	12 651
15. An act to amend an act entitled "an act allowing and regulating writs of attachment," approved Feb. 16, 1843.....	14 653
16. An act to repeal an act entitled "an act to postpone the election of members of the house of representatives of the territory of Iowa, from August until April".....	16 653
17. An act to amend an act entitled "an act defining crimes and punishments," approved, 16th February, 1843 .....	16 654
18. An act relative to district prosecutors.....	16 654
19. An act to amend an act entitled "an act providing for the appointment of district prosecutors and defining their duties.....	17 654
20. An act to lease the penitentiary.....	18 655
21. An act to amend an act entitled "an act concerning water crafts found adrift, lost goods, and estray animals," approved, January 22d, 1839 .....	21 657
22. An act to define a perch of mason work, in Iowa territory.....	21 658
23. An act to authorize the governor of Iowa territory, to employ counsel in cases growing out of the disputed boundary between this territory and the state of Missouri.....	22 658
24. An act to amend an act entitled "an act relative to divorce and alimony and other purposes," approved, 20th January, 1843.....	22 659
25. An act to amend an act entitled "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 .....	22 659
26. An act to provide for the printing, publication and preservation of the decisions of the supreme court, of Iowa territory.....	24 660
27. An act to amend an act entitled "an act to amend an act entitled an act concerning grand and [petit] jurors," approved, February 13, 1844 .....	25 660

Chapter		Reprint	
		Page	Page
28.	An act to amend an act entitled "an act to regulate grocery licenses," approved, January 4, 1840 . . . . .	25	661
29.	An act to provide for the payment of the claims of the creditors of the territory . . . . .	26	661
30.	An act in relation to limited partnerships . . . . .	27	662
31.	An act to amend an act entitled "an act regulating practice in the district courts of the territory of Iowa . . . . .	29	663
32.	An act to amend an act entitled "an act to district the territory of Iowa into electoral districts, and to apportion the representation of each . . . . .	30	664
33.	An act to amend an act entitled "an act subjecting real and personal estate to execution . . . . .	31	665
34.	An act concerning the lien of judgments . . . . .	33	666
35.	An act relative to re-locations of territorial and county roads . . . . .	33	666
36.	An act to provide for the compensation of the members of the present legislature and for other purposes . . . . .	34	667
37.	An act to provide for the election of delegates to a convention to form a state constitution . . . . .	37	669
38.	An act to amend an act entitled "an act to prevent and punish the obstruction of roads and highways . . . . .	40	671
39.	An act for the relief of Mrs. Frances E. Anderson . . . . .	41	671
40.	An act to legalize territorial and county roads . . . . .	41	672
41.	An act to dissolve the bonds of matrimony existing between Eli Dow, and Lucy P. Dow, of the county of Lee . . . . .	42	673
42.	An act to change the name of E. G. White of Dubuque county . . . . .	43	673
43.	An act to repeal an act entitled "an act to authorize the board of county commissioners of the county of Dubuque to levy a tax on all real and personal estate," approved, May 26, 1845 . . . . .	43	673
44.	An act to amend an act entitled "an act to organize the county of Marion," approved, June 10, 1845 . . . . .	44	674
45.	An act to establish and confirm an alteration in the Wyoming road . . . . .	45	674
46.	An act requiring certain officers therein named to make their annual reports to the executive of the territory of Iowa . . . . .	45	675
47.	An act to provide for the appointment of commissioners to relocate the county seat of Keokuk county . . . . .	46	675
48.	An act to divorce Joseph Hartley from his wife, Ann Hartley . . . . .	48	677
49.	An act to divorce Joseph Hewitt from his wife, Jane Hewitt . . . . .	48	677
50.	An act to vacate a part of the territorial road from Wyoming to Moscow . . . . .	49	677
51.	An act to locate a territorial road from Oskaloosa, in Mahaska county to Knoxville, in Marion county . . . . .	49	678
52.	An act to authorize Edmund C. Whipple & Co., to establish and keep a ferry across the Iowa and Cedar rivers, at the junction of said rivers . . . . .	52	678
53.	An act to divorce Phoebe Elizabeth Wilkie from her husband, Thomas Wilkie . . . . .	51	679
54.	An act to divorce Amelia Scanlin from her husband, Thomas Scanlin . . . . .	51	679
55.	An act to divorce Jemima Snyder from her husband, Nathaniel Snyder . . . . .	52	680
56.	An act to divorce certain persons therein named . . . . .	52	680
57.	An act to legalize the acts of Henry C. Smith . . . . .	53	680
58.	An act to locate a territorial road from Fairfield, in Jefferson county, to Agency City, in Wapello county . . . . .	53	681
59.	An act to declare a certain road in Dubuque county, to be a territorial road; and to locate a territorial road from Floyd's, in said county, via Colony, in Delaware county, to Boardman's precinct, in the county of Clayton; thence to the Neutral Ground . . . . .	53	681
60.	An act for the organization of the county of Appanoose . . . . .	55	682
61.	An act to authorize the board of county commissioners of Clayton county, to change the name of Jacksonville, in said county . . . . .	58	684
62.	An act to establish a territorial road in the counties of Jones and Delaware . . . . .	59	685
63.	An act to establish a territorial road from Sigourney, in Keokuk county, to Washington, in Washington county . . . . .	60	685
64.	An act to divorce William H. Evans from his wife, Rachael Evans . . . . .	61	686
65.	An act to amend an act entitled "an act to incorporate the town of Bloomington," approved January 23, 1839 . . . . .	61	686

