

ROADS.

AN ACT to locate and establish a Territorial Road from Keokuck, on the Mississippi river, to Iowa City, on the Des Moines river.

Commission-
ers to locate
the road.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That James Sutton, Joseph Robb, and James McMurry, be and they are hereby appointed commissioners to locate and mark a Territorial Road, commencing at Keokuck, in Lee county, on the Mississippi river, thence to the horse tail reach, on the Des Moines river, thence up said river as near as practicable to Iowa city, on said river, passing through Farmington, New Lexington, Bentonsport, Columbus, and Philadelphia, in the county of Van Buren.

When and
where commis-
sioners to
meet.

SEC. 2. *And be it further enacted*, That the commissioners aforesaid, or any two of them, shall meet at Keokuck, on the first day of June next, for the purpose of proceeding to the discharge of their duties as commissioners aforesaid, and that they be and are hereby authorized to adjourn from time to time, and from place to place, as they may agree and determine; and that in case said commissioners, from any cause, shall fail to meet at the time and place aforesaid, or any other time or place to which the said commissioners may have adjourned, that then the sheriff of Lee county be authorized, and he is hereby required, on the application of any of said commissioners, either written or verbal, to notify in writing said commissioners of some other day, to be by him appointed, and request their attendance on such day at the place aforesaid.

Falling to do
so, sheriff of
Lee county
may appoint a
day.

APPROVED, December 14, 1838.

ROADS.

AN ACT to locate a Road from Fort Madison, in Lee county, to Trenton, in Henry county.

Comm'rs. to
locate the road.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*. That William Skinner, of the county of Lee, and Samuel Brazleton and Myriam Kilbourn of the county of Henry, be and they are hereby appointed commissioners to locate and mark a Territorial road, commencing at the town of Fort Madison, on the Mississippi river, running thence on the nearest and best route to Balti-

more, in Henry county, thence on the nearest and best route to Mount Pleasant, in said county, thence on the nearest and best route to Trenton, in said county.

SEC. 2. That the said commissioners, or any two of them, shall meet in the town of Fort Madison, on the first Monday in April next, for the purpose of proceeding to the discharge of their duties, and that they be and are hereby authorized to adjourn from time to time, as a majority of them may deem proper; and that in case the aforesaid commissioners, from any cause, shall fail to meet at the time and place aforesaid, or at any other time to which the said commissioners may have adjourned, that then the sheriff of Lee county be authorized, and he is hereby required, upon the application of any one of said commissioners, to notify said commissioners, in writing, of some other day, to be by him appointed, and the commissioners, when assembled, shall proceed to lay out and mark said road, according to the provisions of law in such case made and provided.

Where and when comm'rs to meet.

Failing to do so, sheriff of Lee county may appoint a day.

APPROVED, December 19, 1838.

ROADS.

AN ACT to provide for laying out and opening Territorial Roads.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That all Territorial roads to be hereafter located and established within this Territory shall be viewed, surveyed, and established, and returns made thereof agreeably to the provisions of this act, within one year from the passage of the act by which said road or roads may be granted or authorized to be laid out respectively.

Territorial roads to be laid out within one year.

SEC. 2. The commissioners, appointed to locate and establish any Territorial road, shall cause the same to be correctly surveyed and marked from the beginning throughout the whole distance, by setting stakes in the prairie at three hundred yards distance, and blazing trees in the timber; they shall establish mile posts, which shall be marked with a marking iron, in regular progression, from the beginning to the termination of said road, and shall also establish a post at every angle in the said road, marking as

Special provisions as to the mode.

aforesaid upon the same, and upon a tree in its vicinity, if any there be, the bearing from the true meridian of the course, beginning at said angle post, set as herein directed, and note the bearing and distance of two trees in opposite direction, if there be any in the vicinity, from each angle and mile post.

Certified return of survey and plat.

SEC. 3. The commissioners and surveyor of each road shall make a certified return of the survey and plat of the whole length of said road, specifying in said return the width, depth, and course of all streams, the position of all swamps and marshes, and the face of the country generally, noting when timber and when prairie, and the distance said road shall have been located in each county.

Where to be recorded.

SEC. 4. Said return and plat shall be signed by a majority of the commissioners, and the surveyor of said road, and forwarded to the Secretary of the Territory, within sixty days after the view and survey of the same, to be by him recorded and preserved; they shall also, within sixty days as aforesaid, deposit in the office of the clerk of the board of commissioners of each county through which said road shall be laid, a return and plat, as aforesaid, of so much of said road as shall be laid out and established in said county, to be there recorded as aforesaid.

