

majority of them, shall meet at Charleston on the first Monday in June, eighteen hundred and forty-one, or such day thereafter during the year as they shall agree; provided, that should any of the above named commissioners die, refuse to serve, or remove out of their respective counties, it shall be competent for the board of county commissioners where such vacancy shall happen to fill the same.

SEC. 2. Commissioners to take oath—form of oath. That each and every commissioner appointed under the provisions of this act, shall, before he enters upon the duties required of him, take and subscribe before some justice of the peace or other person 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 _____ to _____."

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

Approved January 9, 1841.

[29] CHAPTER 39.

AN ACT to authorize John S. Faber to establish and keep a ferry across the Mississippi river, at Faber's Landing.

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

SECTION 1. J. S. Faber authorized to keep ferry—location and limits of ferry—exclusive privilege guaranteed—proviso. That John S. Faber, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at Faber's Landing, in the county of Jackson, in township eighty-seven north, in range four east of the fifth principal meridian, within the following limits: Commencing at said Faber's Landing, and extending one-half mile above, (provided the same does not extend above the mouth of the Tete des Morts,) and one-half mile below said landing; and that said John S. Faber have the exclusive privilege of ferrying within said limits for the term of fifteen years: provided, that said ferry, when so established, shall be subject to the same regulations and under the same restrictions as other ferries are, or hereafter may be, by the laws of this territory fixing the rates of toll, and prescribing the manner in which licensed ferries shall be kept and regulated.

SEC. 2. Steam or horse boat to be put on within two years, etc.—authority to use flat boat, etc. That the said John S. Faber, his heirs and assigns, shall, within two years from the passage of this act, procure for said ferry a good and sufficient horse or steam ferry boat, which shall be kept at said ferry for the transportation of all persons and their property across said river at said ferry without delay; and until said ferry boat be provided as aforesaid, the said John S. Faber shall keep, at said ferry, a good and sufficient number of flat boats, and hands to work the same, for the transportation of all persons and their property across said river, when passable, without delay.

SEC. 3. **When to take effect.** This act to take effect from and after its passage.

Approved January 9, 1841.

CHAPTER 40.

AN ACT to locate and establish certain territorial roads in Louisa county.

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

SECTION 1. Road from Mississippi to intersect road from Oquawka to Iowa City—names of commissioners. That there shall be surveyed and established a territorial road in Louisa county, as follows: Commencing at the Mississippi river, at or near the mouth of the Iowa river; thence the nearest and best route through Harrison and Fre-[30]-donia, to the territorial road running from Oquawka to Iowa City; and that G. W. Austin, J. R. Rockafeller and William Thompson, of Louisa county, be and they are hereby authorized to locate said road, at any time during the year eighteen hundred and forty-one they may agree upon.

SEC. 2. Ib.—road from Black Hawk to intersect road leading from Burlington to Iowa City—meeting of commissioners. And be it further enacted, that Gabriel Walling, of Louisa county, Richard Lord, of Muscatine county, and George W. Hawkins, of Johnson county, be and they are hereby appointed commissioners to lay out and establish a territorial road from Black Hawk, in Louisa county, by Grandview, in the nearest and best route to intersect the territorial road leading from Burlington to Iowa City, in township number seventy-seven north, of range five west, in Johnson county. Said commissioners shall meet at Grandview, in Louisa county, on the first Monday of March next, eighteen hundred and forty-one, or at such subsequent day during the year as they may agree upon, and proceed to locate said road.

SEC. 3. Names of commissioners—road from Florence to Washington county line—meeting of commissioners. That Philip B. Harrison, John Minton and Joseph Biffington, of the county of Louisa, be and they are hereby appointed commissioners to lay out and establish a territorial road, commencing at the town of Florence; thence to the residence of George Kees; thence to the residence of William Buffington, sen.; thence to the line of Washington county, and intersect at said line the road running from Washington to Wappello. Said commissioners shall meet at Florence on the first Monday in July next, eighteen hundred and forty-one, or at such time thereafter during the year as they may agree upon, and proceed to locate said road.

SEC. 4. Names of commissioners—road from Black Hawk to county line, etc.—road from Wapello to county line, etc.—meeting of commissioners. And be it further enacted, that George Humphrey, Perry Morrison and Joseph Newell, of Louisa county, be and they are hereby appointed commissioners to lay out and establish a territorial road, beginning at Black Hawk; thence the nearest route to the courthouse of Louisa county, crossing the Iowa river directly opposite said courthouse; thence the best route to the county line, by Hope Farm, and intersect the territorial road running from said county line, via Mount Pleasant, to the Missouri line. And said commissioners are hereby authorized to lay out and establish a territorial road, commencing at Wapello; thence the nearest and best route via Hope Farm to the county line, and intersect the road already established from Washington to said county line. Said commissioners shall meet at Black Hawk on the first Monday of March next, eighteen hundred and forty-one, or at such other time during the year [as] they may agree upon, and proceed to locate said road.