

ship number seventy-four, north, of range number nine west of the fifth principal meridian.

SEC. 2. Liability for injury—Liability for malicious injury. That any person or persons who shall destroy or in any wise injure said dam, 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, shall be guilty of a misdemeanor, and on conviction thereof shall be fined treble the amount of damages the owner may sustain.

SEC. 3. Not to flow other lands or mill wheels.—removal of nuisances—may be amended or repealed. That nothing herein contained shall authorize the individual named in this act, his heirs and assigns, to enter upon and flow the lands or mill wheels of any person or persons, without the consent of such person or persons; and they shall remove all such nuisances as may be occasioned by the erection of said dam, which may endanger the health of the vicinity of said dam. This act may be amended, altered, or repealed by any subsequent Legislature.

Approved, February 16, 1842.

[69] CHAPTER 82.

AN ACT to authorize John R. Sloan to keep a ferry across the Mississippi river at the town of Camanche, in Clinton county.

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

SECTION 1. Right to keep a ferry—for term—subject to certain regulations. That John R. Sloan, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river at the town of Camanche, in Clinton county, for the term of ten years, from the first of April next: provided, that said ferry, when so established, shall be subject to the same regulations, and be under the same restrictions, as other licensed ferries are or may hereafter be, by the laws of this Territory, fixing the rate of tolls, and prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. Time for procuring boats and hands. That the said John R. Sloan, his heirs and assigns, shall, within three months from the passage of this act, procure for said ferry a sufficient number of flat-boats and other water crafts, with a sufficient number of hands to work the same, which shall be kept at said ferry, for the transportation of all persons and their property across said river without delay.

Approved, February 16, 1842.

CHAPTER 83.

AN ACT to provide for levying a tax on real and personal property for road purposes.

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

SECTION 1. Power to levy a tax for road purposes. That hereafter the board of commissioners in each county in this Territory, may at the same time they make a levy of taxes for county purposes, also fix a per centum on real

and personal property for road purposes, which per centum shall not be less than five cents nor more than twenty-five cents on the hundred dollars valuation, on all property made taxable by the revenue laws of this Territory, said tax to be paid to the supervisors or worked out on the roads.

SEC. 2. Duty of supervisors to furnish a list of taxable citizens. That it shall be the duty of each supervisor to furnish the board of commissioners of his county, on or before the first Monday in July annually, a complete list of the individuals liable to pay county tax in his road district, particularly specifying those who are the owners of real estate in his district, whereupon said board shall furnish or have furnished, said supervisors with a list of the road tax assessed on each person in his district, whose duty it shall be to collect or have the same worked out on the roads, allowing one dollar for each day's work.

SEC. 3. Non-residents to work out road tax—tax collectors authorized to proceed against delinquents—to pay over. That for the purpose of giving non-residents an opportunity to work out their road tax, the supervisors shall be furnished with a list of the amount of road tax charged on each non-resident tract of land in [70] each supervisor's district; and in case said road tax is not paid or worked out by either residents or non-residents, on or before the first day of November in each year, then the supervisors shall make out a list of delinquents, attach his certificate thereto, and deliver the same to the proper tax collector, who is hereby authorized to proceed to collect said tax according to law, by sale of property, etc., as other taxes are collected, and when collected, to pay over the same to the proper supervisors: provided, however, that county orders shall not be received for said road tax.

SEC. 4. Supervisors to apply moneys received. That it shall be the duty of each supervisor to apply all moneys received by him for road tax, to the making or repairing of bridges or improvement of roads within his district; and said supervisors shall pay over to their successors, all moneys that may be in their hands when their successors are sworn into office.

SEC. 5. Power of supervisors to order out persons to work. That it shall be the duty of supervisors to order out every person in their road districts, subject to labor on roads and highways, to work two days on the roads within the time provided by law, instead of three days as now provided by said law; and in all other duties said supervisors shall be governed by the road laws now in force in this territory.

SEC. 6. Requirement of supervisors. That the said supervisors shall only be required to perform two days services free of charge, instead of three days as now required by law.

Approved, February 16, 1842.

CHAPTER 84.

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 and government, and to enable them to form a constitution for the state of Iowa.

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

SECTION 1. Poll to be opened for the expression of opinion on the formation of a state constitution. That for the purpose of obtaining the expression of the opinion of the people of the Territory of Iowa, upon the subject of the formation of a constitution and state government, a poll shall be opened at each electoral precinct in this territory, at the time of holding the next