Expense to be paid by the counties.

SEC. 5. The said commissioners shall, after the completion of the survey of any road as aforesaid, make out a certified account of all services rendered, as well by the surveyor and other hands as by themselves, charging to each county, through which said road may have been laid, a proportion of the expense, agreeably to the number of days employed thereon, and the board of commissioners of said county shall audit and settle the same.

Established width of roads.

SEC. 6. All Territorial roads, authorized to be laid out by any law of this Territory, and not yet commenced, shall be laid out in the manner prescribed in this act, and the commissioners shall comply with all the regulations herein contained; and further, the established width of all Territorial roads shall be seventy feet.

No part of expense to be paid by Territory.

SEC. 7. When any road shall have been located and established agreeably to the provisions of this act, the same shall be and forever remain a public highway, and shall be opened and worked by the counties through which it shall be laid as county roads are; and no part of the expense of laying out

and establishing any Territorial road, or of the damages sustained by any person or persons in consequence of laying out any Territorial road, shall be paid out of the Territorial Treasury.

APPROVED, December 29, 1838.

ROADS.

AN ACT to locate and establish a Territorial Road, from Black Hawk, in Louisa county, via Wapello and Mount Pleasant, to the southern boundary line of the county of Van Buren, in a direction to Jefferson City, in the State of Missouri.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That S. S. Gourly, of Louisa county, Robert Caulk, of Henry county, and Silas Stone, of Van Buren county, be and the same are hereby appointed commissioners to locate and establish a Territorial Road, commencing at the town of Black Hawk, in Louisa county, thence the nearest and best route to Wapello, in said county, thence the nearest and best route to Mount Pleasant, thence the nearest and best route to Washington, in Henry county, thence the nearest and best route to Bentonsport, in Van Buren county, thence to the southern line of said county, in a direction to Jefferson City, in the State of Missouri.

SEC. 2. That said commissioners, or a majority of them, shall meet in the town of Wapello, on the second Monday in May next, and shall proceed to locate said road, according to the provisions of an act to locate and establish Territorial Roads; and if said commissioners, or a majority, shall fail to meet at such time and place as is herein specified, it shall be the duty of the sheriff of the county of Louisa to notify said commissioners, of a day to be by him appointed, of the time and place of a second meeting of said commissioners, who shall then proceed to locate said road as above directed.

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

APPROVED, December 31, 1838.

ROADS.

AN ACT to locate a Territorial Road, from the town of Du Buque, to Keosauqua, in Van Buren county.

Commissioners to locate part of the road.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That a Territorial Road shall be established, from the town of Du Buque to the northern boundary of Missouri, via the Territorial seat of government, provided the same is located in Johnson county, if not, then on the nearest and best route to Keosauqua, in Van Buren county, and thence southward to the line of Missouri: And Simeon Clark of Du Buque county, William Chambers of Muscatine county, and Henry Filkner of Johnson county, are hereby appointed commissioners to locate such road from Du Buque to the southern line of Johnson county, who shall be at Du Buque on or before the first Monday in September next, and proceed to the discharge of the duties herein assigned them.

Comm'rs to continue the location.

SEC. 2. *Be it further enacted,* That David Goble, of Washington county, John Williford, of Henry county, and William Billups, of Van Buren county, be and they are hereby appointed commissioners to locate and mark said road, from the place where the first named commissioners stop, to the line of Missouri, on the route above mentioned, who shall meet, on or before the first Monday of September next, in the town of Keosauqua, and proceed to the discharge of their duty.

Counties to pay the expenses.

SEC. 3. The county commissioners of the several counties, through which said road may pass, shall audit and pay the expenses, in their respective proportions to the amount of the road laid out in each.

Compensation

SEC. 4. The commissioners shall receive, each, two dollars and fifty cents per day for their services. They may employ one surveyor on each end of the road, and such other hands as may be actually necessary to prosecute said work, who shall receive such compensation as a majority of said commissioners may agree upon.

Surveyor, &c., may be employed.

SEC. 5. The county commissioners of the several counties, through which said road passes, shall cause the same to be opened as soon as practicable after the same is surveyed.

County com. to open the road.

SEC. 6. The commissioners shall mark said road, by blazing trees in the woods, and setting stakes in the prairies.

How road to be marked.

APPROVED, January 25, 1839.

ROADS.

AN ACT establishing certain Territorial Roads.

