

SEC 3. **Names of commissioners—A. Hebard, surveyor.** *And be it further enacted,* That Alfred Hebard, John Lee, of Henry county, and William Rankin, be appointed said commissioners; and that Alfred Hebard be appointed surveyor under the provisions of this act.

SEC. 4. **Vacancies, how filled.** *And be it further enacted,* That if any of said commissioners shall refuse to serve, that the other two commissioners shall be authorized to fill such vacancy, and proceed as though such vacancy had not occurred.

[44] SEC. 5. **Compensation to commissioners—compensation to surveyor—proviso.** *And be it further enacted,* That the said commissioners shall be allowed the sum of three dollars per day as a compensation for their services as commissioners; and that an additional sum shall be allowed by the county commissioners to said surveyor—which said several sums shall be paid out of the county treasury: provided, said compensation shall not be less than two dollars and fifty cents per day.

SEC. 6. **Meeting of commissioners, etc.** Said commissioners shall meet at Burlington on the second Monday of February, or as soon thereafter as practicable, and proceed to discharge the duties enjoined under this act.

SEC. 7. **When to take effect.** *And be it further enacted,* That this act shall take effect and be in force from and after its passage.

Approved January 13, 1841.

CHAPTER 55.

AN ACT to authorize Elias Smith and Company to establish and keep a ferry across the Mississippi river, at the Town of Nashville.

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

SECTION 1. **Ferry at Nashville for eight years—proviso—Ib.** That Elias Smith and Company be and they are hereby authorized to establish and keep a ferry across the Mississippi river, at the town of Nashville, in the county of Lee, for the term of eight years from the passage of this act: provided, that said ferry, when so established, shall be subject to the regulations, and under the same restrictions, as other ferries are or may hereafter be by the laws of this territory fixing the rates of tolls, and prescribing the manner in which licensed ferries shall be kept and regulated: provided, also, that this act shall not be so construed as to interfere with the rights that any individual may have to the lands on either side of the river.

SEC. 2. **Exclusive privilege, etc.—proviso—horse or steamboat.** No court or board of county commissioners shall authorize any person or persons to keep a ferry within the limits of the town of Nashville, [or] one-half mile above and one-half mile below said town: provided, that the said Elias Smith and Company shall keep at said _____ a good and sufficient number of flat boats, with a sufficient number of hands to work the same, for the transportation of all persons and their property across said river, when passable, without delay; and the said Elias Smith shall, within three years, procure a good and sufficient horse or steam ferry boat.

Approved January 13, 1841.