

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

general election for members of the Council and House of Representatives, etc.

**SEC. 2. Judges of election to interrogate voters—clerks of election to write down names.** That it shall be the duty of the judges of elections, at every precinct in this territory, to interrogate the several qualified electors when they approach the polls to vote, whether they are in favor or against a convention, to which interrogatory the said elector shall answer simply "convention," or "no convention," and the clerks of said election shall thereupon write down his name in a column headed "convention," or "no convention," in accordance with the vote of said elector.

**SEC. 3. Judges shall mark down number of votes for and against a convention—returns to be forwarded to the clerk of county commissioners of each county—duty of clerks to forward abstracts of votes given to secretary's office—secretary of territory to examine and count returns—the governor shall issue his proclamation.** That immediately after the polls are closed, it shall be the duty of the judges of said election, to mark down distinctly on a sheet of paper the number of votes given for, and the number of votes given against a convention, and certify the same, together with the paper containing the [71] names of the voters above mentioned, to be correct; and they shall thereupon carefully seal up said papers, so certified, endorse thereon "Returns for and against a convention," and forward the same to the clerk of the board of county commissioners of the proper county, within five days from the day of the election aforesaid; and it shall be the duty of the clerk by whom said returns shall be received, within four days after the same shall be deposited in his office, to make out an abstract of the votes given for and against a convention, enclose them in an envelope endorsed thereon "Returns for and against a convention for \_\_\_\_\_ county," (as the case may be,) and transmit the same to the office of the secretary of the territory, who, within thirty days after the election aforesaid, shall, in the presence of the governor, examine and count said returns and file them in his office, and thereupon the governor shall issue his proclamation declaring the number of votes given for and the number of votes given against a convention.

**SEC. 4. Provision for choice of delegates to convention in a certain event.** That if a majority of the votes polled at the election, provided for in this act, shall be for a "Convention," then there shall be another election held for the election of delegates to a convention to form a constitution for the State of Iowa, on the second Tuesday in October next after the election aforesaid; and the notice for said election for delegates, shall be given at least twenty days before the holding thereof; and the manner of giving said notice and all other proceedings connected with said election, shall be in accordance with the provisions of the law, providing for the election of members of the Council and House of Representatives in this territory, so far as the same may be applicable.

**SEC. 5. Number of members apportioned among the counties.** That the convention shall consist of eighty-two members, to be elected within the several organized counties in this territory as follows, to-wit: the county of Lee shall elect eleven members; the county of Des Moines ten; the county of Van Buren eleven; the county of Henry seven; the county of Jefferson five; the county of Washington three; the county of Louisa four; the county of Muscatine four; the county of Johnson three; the county of Cedar two; the county of Linn three; the county of Scott four; the county of Clinton two; the county of Jackson three; the county of Jones one; the county of Dubuque six; the county of Delaware one; and the county of Clayton two. The said delegates shall be citizens of the United States, and shall have resided twelve months within the Territory, before the election aforesaid.

**SEC. 6. Judges of election shall certify as provided by law in other elections—clerks of commissioners shall open returns and certify—case of a tie**

**vote county commissioners to provide for.** That the judges of election in the several precincts, shall certify the votes for delegates, in the same manner as is provided by law for the election of members of the Council and House of Representatives, and shall send returns of said election, so certified, to the clerk of the county commissioners' court, who shall open said returns and certify the election of delegates in the same manner as is now provided by law, for the election of members of the Council and House of Representatives; and in case of a tie vote between any of the candidates for delegates, it shall be the duty of the clerk of the board of county commissioners, to order a new election to be held within twenty days after said first election, and be conducted in the same manner as said first election.

**SEC. 7. Meeting of the delegates, time and place to form a constitution.** That the said delegates elect, shall meet at Iowa City, on the first Monday of November next, ensuing the election aforesaid, and proceed to form a constitution and state government, for the territory of Iowa.

