

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

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

Approved, February 15, 1842.

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#### CHAPTER 66.

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

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

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

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

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

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

Approved, February 15, 1842.

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#### [58] CHAPTER 67.

AN ACT for the relief of the poor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved, February 16, 1842.

#### CHAPTER 68.

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

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

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

Approved, February 16, 1842.

#### [61] CHAPTER 69.

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

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

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

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

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