SEC. 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa*, That Alfred Hebard and Azariah Gregg, of Des Moines county, and Meshack Sigler, of Van Buren county, be and they are hereby appointed commissioners to lay out and establish a Territorial Road from the city of Burlington, in Des Moines county, as near as practicable on the township line dividing townships 69 and 70, north, through Salem, in Henry county, and Keosauqua, in Van Buren county, to the line of the State of Missouri, leaving said township line at such place as the said commissioners shall deem advisable. Said commissioners shall meet at the city of Burlington, on the first day of August, 1839, or at such time during the year 1839, as the said commissioners shall agree.

Road from Burlington to Missouri State line.

When commissioners to meet.

SEC. 2. *Be it further enacted*, That James Fanning, John Paul, and Benjamin C. Pierce, be and they are hereby appointed commissioners to lay out a Territorial road, running the most practicable route from Du Buque to the settlement in Delaware county; and the said commissioners shall meet at the town of Du Buque, on the first Monday of June next, or on such other day as the said commissioners may agree, and proceed to the discharge of their duties under this act.

Road from Du Buque to Delaware county.

Where and when comm'rs to meet.

SEC. 3. *And be it further enacted*, That Isaac Mitchell, of Linn county, John G. Fay, of Cedar county, and Jonathan Pettibone, of Muscatine county, be and they are hereby appointed commissioners to lay out a Territorial road commencing at Bloomington, in Muscatine county, thence to Rochester, in Cedar county, and thence to the county seat of Linn county. Said commissioners, or a majority of them, shall meet at Bloomington, on the first Monday in May next, to discharge their duties.

Road from Bloomington to county seat of Linn.

Where and when comm'rs to meet.

SEC. 4. *Be it further enacted*, That Richard Knolt, of Cedar county, Calvit Roberts, of Du Buque county, Calvin Reed, of Jones county, be and they are hereby appointed commissioners to lay out and establish a Territorial road on the post route from Du Buque, by way of the post route of the seat of justice of Jones county, to Rochester, in Cedar county. Said commissioners, or a majority of them,

Road from Du Buque to Rochester.

Where and when comm'rs to meet.

shall meet at the town of Du Buque, on the first Monday in June, 1839, or at such time of the year of 1839 as the majority of them may agree, and proceed to discharge their duty.

Road from S. Hearn's to West Point.

SEC. 5. *And be it further enacted*, That William Howard, Thomas Douglass, and Samuel Hearn, of the county of Lee, be and they are hereby appointed commissioners to mark and lay out a Territorial road, commencing at Samuel Hearn's, on the Des Moines river, in Lee county, thence on the nearest and best route to the town of West Point, in said county. Said commissioners, or a majority of them, shall meet on the first

No time appointed for meeting of comm'rs.

Road from Keokuck to Mount Pleasant.

SEC. 6. *And be it further enacted*, Thomas W. Taylor, of the county of Lee, and William Morrow and Larkin Johnson, of Henry county, be and they are hereby appointed commissioners to mark and lay out a Territorial road, commencing at the town of Keokuck, thence up the Mississippi as near as practicable to the town of Montrose, thence on the nearest and best route to Mount Pleasant, in the county of Henry. Said commissioners to meet at Keokuck, on the first Monday in May next, to discharge their duties.

Where and when comm'rs to meet.

Road from ferry opposite Oquaka to Napoleon.

SEC. 7. *And be it further enacted*. That Samuel Brewer and Jacob Rinearson, of Louisa county, and John Gilbert, of Johnson county, be and they are hereby appointed commissioners to locate and establish a Territorial road, commencing at the ferry landing opposite Oquaka, Illinois, thence on the nearest and best route, via Florence and Wapello, in Louisa county, to Napoleon, in Johnson county.

Road from Davenport to seat of justice of Linn.

SEC. 8. *And be it further enacted*, That Alfred Carter, Warren Stiles, and A. F. Russell, of Scott county, be and they are hereby appointed commissioners to mark and lay out a Territorial road, commencing at Davenport, in Scott county, thence to Hickory Grove, thence to Poston's Grove, thence to Red Oak Grove, thence to the Pioneer Grove, thence to Big Linn Grove, thence to the seat of justice of Linn county. Said commissioners to meet, or a majority of them, to discharge their duties, at Davenport, on the first Monday in May next.

Where and when comm'rs to meet.

Road from Fort Madison to Iowa City.

SEC. 9. *And be it further enacted*. That John Box and Lewis Pitman, of Lee county, and John Reynolds of Van Buren county, be and they are hereby appointed commissioners to lay out a Territorial road, commencing at Fort Madison, in Lee county,

thence to West Point, thence to Parkersburg, and thence to Iowa City. Said commissioners to meet at Fort Madison, on the first Monday in May next to discharge their duties.

