

person shall know that such spirituous liquors are wanted to be used as medicine,) such grocery keeper, or other person so offending shall be fined in any sum not exceeding five dollars.

**SEC. 3. Fine for swearing within hearing of any religious assemblage.** That if any person of the age of fourteen years and upwards shall profanely curse or damn, or profanely swear by the name of God, Jesus Christ, or the Holy Ghost, in any court of justice, or within hearing of any religious assemblage, each and every person so offending shall be fined in any sum not exceeding one dollar, nor less than twenty-five cents for each offense.

**SEC. 4. Fines, how collected and to what applied; limitation of suits, etc.** That all fines accruing under the provisions of this act, shall be collected in the name of the United States, as in other cases of a breach of the peace, and be paid into the township treasury for the use of common schools in the township in which the offense shall have been committed, (excepting in such counties as have not been organized into townships;) in which case the fine aforesaid shall be paid over to [64] the county treasurer for the use aforesaid, within thirty days after collected; and if any officer fail to pay over such fine by him collected, agreeably to the provisions of this act, such officer shall, for any such neglect, forfeit and pay into the treasury aforesaid double the amount of any such fine or fines by him collected, to be collected in a summary way before any justice of the peace having cognizance of the same, at the suit of the township or county treasurer, as the case may be: provided, that all prosecutions under the provisions of this act shall be commenced within ten days after the offense is committed, except prosecutions against justices of the peace for not paying over any fine or fines as aforesaid.

Approved 10th February, 1843.

[The foregoing entitled act is reprinted by order of the legislative assembly, per joint resolution number 16 of session 1843-4.

## CHAPTER 44.

### ASPEN GROVE CEMETERY.

AN ACT to incorporate the Aspen Grove Cemetery Association.

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

**SECTION 1. Organization of, name and style of, general powers of, limitation of real estate, object of incorporation.** That Abiathar White, Arthur Bridgman, George Temple, John Johnson, Levi Hager, and their associates, be and they are hereby created and declared a body corporate and politic, with perpetual succession, by the name and style of "The Aspen Grove Cemetery Association;" and by that name may sue and be sued in any court of law or equity in this territory; may hold, enjoy and convey, real estate, not exceeding fifty acres, and make, ordain and establish, such by-laws, rules and regulations, for the conveyance and disposition of their real estate, interment of the dead, and for the embellishing and adornment of the grounds and lots belonging to said association, as a majority of the stockholders, at their first meeting, and from time to time may deem fit.

**SEC. 2. First meeting, when held; acceptance of charter, when and how determined.** That it shall be the duty of the persons, or a majority of them, above named, to call a meeting of the stockholders within sixty days from

the passage of this act; at which meeting, it shall be determined by a vote, and entered upon the minutes of said association, whether or not they will accept this charter.

**SEC. 3. Description of land to be filed with recorder of Des Moines Co.; when and by whom.** That if this charter is accepted by said association, it [65] shall be their duty to file with the recorder of Des Moines county, within thirty days, after such acceptance, a description of the land selected by said association for burial purposes; which said land, when so selected and conveyed to said association, and all real estate, owned or used, or to be owned or used, and all personal property used or to be used by said association for burial purposes, and all real estate conveyed by said association, or under and by their direction, to any individual stockholder for the purposes aforesaid, shall be and hereby is declared forever exempt and free from all taxation by any person or body politic, and exempt from attachment, levy and sale, upon any execution at the suit of any person or persons whatever.

**SEC. 4. Property held or conveyed for burial purposes, to be free from taxation and all judicial process; plat to be filed with recorder, when; how grants of burial lots to be construed; exemption as aforesaid.** That as soon as may be after a burial ground shall have been selected by said association, it shall be their duty to file and enter for record, with the recorder of said county, a plat of the ground and lots as surveyed; and all burial lots included in said grounds, conveyed by any person having the title thereto, to any stockholder in said association, shall be deemed and taken to be within this act, and shall be forever free from taxation, attachment, levy and sale, as aforesaid.

Approved, 18th December, 1843.

## CHAPTER 45.

### ROAD.

AN ACT to locate a territorial road, from Farmington, in Van Buren county, to Autumwa, in Wapello county.

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

**SECTION 1. Commissioners, appointment of; road to commence at Farmington, Van Buren county; route of.** That John Godard and Jesse Wright, of Van Buren county, and Van Caldwell, of Wapello county, be and they are hereby appointed commissioners to locate and mark a territorial road, commencing at Farmington, in Van Buren county; thence, via Hartford and Green's mill, in said county, Woods' mill, in Davis county, to Autumwa, in Wapello county.

**SEC. 2. Commissioners, when and where to meet.** Said commissioners, or a majority of them, shall meet at Farmington, in Van Buren county, on the first Tuesday in April next, or at some convenient time within three months thereafter, and proceed to locate and mark said road as above designated.

**SEC. 3. Commissioners, how to proceed; commissioners and others, how paid.** Said commissioners shall, in locating said road, take into consideration the interests of the citizens on said road, as well as the general good of the public, in locating said road; and for their services, together with the hands employed in locating said road, the compensation [66] allowed by law for their services, to be allowed and paid out of the county treasury of each county through which said road passes, in proportion to the length of said road.

Approved, 19th December, 1843.