

gardner, of Muscatine county, be and they are hereby appointed commissioners, to lay out and establish a territorial road, to commence in the county of Muscatine, at or near the dwelling house of Charles Nealy; thence on the nearest and best route to Iowa City. Said commissioners, or any two of them, shall meet at the house of Charles Nealy, in Muscatine county, on the first Monday of June next, A. D. 1842, or at such other time during said year as they may agree upon, and proceed to locate said road, and one of the above named commissioners may act as surveyor.

SEC. 2. Compensation. That each of the commissioners named in this act, together with all other hands employed by them, shall receive such compensation for their services, as the county commissioners of Muscatine county may direct: provided, however, that no part of the expense created in locating said road, shall be paid by the counties of Louisa and Johnson.

SEC. 3. That the commissioners aforesaid, shall, in all other respects, be governed by an act for opening and regulating roads and highways, approved January 17, 1840.

Approved February 17, 1842.

CHAPTER 118.

AN ACT for the organization of townships.

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

SECTION 1. Board of county commissioners to divide counties into townships. That the board of county commissioners in each county, not yet divided into townships, shall as soon as they are of opinion that a majority of the people of the county desire it, proceed to divide the county into townships in the following manner: They shall divide the county into townships of such shape and size as the convenience and interests of the citizens may require, confer upon each township the name preferred by the inhabitants of the same, and appoint the place where the first meeting of the electors shall be holden. The clerk of the said board shall record the name of each township, the time when it was set off, and a particular description of its boundaries.

SEC. 2. Townships when organized to be formed into bodies politic. That the several townships which have been or may hereafter be organized, be and they are hereby formed into bodies politic and corporate, capable of suing and being sued, pleading and being impleaded in any court of law or equity in this territory.

SEC. 3. Time and place of election to choose a chairman—electors to choose judges of election. That the electors of each township, shall on the first Monday in April, annually, after the organization of the same, assemble at some place within the township at the hour of 10 a. m., and when eight or more electors shall have assembled, they shall elect from their number a chairman, whose duty it shall be to preside over the meeting, and to direct any constable present to remove or arrest any disorderly person or persons, and if necessary to confine them until the close of the meeting, and it is hereby made the duty of such constable to obey such orders; said electors shall then proceed to elect by ballot three persons having the qualifications of electors as judges of the election, who shall appoint the necessary clerk, and take an oath or affirmation faithfully to discharge the duties of their office.

SEC. 4. First meeting of electors. That the first meeting of the electors of any township, shall be held at the place appointed by the board of county commissioners, but all future meetings shall be held at such place as the trustees of the township may direct.

SEC. 5. Election of township clerk and other officers—oath. That after the election of the chairman, and judges of the election, in the manner aforesaid, the electors shall proceed to the election of one township clerk, three trustees, two overseers of the poor, three fence viewers, a sufficient number of supervisors of highways, two constables, and one township treasurer, which several officers shall continue in office until their successors shall be chosen and qualified, and shall on their respective appointments take an oath or affirmation faithfully to discharge the duties of their respective offices.

SEC. 6. Clerk to keep record. That it shall be the duty of the township clerk, to keep fair and accurate records of all public transactions at the township meetings, to make out within two days after the elections of township officers a list of all of those of whom oaths are required by law, stating the offices to which they have been respectively chosen, and deliver the same to a constable of the township, requiring such constable forthwith to summons such officers to appear before a justice of the peace, or before such clerk within ten days, to take such oaths or affirmations as may by law be required, which oaths or affirmations the said clerk is authorized to administer, and of which he shall make a record, and in case any township officer shall take the oath of office before any justice of the peace, such justice shall file a certificate thereof with the clerk of the township, who shall record the same.

SEC. 7. Clerk to record in book all private roads, cartways, brands of cattle, etc.—compensation for recording. That it shall be the further duty of the township clerk, to record in a book to be provided by him for that purpose, all private roads or [99] cartways established by the trustees, together with the ear marks and brands of all cattle, sheep, and hogs, and such other marks as any person may wish to have recorded in said township, but he shall not record the same mark to two different persons, and the said clerk shall be entitled to receive of the person employing him as aforesaid for recording such marks or brands, the sum of twenty-five cents, and shall deliver a certified copy of such record to the owner if required, and for recording private roads or cartways, he shall be entitled to receive ten cents for every sheet of one hundred words, provided that in counties not divided into organized townships, the duties required of the township clerk in this section shall be performed by the clerk of the board of county commissioners.