Chapter		Reprint	
		Page	Page
66.	An act to authorize Eliphalet Price, judge of probate in the county of Clayton, or his successor in office, to transcribe the records of said court .....	63	687
67.	An act for the relief of Thomas J. Pearce collector of taxes in Jackson county, for the year 1843.....	64	688
68.	An act to authorize the clerk of the district court for the county of Van Buren, to transcribe the records of said court.....	64	688
69.	An act to authorize the clerk of the district court for the county of Jackson, to transcribe the records of said court.....	65	689
70.	An act to incorporate the Maquoketa Academy, in Jackson county, Iowa .....	66	689
71.	An act to provide for the election of additional justices of the peace in the town of Keokuk, in the county of Lee.....	67	690
72.	An act to change the name of Charleston, in Jackson county.....	67	691
73.	An act to authorize the county commissioners of Jackson county to establish the survey of a road in said county.....	68	691
74.	An act to authorize the clerk of the district court of the county of Lee, to transcribe the records of said court.....	69	691
75.	An act to legalize the assessment of Iowa county.....	69	692
76.	An act declaring a road therein named a territorial road.....	70	692
77.	An act to declare a certain road therein named a territorial road... ..	70	693
78.	An act to locate a territorial road from Ottumwa, in Wapello county, to Bloomfield, in Davis county .....	71	693
79.	An act to relocate a territorial road therein named.....	71	693
80.	An act to divorce Andrew M. Fickle, of the county of Van Buren, from his wife, Susan Fickle.....	72	694
81.	An act to establish a territorial road in Washington and Keokuk counties .....	72	694
82.	An act to establish new counties and define their boundaries.....	73	695
83.	An act supplemental to an act, to establish new counties and define their boundaries .....	75	696
84.	An act to provide for an expression of opinion of the citizens of Dubuque county, for and against township organization.....	76	697
85.	An act to establish a territorial road therein named.....	78	698
86.	An act to divorce Mary Ann P. Bidman from her husband, Lewis Bidman .....	79	698
87.	An act to locate a territorial road from Wapello, in Louisa county, to Augusta, in Des Moines county.....	79	699
88.	An act amendatory to an act entitled "an act to incorporate Iowa City University;" approved 2d June, 1845.....	80	699
89.	An act to vacate a part of the town of Franklin, in the county of Lee .....	81	700
90.	An act to authorize the board of county commissioners of Marion county, to select grand and petit jurors.....	81	700
91.	An act to lay out and establish a territorial road from Iowa City to Ft. Des Moines, in Polk county.....	82	701
92.	An act to authorize Isabella Crawford to convey certain real estate.. ..	83	701
93.	An act to provide for the relocation of the county seat of Jones county .....	83	702
94.	An act to locate a territorial road therein named.....	84	702
95.	An act to locate a territorial road therein named.....	85	703
96.	An act for the organization of the county of Benton.....	86	703
97.	An act to declare a certain road therein named to be a territorial road .....	89	705
98.	An act to locate a territorial road therein named.....	89	706
99.	An act to relocate a part of a territorial road in the county of Lee.. ..	90	706
100.	An act to locate the seat of justice of Buchanan county.....	90	707
101.	An act for the organization of the counties of Jasper and Polk....	92	708
102.	An act for the relief of Muscatine county.....	95	710
103.	An act to establish a territorial road from Ft. Madison, in Lee county, to Mt. Pleasant, in Henry county.....	98	710
104.	An act to vacate a part of the town of Rockingham.....	97	711
105.	An act to legalize the acts of Samuel Shuffleton, as Notary Public... ..	97	712
106.	An act to relocate a part of a territorial road in Muscatine and Cedar counties .....	98	712
107.	An act to establish a certain territorial road therein named.....	99	713

