

SEC. 2. When to take effect. This act shall take effect and be in force from and after the third day of March, A. D. one thousand eight hundred and forty-one.

Approved December 31, 1840.

CHAPTER 28.

AN ACT to amend an act establishing certain territorial roads therein named.

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

SECTION 1. Commissioners appointed to lay out road—route of road—time and place of meeting. That Luman M. Strong and Israel Mitchell, of Linn county, and John West, of Johnson county, be and they are hereby appointed commissioners to lay out and establish a territorial road from Iowa City by the way of Marion, (the seat of justice of Linn county,) the seat of justice of Delaware county, and the mouth of Elk creek, in Clayton county, to the Mississippi river, opposite to Prairie du Chien. Said commissioners shall meet at Iowa City on the first Monday in May, eighteen hundred and forty-one, or at such other time within three months thereafter as said commissioners shall agree upon.

SEC. 2. Commissioners to take oath—form of oath. That each of the commissioners appointed under the provisions of this act, shall, before he enters on the duties required of him, take and subscribe, before some justice of the peace or other officer authorized to administer oaths, the following affidavit: "I do solemnly swear (or affirm, as the case may be) that I will faithfully and impartially, without prejudice or favor, perform the duties of commissioner to lay out and establish a road from Iowa City to the Mississippi river, opposite to Prairie du Chien, according to the provisions of the first section of this act."

SEC. 3. Compensation to commissioners, surveyors, etc. That each of the commissioners above appointed, together with each of the surveyors, chain carriers, and markers, employed by them, shall receive for their services each day they may be necessarily employed in the discharge of the duties enjoined in this [22] act, the following sums, to-wit: Commissioners, each three dollars; the surveyor two dollars and fifty cents; chain carriers and markers, each one dollar and fifty cents; which several sums shall be paid according to the provisions of an act for laying out and opening territorial roads.

SEC. 4. Vacancies—how to be filled—proviso. That should any of the commissioners appointed by this act die, or refuse to serve, the commissioners of the county wherein such vacancies shall happen are hereby empowered and authorized to fill the same: Provided, however, that two of them shall have the power to perform the duties herein named.

SEC. 5. Repealing section. That all that part of section one after the enacting clause of an act establishing certain territorial roads therein named, approved January 14, 1840, is hereby repealed.

Approved December 31, 1840.