SEC. 8. Forfeiture for using marks or brands of others—Forfeiture to be recovered by action of debt. If any person shall knowingly mark any of his horses, cattle, sheep, or hogs, with the same mark or brand previously recorded, and still used by any individual resident in the same organized township (or within five miles of such person in counties not divided into organized townships) the person so offending shall forfeit and pay for every such offense five dollars, to be recovered by action of debt before any justice of the peace, in the name and for the use of the person whose mark or brand shall be used, and if any person shall knowingly mark or brand the horses, cattle, sheep or hogs, of any other person with his own mark or brand, the person so offending shall forfeit and pay for every such offense, to the person injured, ten dollars, to be recovered by action of debt before any justice of the peace, in the name and for the use of such person; and if any person shall knowingly and wilfully destroy or alter any mark or brand upon any cattle, horses, sheep or hogs, the property of another, the person so offending shall on conviction thereof, before any justice of the peace, forfeit and

pay for every such offense a sum not exceeding ten dollars, and double damages to the party injured.

SEC. 9. Township treasurers to give bond—in case of forfeiture of treasurer's bond, to proceed by motion in district court. That every person elected to the office of township treasurer, shall previous to entering on the duties of his office, give bond with security to the trustees of such township, and their successors in office, in such sum as the trustees may deem proper, conditioned for the faithful performance of his duty in receiving and paying over all moneys which may come into his hands for the use of the township, which bond shall be lodged with the clerk of the township, and if the said bond shall become forfeited, the township clerk by order of the trustees, is hereby authorized to proceed in a summary manner by motion in the district court, to recover and collect the same for the use of the township or an other person or party entitled to the same.

SEC. 10. Treasurers to retain 3 per cent of monies paid into township treasury. That each township treasurer shall be allowed and may retain three per centum of all moneys paid into the township treasury for receiving, safe keeping, and paying over the same to the order of the trustees.

SEC. 11. Trustees to settle accounts of supervisors and demands against the township—time and place of meeting—further duties of trustees—number of supervisors. That it shall be the duty of the trustees of the township to settle the accounts of the supervisors of the highways and overseers of the poor, and to examine and settle all accounts and demands against the township, for which purposes the said trustees, supervisors of highways, overseers of the poor, and clerk, shall meet on the first Monday of March annually, at the place of holding the township meetings, and at the same time and place it shall be the further duty of the trustees to divide their respective townships into road districts where they have not already been [100] divided, to make any alteration they may deem proper in road districts previously made, and to determine the number of supervisors to be chosen at the annual township election, one of which supervisors shall be chosen in each road district: provided that the electors of any township set off by the board of county commissioners for organization, shall at their first meeting vote for four or more supervisors, as they may deem necessary, and after the trustees have taken the oath of office they shall proceed to divide the townships into road districts, and allot each district to such supervisor resident therein, as may have received the highest number of votes, and if no supervisor shall have been elected in any district then the trustees shall appoint the same.

SEC. 12. Supervisors to buy scrapers and ploughs to repair roads. That the supervisor of any road district, is hereby authorized to purchase, and keep in repair for the use of his district, one scraper, and such ploughs as he may deem necessary, which tools shall be used exclusively in making and repairing roads, and a receipt for the money paid in purchasing or repairing the same, shall [be] a competent voucher for the amount in the annual settlement of his accounts.