**SEC. 8. The adoption of constitution to be published—qualified voters at the general election authorized to vote for or against the constitution—votes for and against constitution shall be returned to clerks of commissioners—clerk to make return to secretary—secretary to open and count in presence of governor.** That when a constitution and form of state government, shall have been adopted by said convention, they shall cause the same to be published in all the newspapers printed in this territory; and at the next general election for members of the Council and House of Representatives, after the formation of a constitution and state government by said convention, the electors of said territory, who are qualified to vote for members of the legislature at said general election, shall be and they are hereby authorized, to vote "for the constitution," or "against the constitution." The votes for and against the constitution, shall be counted and returned to the clerk of the county commissioners' court, in the same manner as required by this act, in the election for convention and against convention; and the clerk of said commissioners shall, in the same manner, transmit returns of said votes for and against the constitution, to the secretary of the territory, who shall open and count the same, as soon as they are all received from the several counties in this territory, in the presence of the governor, who shall issue his proclamation declaring the result.

**SEC. 9. To vote in counties whether residents of such counties or not, for or against a convention—residence necessary to vote for delegates to convention.** That all electors qualified, as aforesaid, may vote for or against a convention, in any county of this territory, whether residents of such county or not; but in the election of delegates to the convention, the said electors shall not vote out of the counties wherein they have their residences.

**SEC. 10. Provision for conducting the several elections.** That the several elections provided for in this act, shall in all respects, be conducted in accordance with the provisions of an act, regulating general elections in this Territory, and the several acts amendatory thereto, so far as the same is applicable, and except as is herein specially provided for.

**SEC. 11. Oath to be administered to voters when challenged.** That whenever a person shall present himself to give his vote or ballot at said elections, and either of the judges shall suspect or any other person shall challenge him to be unqualified for that purpose, the judges shall tender to him the following oath: "You do solemnly swear and declare, (or you do solemnly declare and affirm) that you are of the age of twenty-one years, according to your best knowledge and belief, a citizen of the United States, and that you have been for the last six months, an inhabitant of this territory, and now a resident in this county, and that you have not voted before, in any part of this territory at this election."

**SEC. 12. Secretary to procure this act to be published—duty of the clerks of county commissioners to give notice—duty of sheriffs to post up notices.** That it shall be the duty of the secretary of the territory, to cause this act to be published in the several newspapers of this territory, as soon as the same may be approved by the governor; 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 purposes specified in the first section of this act, to the sheriff of his proper county, who is hereby required to post up notices in accordance with law, at least twenty days before the general election day, in August next.

**SEC. 13. Secretary of territory to procure suitable rooms, etc.** That it shall be the duty of the secretary of the territory, to procure a suitable room for the meetings of the convention; also, to [73] provide the same with furniture, stationery, and all other things necessary, for the comfort and convenience of the convention.

**SEC. 14.** That this act shall take effect and be in force from and after its passage.

Approved, February 16, 1842.

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#### CHAPTER 85.

AN ACT to divorce John E. Ely from Minerva Ely.

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

**SECTION 1.** That the bonds of matrimony now existing between John E. Ely and Minerva Ely, be and the same are hereby dissolved from and after the passage of this act.

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

Approved, February 16, 1842.

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#### CHAPTER 86.

AN ACT for the relocation of a part of the territorial road from Iowa City to Prairie Du Chien.

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

**SECTION 1. Names of commissioners—time and place of meeting.** That Aaron Usher, O. Clark and B. Magonigle of Linn County, be and they are hereby appointed commissioners to relocate all that portion of the territorial road established from Iowa City to Prairie Du Chien that passes from the head of the upper rapids of the Cedar river to Ephraim T. Jervis in Linn county; said commissioners shall meet at such time and place as they or a majority of them shall agree upon, within six months after the passage of this act, and shall receive such compensation for their services as the board of commissioners of the county of Linn may deem proper.

**SEC. 2. To comply with a former law.** That said commissioners in locating said road, shall in all respects comply with the law for opening and regulating roads and highways, approved January 17, 1840.

Approved, February 17, 1842.