Chapter		Reprint	
		Page	Page
108.	An act to establish a territorial road from Franklin, in Lee county, to Mt. Pleasant, in Henry county.....	100	713
109.	An act to authorize Susannah Chaney, of Lee county, to convey certain real estate therein named .....	101	714
110.	An act to locate a certain road therein named.....	101	714
111.	An act to amend an act entitled "an act to incorporate the city of Keosauqua" .....	102	715
112.	An act to lay out and establish a territorial road from Bush's mill, in Jefferson county, to the Des Moines river, in Van Buren county.....	103	716
113.	An act for the relief of the sheriff of Dubuque county.....	104	716
114.	An act to re-establish a part of a territorial road, vacated by an act, approved Feb. 16, 1842.....	105	717
115.	An act to incorporate the Danville Academy, in Des Moines county.....	105	717
116.	An act to amend an act entitled "an act for the organization of the county of Iowa" .....	107	718
117.	An act to lay out and establish a territorial road from Fairfield, in Jefferson county, to Keokuk, in Lee county.....	107	719
118.	An act to change the name of Kishkekosh county.....	108	719
119.	An act to legalize the survey of certain towns in Linn county.....	108	719
120.	An act to authorize David W. Fisher to build a warehouse on a portion of the public ground in the town of Lyons, in Clinton county .....	109	720
121.	An act to establish the seat of justice of Kishkekosh county.....	110	720
122.	An act to relocate a part of a territorial road leading from West Point, in Lee county, to Salem, in Henry county.....	113	723
123.	An act to incorporate and establish the city of Dubuque.....	114	723

## JOINT RESOLUTIONS

Number			
1.	For an appropriation to improve the Agency road.....	125	731
2.	Authorizing the Librarian to procure copies of the journals of the legislative assembly .....	125	731
3.	Instructing our delegate in congress to use his influence to get an appropriation to rebuild the bridge over Flint river, in Des Moines county .....	126	732
4.	Relative to obtaining another land office.....	126	732
5.	Asking for an appropriation for a bridge over Skunk river at Lowell, in Henry county, Iowa .....	127	732
6.	For the adjournment of the legislature sine die.....	127	733
7.	On mail routes .....	127	733
8.	For an appropriation to improve the territorial road across the Mississippi bottom between Toolsboro and the Mississippi river.....	128	733
9.	Relative to a mail route.....	128	734
10.	Providing for a set of seals for the counties of Iowa, Marion, Jasper and Polk .....	129	734
11.	For a mail route .....	129	734
12.	Relative to the transmission of the laws and journals to the different states and territories .....	130	735
13.	Providing for a full set of seals for the counties of Keokuk and Appanoose .....	130	735
14.	Providing for the printing of the laws .....	130	735
15.	Relative to furniture, books and stationery, belonging to the territory.....	131	736
16.	For the relief of George S. Hampton .....	131	736
17.	For the donation of Ft. Desmoines to Polk county .....	131	736
18.	Relative to the distribution of the laws .....	132	737
19.	To pay Charles A. Robbins .....	133	737
20.	Relative to lands granted Iowa territory for university .....	133	737
21.	Relative to the printing of the act for a state government .....	133	738
22.	For the payment of J. D. Bourne .....	134	738
23.	Relative to indexing and distributing laws .....	134	738
24.	Making allowance to S. C. Trowbridge .....	134	739
25.	Providing for binding the laws and for other purposes .....	135	739
26.	Approving of the late Memphis convention .....	135	739