SEC. 13. Majority of trustees power to levy a poor tax — articles subject to taxation—one mill on the dollar—clerk to make out assessment roll—constables collecting tax to give bond—penalty of neglect to collect and pay over amount of tax—treasurer to give notice and proceed by motion before district court. That the trustees of each and every township, whenever a majority of the whole number of electors in said township shall deem it expedient, or when it shall become necessary for the support of the poor, shall have power and authority to lay a tax: provided, that such articles only shall be subject to taxation as are made liable by the laws for assessing and collecting county revenue, and that the amount of tax so

levied, shall not exceed the amount authorized to be levied on the same articles for county purposes, and if a poor tax, it shall not exceed one mill on the dollar, and when a tax is so assessed, either for township purposes, or for the support of the poor, it shall be the duty of the township clerk to make out from the county assessment roll for the township, an assessment of the tax voted for by the township, or ordered by the trustees for the support of the poor, a duplicate of which he shall deliver within twenty days to such constable of the township as the trustees shall direct, and the other duplicate within the like time to the township treasurer, and the constable receiving such duplicate, shall before he proceeds to the collection of the taxes charged therein, give bond with two or more securities, to be approved by the trustees of the township, to the treasurer of the township, conditioned to collect and pay over to the said treasurer, or his successor in office, the amount of said tax within four months, and in case the said constable shall neglect or refuse to collect and pay over the whole amount of said tax, within the time specified in said bond, it shall be the duty of the township treasurer, after giving ten days written notice to said constable and his securities, to proceed in a summary manner by motion before the district court, and recover the amount due from such constable with twenty per centum damages thereon for such neglect or refusal, and shall have execution therefor against said constable and his securities, and the constable collecting such tax shall receive like compensation as is or may be allowed at the time to the county collector for like services.

SEC. 14. Trustees shall issue their warrants to constables to notify electors—constables shall warn electors. That at least twenty days before the annual township meeting, the trustees shall issue their warrant to a constable of the township, directing him to notify the electors of such township to assemble at the time and place of their annual meeting, and said warrant shall enumerate the officers to be chosen at such meeting, and on the application of two or [101] more freeholders of the township for that purpose, said trustees shall insert in said warrant such other business as may be proposed, to be submitted to said township meeting, and no tax shall be laid at such meeting unless notice thereof shall have been given in said warrant, and the constable who shall receive such warrant, shall warn the electors of such township by setting up copies of said warrant in three of the most public places in each township, at least fifteen days before the meeting of such electors.

SEC. 15. Persons chosen and refusing to serve shall forfeit. That any person chosen to any office under this act and not exempted by law, who shall neglect, or refuse to serve in such office, shall forfeit and pay to, and for the use of the township the sum of two dollars, to be recovered before any justice of the peace, and it is hereby made the duty of the township treasurer to sue for the same, and for all fines and forfeitures under this act for neglect or misconduct in office of any township officer: provided, that no person chosen to any office by this law created shall be obliged to serve in such office two years successively.

SEC. 16. Trustees to fill vacancies—in case of electors failing to assemble in time. That when by reason of non-acceptance, death, or removal of any person chosen to an office in any township, at the annual meeting in April, or in any case where there is a vacancy, the trustees shall fill such vacancy, and the person thus chosen shall take the same oath and be liable to the same penalties as though he had been chosen at the annual meeting; and in case there should not at any annual meeting under this act be a sufficient number of electors assembled for the choice of a chairman, as is hereinbefore provided, between the hours of ten o'clock in the fore-

noon and four in the afternoon, so that no township officers can be chosen by the electors, it shall then be the duty of the trustees to appoint all officers in this law enumerated, and the township officers thus appointed shall take the same oaths and be liable to the same penalties as though they had been elected at the annual meeting.

SEC. 17. Duty of officer to deliver over books, etc. That it shall be the duty of all township officers, to deliver over to their successors in office under this act, all books and papers relating to their respective offices.

SEC. 18. County commissioners may alter boundaries. That whenever the board of county commissioners may deem it conducive to the public convenience, to alter the size and boundaries of any township, they shall be and are hereby authorized, to make such alteration.

SEC. 19. Townships desirous of being organized. That any township desirous of being set off for organization, shall apply to the board of county commissioners, and it shall be the duty of said board, when satisfied that a majority of the legal voters of said township are desirous of organization, to direct their clerk to record the boundaries of said township in a book provided for that purpose, and give said township such name as the citizens thereof may prefer: provided, that no townships in any one county shall have the same name.

