

and said lock or sluice shall, after completed, be kept in good repair, for the passage of all kinds of water-craft without delay and free of charge.

**SEC. 8. Injury or malicious destruction—fine and imprisonment.** That any person who shall destroy or in any wise injure either said dam or lock, shall be deemed to have committed a trespass, and shall be accordingly liable; and any person who shall wilfully or maliciously, in anywise injure or destroy said dam or lock, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined treble the amount of damage sustained by said company, or imprisoned at the discretion of the court.

**SEC. 9. Insolvency of corporation.** That if said incorporation should become insolvent, and fail thereby to meet any obligation against them, the stockholders thereof shall be personally liable therefor.

**SEC. 10.** That this act may be amended or repealed by any subsequent legislature of this territory, or State of Iowa.

**SEC. 11.** That this act shall take effect and be in force from and after its passage.

Approved, February 17, 1842.

## CHAPTER 92.

AN ACT to re-locate a part of a territorial road, in Washington county.

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

**SECTION 1. Point to be changed.** That the territorial road which commences at a point where the military road crosses the north line of Washington county; thence to the north line of the State of Missouri, via Washington, Brighton, and Fairfield, be and the same is hereby changed, so as to [83] run from the fifteenth mile stake, on said road, to intersect a county road leading from Washington to Richmond, in said county, at a point one half mile north of the town plat of the said town of Washington; thence on said road to the public square in said town.

Approved, February 17, 1842.

## CHAPTER 93.

AN ACT to authorize the establishment of poor houses.

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

**SECTION 1. Power of county commissioners to erect poor houses—purchase of land—tax to defray—to pay over.** That the county commissioners of each and every county within this territory, shall be, and they are hereby authorized, to erect and establish poor houses within their respective counties, whenever in their opinion, such a measure will be proper and advantageous, and for that purpose it shall be lawful for said commissioners, to purchase such lot or tract of land, as they may deem necessary for the accommodation of the institution: provided, that if the commissioners of any county shall think proper to purchase land, and erect a poor house under the provisions of this act, the expense of such purchase and erection, shall be de-

frayed by a tax levied on the general assessment roll for that express purpose, and collected and paid over in the same manner that other taxes are.

**SEC. 2. Board of directors to be appointed—oath of directors—term of office—clerk and his duties—vacancies, how filled.** That whenever the commissioners of any county shall have completed a poor house, for the reception of the poor, they shall immediately meet and appoint three judicious persons, residents of the county, who shall form a board of directors, to take charge of and manage the affairs of such poor house, agreeably to the provisions of this act; and the directors so appointed, shall, previous to their entering on the duties of their appointment, take an oath or affirmation, faithfully to discharge the duties of their office, and shall continue in office one year, and until their successors are appointed and qualified; and said board of directors shall appoint a clerk of their own body, whose duty shall be defined by the board; and if a vacancy shall happen in the board of directors, the county commissioners shall appoint some suitable person or persons to fill such vacancy, and who shall hold his or their office until the next annual meeting.

**SEC. 3. Quorum for business—shall be a body corporate, known by the name of—to sue and be sued—to contract and purchase—rules and regulations—to meet quarter-yearly.** That the board of directors, or a majority of them, shall form a quorum to transact business, and shall be a body corporate and politic, with perpetual succession, and shall be known by the name of the board of directors, of the poor house of ——county, (naming the county,) and by that name they may sue and be sued, defend and be defended, in any court within this territory; they may make all such contracts and purchases as may be necessary for the institution, and may prescribe such rules and regulations, as they may think proper for the management and good government of the same; and for introducing the practice of sobriety, morality, and industry, among its inhabitants, they shall meet quarter-yearly at such place as they may agree upon, and the president may call a special meeting of the board as often as the interests of the institution require it.

[84] **SEC. 4. Appointment of superintendent, his residence—compensation and duties—security—removal—discipline—appropriation of proceeds—persons to be received.** That the board of directors shall appoint a superintendent, who shall reside in some apartment in the poor house, or other building contiguous thereto, and shall receive such compensation for his services, perform such duties and give such security for their faithful performance, as the board shall judge proper; he shall be governed in all respects, by the rules and regulations of the board, and may be removed by them at pleasure; he may require all persons received into the poor houses, to perform such reasonable and moderate labor, as may be suited to their ages and bodily strength, the proceeds of which shall be appropriated to the use of the institution, in such manner as the board of directors may point out; the superintendent shall receive into the poor house, any person who shall produce to him such an order or voucher as is hereinafter required, and shall enter in a book to be provided by him, and kept for that purpose, the name and age as near as may be, of every person so received into the poor house, together with the day on which such person was received.

**SEC. 5. Visits to examine condition—inspection of books and accounts.** That the board of directors shall cause the poor house to be visited, at least once in every month, by a member of their body; which member shall carefully examine the condition of the paupers, the manner in which they are fed, clothed, or otherwise provided for and treated; shall ascertain what labor they are required to perform; and shall inspect the books and accounts

of the superintendent, and make report thereof at the next meeting of the board.

**SEC. 6. Annual report—expenses of support.** That the board of directors shall annually report to the commissioners of the county, the state of the institution, with a full and correct account of all their proceedings, contracts, and disbursements, and the expenses of establishing and supporting the institution, shall be paid on the order of county commissioners out of any money in the county treasury, not otherwise appropriated.

