

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

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

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

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

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

Approved, February 16, 1842.

## CHAPTER 73.

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

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

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

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

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

Approved, February 16, 1842.

#### CHAPTER 74.

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

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

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

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

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

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

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

Approved, February 16, 1842.