SEC. 20. Application for laying out private roads by petition—petitioners to enter into bonds. That all applications for laying out any cart-way or private road, shall be by petition to the board of trustees, signed by at least six freeholders of the township, residing in the vicinity where the said private road or cart-way is to be laid out; and the said petition shall specify the place of beginning, intermediate points, if any, and place of termination of said road; and one or more of the signers of said petition shall enter into bonds with sufficient security, payable to the treasurer of said town-[102]-ship, conditioned for the payment of all costs and expenses arising from the view and survey of said private road or cart-way.

SEC. 21. Notice to be given before petitioning—freeholders as reviewers—time to review—remonstrance may be filed—bar against damages—to provide gates. That previous to the presentation of any petition, for such cart-way or private road, notice thereof shall be given, by posting up two written notices, one at the place of holding the township elections and one in the immediate vicinity of the proposed cart-way or road, at least three weeks before the sitting of the board at which said petition shall be presented, and the petition being presented, and the board being satisfied that notice has been given as aforesaid, they shall appoint three disinterested freeholders of said township as viewers of said road, and a surveyor if required by the petitioners to survey the same, and shall issue an order directing the viewers, after they have been duly sworn, to proceed on a day named in said order, or within five days thereafter, to view and lay out said road, or if a surveyor be appointed to lay out and survey said road and make report to the board aforesaid at their next meeting, and if no remonstrance signed by at least six signers shall be filed with said board, or presented the day on which said viewers make their report, and said viewers shall report in favor of establishing said road, then the same shall be recorded in the record of said township as a private road or cart-way, which said record shall be a bar to any application for damages, and the said trustees shall issue their order to the owner or owners of the land through which the said road or cart-way may be established, directing him or them within such time as they may deem proper to provide such gates as may be necessary for a quick and convenient passage through such fences as may cross said road.

SEC. 22. Damages for injury of premises. That if any person or persons, through whose land any such cartway or private road may be laid out, shall feel injured thereby, and remonstrance having been made as provided for in the preceding section, shall make application to the said trustees at their first session after the view of said cartway or private road, it shall be the duty of said trustees to appoint three disinterested freeholders of said township, whose duty it shall be to proceed, after being first duly sworn, to view that part of said cartway or private road through the premises of said complainant, and assess the damages of said complainant, if any, and make report in writing to said board, and if said viewers shall report that the advantages of said private road or cartway are not equal to the damages occasioned thereby to the premises of the complainant, and shall therein report the amount of damage the petitioners shall be required to pay the damages so assessed, and until he does so said trustees shall refuse to establish said private road or cartway, and all the expenses of the viewers and surveyor, if any, both at the first and second view, shall be paid by the said petitioners, and if they shall neglect or refuse so to do, it is hereby made the duty of the said treasurer to commence suit on the bond, and prosecute the same to final judgment and execution.

SEC. 23. Constables to take an oath and file bonds. That the constables shall take the oath and file the bond required in the "act for electing constables, and defining their duties," approved January 24, in the year 1839.

SEC. 24. Trustees to be judges of elections held in townships—quorum for the transaction of business. That the trustees by virtue of their office, shall be judges of all general and special elections held within their respective townships, and shall conform to the requirements in that respect of the act regulating [103] general elections, and a majority of the trustees at any township meeting, shall be a quorum for the transaction of any business.

SEC. 25. Former acts repealed. That the act providing for the organization of townships, approved January 10, 1840, and an act to amend an act providing for the organization of townships, approved January 15, 1841, are hereby repealed.

SEC. 26. No compensation to judges and clerks. That the judges and clerks of election in said township shall receive no compensation from the county treasury for services as such.

SEC. 27. This act shall take effect and be in force from and after its passage.

Approved, February 17, 1842.

CHAPTER 119.

AN ACT to establish an insurance company, in the city of Dubuque.

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

SECTION 1. Company established—name and style—amount of capital—may be increased—limits—shares. That an insurance company to be called "The Dubuque Insurance Company," shall be established in the city of Dubuque, in the territory of Iowa, with a capital stock of one hundred thousand dollars, which may be increased at the will of the stockholders to any amount not exceeding two hundred thousand dollars, divided into shares