Where and when comm'rs to meet.

SEC. 10. *And be it further enacted*, That Joseph Cole, of Lee county, Peter Boger, of Henry county, and Alfred Wright, of Jefferson county, be and they are hereby appointed commissioners to mark and lay out a Territorial road, commencing at West Point, in Lee county, thence to Salem, in Henry county, and thence to the county seat of Jefferson county. Said commissioners to meet at West Point, on the second Monday in May next, to discharge their duties.

Road from West Point to county seat of Jefferson.

Where and when comm'rs to meet.

SEC. 11. *And be it further enacted*, That Daniel Strong and Enoch H. Sexson, of Des Moines county, and Grinder Wilson, of Henry county, be and they are hereby appointed commissioners to lay out a Territorial road, commencing at Burlington, in Des Moines county, thence to Trenton, thence to Joseph York's, thence to Lee's, and then west to the Indian boundary line. Said commissioners shall meet at Burlington, on the third Monday in April next, to discharge their duties.

Road from Burlington to Indian boundary line.

Where and when comm'rs to meet.

SEC. 12. *And be it further enacted*, That C. Jones, of the county of Henry, George W. Fry, and John Sullivan, be appointed commissioners to review, lay out, and establish a Territorial road from Mount Pleasant to Rome, in Henry county, from thence to Lockridge, thence to Smith's Crossing, on Big Cedar, in Jefferson county, from thence to Iowa City, in Van Buren county. Said commissioners, or a majority of them, shall meet at the town of Mount Pleasant, on the first Monday of May next, to discharge the duties required of them by this act.

Road from Mount Pleasant to Iowa City.

Where and when comm'rs to meet.

SEC. 13. *And be it further enacted*. That James L. Kirkpatrick and Charles Swan, of Jackson county, and Joseph M. Robertson, of Scott county, be and they are hereby empowered to lay out a Territorial road from Davenport, Parkhurst, Charleston, to Belleview; and that the said commissioners shall meet at Davenport, on the first Monday in May next, and proceed to lay out said road on the nearest and best route.

Road from Davenport to Belleview.

Where and when comm'rs to meet.

SEC. 14. *And be it further enacted*, That John M. Whitaker and William Goodall, of Van Buren county, and Isaac Blakely, of Jefferson county, be and they are hereby appointed commissioners to lay out a

Road from Keosauqua to county seat of Jefferson.

- Territorial road, commencing at Keosauqua, in Van Buren county, on the nearest and best route to the county seat of Jefferson county. Said commissioners to meet at Keosauqua, in Van Buren county, on the first Monday in June next to discharge their duties.
- Where and when comm'rs to meet.** **Road from Farmington to N. boundary line of Missouri.** SEC. 15. *And be it further enacted,* That Henry Bateman, John Davidson, and Henry King, of Van Buren county, be and they are hereby appointed commissioners to mark and lay out a Territorial road, commencing at the town of Farmington, in said county, from thence to the northern boundary line of the State of Missouri, a direction to the town of Waterloo, the present seat of justice for Clark county, in the State of Missouri aforesaid. Said commissioners shall meet at the town of Farmington, on the first day of May next, to discharge their duties.
- Where and when comm'rs to meet.** **Duty of sheriffs.** SEC. 16. And if the aforesaid commissioners, or a majority of them, fail to meet at the time and places named in the preceding sections of this act, it shall be the duty of the sheriffs of the several counties, having jurisdiction over the points named, on application of any one of the commissioners, to notify them to meet on some other day.
- Duty of county commissioners.** SEC. 17. That it shall be the duty of the county commissioners, of the different counties of this Territory, to order the opening of all Territorial roads, without delay, that are now laid out, or may hereafter be laid out, within this Territory.
- County com'rs to fill vacancies.** SEC. 18. That should any of the commissioners, named in the different sections of this act, die, refuse to serve, or remove out of their respective counties, the county commissioners of the county where such vacancy shall happen, shall fill such vacancies as often as they may occur.
- Compensation to comm'rs surveyors, &c.** SEC. 19. Said commissioners shall be allowed two dollars a day for their services, and shall employ one or more surveyors, and as many laboring hands as they may think necessary. The surveyor's salary shall not exceed four dollars a day, and the laborers shall not exceed one dollar and fifty cents a day, to be paid according to the provisions of an act to provide for laying out and opening Territorial roads.
- APPROVED, January 25, 1839.