

## [27] CHAPTER 11.

## TOWNSHIP ORGANIZATION.

AN ACT to amend an act entitled "An act for the organization of townships."

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

**SECTION 1. Electors to meet 1st Monday in April after organization—eight can act—choose chairman—arrest disorderly persons—constable must obey electors—three judges of, elected by ballot—judges appoint clerks.** That the electors of each township shall, on the first Monday in April, after the organization of the same, assemble at some place in the township, between the hours of eight and ten 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 him or them until after 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 clerks and take an oath or affirmation faithfully to discharge the duties of their respective offices.

**SEC. 2. Subsequent meeting, trustees to be judges—they and clerks to fill vacancies—to receive no compensation.** That at all subsequent meetings for the election of township officers, the trustees of townships shall be judges of the election. The township clerk, with such other person as the trustees or judges of election shall appoint, shall act as clerks of the election; and should either of the trustees be absent, refuse to serve, or, from any other cause there should be a vacancy in the board of trustees at the time and place [28] of holding elections, the judges and clerks shall be appointed in the manner prescribed in the act regulating general and special elections: provided, that the judges and clerks of elections for the election of township officers shall receive no compensation for their services as such out of the county treasury; that the twenty-sixth section of an act, to which this is amendatory be, and the same is, hereby repealed.

**SEC. 3. When polls to be opened and closed.** That polls shall be opened at such township meetings between the hours of eight and ten a. m., and closed at six p. m., and the trustees shall have power to order any constable present to remove or arrest any disorderly person or persons; and if necessary confine him or them until the close of the meeting.

**SEC. 4. Trustees to be overseers of poor and fence-viewers.** That the township trustees, by virtue of their office, shall be overseers of the poor and fence-viewers, for their respective townships.

**SEC. 5. Clerks to record township roads.** That it shall be the duty of the township clerks to record all township roads (in a book to be prepared by them and kept for that purpose) which shall be established by the trustees of the township.

**SEC. 6. Trustees to establish township roads—proviso, requires consent of owners.** That the trustees of townships shall have power, and it is hereby made their duty to establish township roads of width not to exceed forty feet nor less than twenty feet, as in their judgment shall be deemed convenient: provided, that such trustees shall not locate any township road on any other than section and quarter section lines, without the consent of the owner or owners of the land through which said road is to pass.

**SEC. 7. Applications for roads to be by petition of at least six freeholders, within two miles of road—petitioners to give bond for expenses of viewing and surveying road.** That all applications for laying out any township road shall be by petition to the board of trustees, signed by at least six freeholders of the township residing within two miles of where said township road is proposed to be laid out; and 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 township, conditioned for the payment of all costs and expenses arising from the view and survey of said township road.

**SEC. 8. Three notices to be posted previous to petition and 30 days before meeting of trustees—trustees to appoint 3 viewers and 1 surveyor to lay out road, who report at next meeting—if no remonstrance of six freeholders is on file, the report shall be filed on record, and owners directed to open road—if any owner fail, supervisor to open road.** - That previous to the presentation of any petition for such township road, notice thereof shall be given by posting up three written notices, one in the vicinity of the proposed road, and the two others in two of the most public places in the township, at least thirty days before the regular sitting of the board of trustees at which such petition shall be presented, and said board being satisfied that notice has been given as aforesaid, shall appoint three disinterested freeholders of said township as viewers of said road, and a surveyor, if required by the [29] petitioners, and shall issue an order directing the viewers, after they shall have been duly sworn, to proceed, on a day named in said order, or within five days thereafter, to view and lay out; or, if a surveyor be appointed, to lay out and survey said road and make a report in writing to the board of trustees of said township at their next meeting; and if no remonstrance, signed by at least six freeholders living within two miles of said road, shall be filed with said board or presented the day on which said viewers make their report; and, if said viewers shall report in favor of establishing said road, then the same shall be recorded in said township records as a township road, which 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 said road may be established, directing him or them, within such time as the said trustees shall deem proper, to open said road: provided, that if such owner or owners shall fail to open said road within the time specified, then the trustees shall direct the supervisors of the district in which said road shall be laid out, to cause said road to be opened; and it is hereby made the duty of said supervisors to obey such orders, and also, it shall be the duty of the supervisors of roads to cause a certain part, (so much as shall be directed by the trustees,) of the road tax to be worked upon the township roads.

**SEC. 9. Any owner feeling injured may remonstrate—trustees to appoint three persons to review road and assess damages—petitioners to pay damages assessed.** That if any person or persons, through whose land any such township road may be laid out, feel injured thereby, and, remonstrance having been made as prescribed for in the preceding section, shall make application to the said trustees at their first session after the view of said township road, it shall be the duty of the trustees to appoint three disinterested freeholders of said township, whose duty it shall be, after being duly sworn, to proceed to review that part of said road through the premises of said complainant or complainants, and assess the damages, if any, and make a report in writing to said board of trustees; and if said re-viewers shall report that the advantages of said township road are not equal to the dam-

ages occasioned thereby to the premises of the complainant, and shall therein report the amount of damages, the petitioners shall be required to pay the damages assessed and until they do so, said trustees shall refuse to establish said road, and all other expenses of the re-viewers and surveyor if any, both at view and re-view, shall be paid by the petitioners for said road, and if they shall neglect or refuse to do so, it is hereby made the duty of the township treasurer to commence suit on the bond and prosecute the same to final judgment and execution: provided, that if no damages shall be allowed, any one asking to re-view, shall [30] enter into bonds with sufficient security, payable to the treasurer of the township, conditioned for the payment of all costs arising from such re-view, which shall be proceeded with in like manner as with the petitioners bond.

**SEC. 10. Conflicting parts of amended act, repealed.** That so much of the act entitled an act for the organization of townships, as conflicts with the provisions of this act, be, and the same is, hereby repealed.

**SEC. 11. Takes effect after passage.** This act to take effect and be in force from and after its passage.

Approved, 5th June, 1845.

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## CHAPTER 12.

### SHERIFFS AND CONSTABLES FEES.

AN ACT to regulate fees of sheriffs and constables in attendance on district courts.

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

**SECTION 1. No sheriff or constable to be paid by territory, who has been paid by the United States for same service.** That no sheriff, deputy sheriff or constable shall be paid out of the county treasury for attendance on the district court in any county in this territory for any day or days for which he may have received, or may be entitled to receive, pay from the United States.

**SEC. 2. Acts and parts of acts conflicting repealed.** That so much of the fifteenth section of an act entitled "An act concerning costs and fees," approved 11th February, 1843, and all other acts or parts of acts that conflict with the provisions of this act, be, and the same are, hereby repealed.

**SEC. 3. Take effect after passage.** This act to take effect and be in force from and after its passage.

Approved, 5th June, 1845.

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## [31] CHAPTER 13.

### CONSTITUTION RE-SUBMITTED TO THE PEOPLE.

AN ACT to submit to the people the draft of a constitution formed by the late convention.

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

**SECTION 1. Constitution submitted to the people first Monday of August next.** That the constitution as it came from the hands of the late conven-