**SEC. 7. Binding out to apprenticeship.** That the directors aforesaid, shall have power to bind out to apprenticeship, all such poor children as may belong to such poor house, males until the age of twenty-one, and females until the age of eighteen years, unless any such female shall be married previous to that age, on such terms and conditions, as are prescribed by an act concerning apprentices and servants.

**SEC. 8. Order for the payment of expenses for necessaries.** That in every county, within which a poor house may be established, it shall be the duty of the directors of such poor house, to give an order on the county commissioners for the payment of such reasonable and necessary expense, as may have been incurred by any township or individual, in removing any pauper to the poor house, or that may have been incurred immediately preceding such removal, by reason of delay caused by the sickness of such pauper, and the county commissioners shall draw their order on the county treasurer for such amount; provided, that said directors shall not give such order, unless they shall previously determine that such pauper is legally a county charge.

**SEC. 9. Order for admission of paupers—warning to depart—causes of non-admission.** That no person shall be admitted to such poor house, as a pauper, unless upon the order of the trustees of the proper township, or of the county commissioners, directed to the board of directors of the poor house of the proper county, which order shall be accompanied by a statement of the facts, signed by said trustees or county commissioners, setting forth the name, age, birth-place, length of residence, previous [85] habits, and present condition of the person, claiming to be a pauper; together with the time or times at which such person or persons, if not a native of the county or township, has been warned to depart therefrom, and if neglected to be warned or removed, the reason or cause of such neglect; and if, on a full examination of the facts or circumstances, touching the right of such pauper to admission into the poor house, which may come to the knowledge of the directors, they shall be of opinion, from the failure or neglect of duty on the part of the overseers of the poor, or from want of proper legal residence, or from any other cause, such person is not legally chargeable to the county as a pauper, he or she, shall not be admitted to the poor house, and the superintendent shall not admit any person into the poor house as a pauper, unless upon the order of a member of the board of directors.

**SEC. 10. Non-residents must be removed—authority conferred upon the directors by a former act.** That in case any person shall become an inmate of any poor house, supported as a pauper, whose proper place of residence is in another county, state, or territory, it shall be lawful for the board of directors of such poor house, to cause such pauper to be removed to his or her proper place of residence, in the same manner as overseers of the poor, are authorized and required to remove persons not legally chargeable by the provisions of the act entitled "an act for the relief of the Poor," and all the power and authority vested in the overseers of the poor, by and in virtue of said act, necessary to carry into effect the provisions of this section, are hereby conferred upon the directors of poor houses, for the purposes herein mentioned.

**SEC. 11. Discharge of paupers after restoration to health, from temporary**

**infirmities.** That when any person has been, or shall hereafter be received into any poor house, as a pauper, on account of any infirmity or disease, the directors of such poor house may, when in their opinion such person is so far restored to health and bodily strength, as to be able to support himself or herself, direct the superintendent of such poor house, to discharge such person therefrom.

**SEC. 12. Provision for non-resident paupers not in a condition to return home.** That if any paupers shall be in a situation, that will not admit of their removal to the poor house, or to their proper residence, the directors of the poor house shall have power to provide for the maintenance and support of such paupers, out of the county treasury, in the same manner as if such paupers were in the poor house, until their condition will admit of their removal to the poor house, or to their proper residence.

**SEC. 13. Power of commissioners to levy a tax when the ordinary revenue proves insufficient.** That the county commissioners be, and they are hereby authorized and empowered, in case the ordinary revenue of the county shall prove insufficient for the support of the poor, to levy and collect a poor tax, not exceeding one mill on the dollar, of the valuation of the property taxable for county and territorial purposes, to be entered on the grand list and collected as other taxes.

**SEC. 14. Allowance to directors.** That the county commissioners may allow the directors for their services, such sum as they may deem reasonable, not exceeding one dollar and fifty cents per day, for every day necessarily employed in the duties of their appointment, to be paid out of the county treasury, on the order of said commissioners.

Approved, February 17, 1842.

[86] CHAPTER 94.

AN ACT to amend an act, subjecting real and personal estate to execution.

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

**SECTION 1. When real estate shall be levied upon by virtue of an execution—certificate of sheriff to purchaser or plaintiff—deed to purchaser in case of nonredemption.** That whenever any real estate, shall be levied upon, by virtue of an execution, issued upon any judgment, order or decree obtained in any court of record, either at law or in equity, the same shall be sold for the best price the same will bring at public auction, and the sheriff shall give to the purchaser thereof, or to the plaintiff in execution, if the same was bid off by him, a certificate, stating the price for which the same was sold, the day of the said sale, and that in fifteen calendar months, from that date, the purchaser, or plaintiff in execution, will be entitled to a deed to said land, unless the same shall be redeemed as hereinafter provided.

**SEC. 2. Possession of defendants—right of creditors to redeem—duty of the sheriff if the land shall not be redeemed.** That the defendant in execution, shall remain in possession of said land so sold, during the said fifteen months; that said defendant, his executors or administrators, shall have the right to redeem said land, at any time before the expiration of twelve calendar months, from the said day of sale; and any person who may be a judgment creditor of said defendant at the expiration of said twelve months, may within three calendar months thereafter, redeem said real estate, by paying to the plaintiff in execution, or to the sheriff for his use, the amount for which the said land