

may appear right and expedient, and make report of their proceedings to the next annual session of the board of county commissioners of Des Moines county, naming every person through whose land the said reviewed road runs, if any alteration be made.

Persons to be notified.

SEC. 3. *And be it further enacted*, That the said county commissioners shall direct the sheriff to notify each individual through whose land such review is made, to appear at their next annual meeting and make objections, if any they have to such review, and in this case the commissioners shall proceed according to law.

To be public highway.

SEC. 4. *And be it further enacted*, That [if] upon the report of the commissioners appointed by the first section of this act, it shall appear that the said commissioners have made alterations in said road, the board of county commissioners shall declare the said reviewed road to be a public highway, and order the same to be opened and worked, but should the said commissioners report that no alteration be necessary, the board of county commissioners shall declare the present road to be a highway, and direct the same to be worked and kept in repair, but in either case any county or territorial roads now laid off and worked and kept in repair for the same purpose shall be discontinued: *Provided however*, That the county commissioners of Des Moines county, at their next session of their board deem it inexpedient to have such review made, they shall issue an order directing their sheriff to inform the commissioners appointed by this act to make such review of the same; and the said board of county commissioners shall proceed immediately to declare which of the two roads, to wit, the territorial or the county road now worked and kept in repair shall be the public highway; and upon such decision the other road shall be by said board discontinued.

Proviso.

Approved January 17, 1840.

[Chap. 90.]

AN ACT to provide for the settlement of the claim that Des Moines county has upon Lee, Van Buren, Henry, Slaughter, (now Washington,) Louisa and Muscatine counties.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That the several boards of the counties above named shall,

upon application from the board of county commissioners of Des Moines county, audit and pay to the said board or their legally authorized agent, what shall be their legal and equitable proportion according to the law passed at Belmont session, of the Wisconsin legislative assembly, of eighteen hundred thirty-six.

SEC. 2. It is hereby made the duty of the board of county commissioners of Des Moines county, to present to the different counties herein named a fair exhibit of the debt due by the county of Des Moines in accordance with the above named law. And it is hereby made the duty of the several boards above named, to transmit to the board of county commissioners of Des Moines, the assessment value of the property in accordance with said law above recited, and after the reception thereof by the board of Des Moines, they shall make out a fair exhibit of the dividend due from each county and send it to the several boards herein named; and if they consider the same just they are hereby required to audit and pay the same as is directed in the first section of this act; but should they consider the same unjust, illegal, or not equitable, they shall send the same back, showing wherein the same is unjust, illegal, or not equitable. They shall each appoint an auditor, who shall meet at such time and place as they may agree upon, who shall choose a third one from some other county, and they shall proceed to settle the same, whose decision shall be final.

Approved January 17, 1840.

[Chap. 91.]

AN ACT for opening and regulating roads and highways.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That all county and territorial roads which have been or may hereafter be laid out and established agreeably to law within this territory, shall be opened and kept in repair in the manner hereinafter provided; and all county roads shall hereafter be laid out and established agreeably to the provisions of this act, and all county roads shall be sixty feet wide.

SEC. 2. That all applications for laying out or altering any county road, shall be by petition to the commissioners, signed by at least twelve house-