

occupied by James Anderson, deceased, previous to the time of his death, and now occupied by John Smith, and by reference to the records of said county, the description of which will more fully appear; providing however, that said sale shall in no wise effect any lien, or incumbrance now existing against said property.

**SEC. 2. In force from passage.** This act to take effect and be in force from and after its passage.

Approved, January 2d, 1846.

## CHAPTER 40.

### ROADS.

AN ACT to legalize territorial and county roads.

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

**SECTION 1. Certain roads declared legal.** That the territorial and county roads, which have been laid out by authority of the territorial legislature, or by order of the board of commissioners of any county of this territory, the return of the reviewers and the surveyors plat of which roads have been accepted by the commissioners of the counties through which such roads [42] may run, shall be, and are hereby, declared legal roads, as fully and effectually as though the said returns and plats had been recorded at length in the respective counties.

**SEC. 2. Alterations when legal.** That all alterations of territorial or county roads, made by order of any board of commissioners of the proper county, the returns and plats of which have been accepted by said board, shall be, and are hereby declared legal, as though said alterations had been recorded, as provided for in the laws of this territory regulating roads and highways.

**SEC. 3. Roads to be recorded.** That it shall be the duty of the board of commissioners of the respective counties within this territory, to furnish their clerks with suitable record books, to be kept for the purpose of recording all roads, and alterations thereof, which may be made within their respective counties.

**SEC. 4. Clerks to record and allowance for.** That it shall be the duty of the several clerks of the board of county commissioners, in all counties where a record of territorial and county roads has not been kept, immediately on the receipt of the record books provided for in the third section of this act, to record all the surveyors plats of roads on file in their offices, and which roads have not been vacated; for which services, he shall be allowed such compensation as is now provided by law for similar services.

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

Approved, January 2d, 1846.