

[6] CHAPTER 9.

TRESPASSING UPON LANDS.

AN ACT to prevent trespass upon the lands belonging to the territory of Iowa.

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

SECTION 1. Settling on territorial lands, trespass, fine, treble damages. That any person who shall hereafter (without special permission from the proper authorities) enter or settle upon any lands granted by the congress of the United States to the territory or future state of Iowa, shall be deemed guilty of trespass, and fined in treble the amount of the damages that shall be assessed against them:—And any person who shall cut down, or in any other manner destroy any timber growing upon such lands, or shall remove therefrom any timber, stone, stone coal, mineral or in any manner injure the value of said lands, shall, upon conviction thereof before any court of competent jurisdiction, be fined in any sum not exceeding fifty dollars, and not less than ten dollars for each offence. And the judgment of the court shall be, that the defendant stand committed until the fine and costs be paid.

SEC. 2. Duty of county to protect lands. Each board of county commissioners in the several counties in the territory, is hereby constituted a board of trustees for the territory of Iowa, whose duty it shall be to protect all such lands from injury and waste.

SEC. 3. Suit how brought, in whose name—fines to be paid to territorial treasurer. All suits commenced under and by virtue of this act, shall be instituted in the name of the board of county commissioners of the county in which such trespass shall have been committed, for the use of the territory of Iowa; and all fines and damages so collected, shall be paid by the said commissioners to the territorial treasurer and become a part of the territorial revenue.

SEC. 4. Jurisdiction in district courts and justices. The district courts and justices of the peace in any county in which such trespass shall be committed, shall have jurisdiction in all suits which may be instituted under and by virtue of this act.

SEC. 5. Takes effect after passage. This act to take effect and be in force from and after its passage.

Approved, 19th June, 1844.

[7] CHAPTER 10.

ESTATE SUBJECT TO EXECUTION.

AN ACT to revive certain acts, respecting the subjecting of real and personal estate to execution.

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

SECTION 1. Acts subjecting real and personal estate to execution prior to February, 1843, revived. That the acts respecting the subjecting of real and personal estate to execution, in force in this territory prior to the 20th

day of February, 1843, be, and the same are hereby revived, so far as they relate to judgments heretofore or hereafter obtained on contract made prior to that time.

SEC. 2. Takes effect after passage. This act shall take effect from and after its passage.

Approved, 19th June, 1844.

CHAPTER 11.

ROADS AND HIGHWAYS.

AN ACT amendatory of an act entitled "An act for opening and regulating roads and highways," approved February 1, 1843.

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

SECTION 1. Board of county commissioners to be satisfied that road is required, before appointing viewers. That hereafter, upon all applications to the board of county commissioners for laying out county roads, in addition to the requirements of the act to which this is amendatory, said boards of county commissioners shall be first satisfied that the road applied for is necessary, and that public convenience requires the same, before they shall appoint viewers in accordance with the prayer of the petition.

Approved, 19th June, 1844.

[8] CHAPTER 12.

CONSTABLES AND COUNTY COMMISSIONERS.

AN ACT to legalize the acts of certain officers therein named, and for other purposes.

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

SECTION 1. Constables elected prior to April, 1844. That all constables who were elected at the April election 1844 in this territory, and who filed their bonds and oaths of office in the office of the clerk of the board of commissioners of their respective counties in pursuance of "An act for the election of constables and defining their duties;" approved January 24, 1839, and who were in other respects qualified according to law shall be deemed legal constables of their respective townships, and duly authorized to act as such for the term for which they may have been elected, and all their official acts performed during such term shall be as valid as though they had filed bonds to the acceptance of the trustees, with the clerks of their respective townships, in pursuance of an act for that purpose; approved 5th February, 1844; and that the bonds filed with the clerks of the board of commissioners as aforesaid, be valid according to the true intent and meaning thereof.

SEC. 2. Appointment of jurors. That the clerks of the boards of commissioners of any counties in this territory, who may not have caused the proportion of jurors to be ascertained from the number of white male inhabit-