

county of Linn, and Stephen B. Gardner, of the county of Johnson, be and they are hereby authorized and appointed to lay out, survey, and establish a territorial road from Bellview, in Jackson county, to Iowa City, in Johnson county, on the nearest and best route, taking into consideration the convenience of building bridges across such streams as may require to be bridged.

SEC. 2. Meeting of commissioners—oath to be taken—form of oath—oath to be filed—may employ assistance—compensation of commissioners, surveyor, etc. That the said commissioners so authorized shall meet at Bellview, on the first Monday of May, A. D. one thousand eight hundred and forty-one, or as soon thereafter as they may agree, in said year; and before entering upon the discharge of their duty, shall respectively take and subscribe, before some justice of the peace, or other person authorized to administer oaths, the following oath: "I do solemnly swear (or affirm as the case may be,) that I will faithfully and impartially discharge the duties of commissioner to lay out and establish a road from Bellview to Iowa City, according to the law authorizing and establishing said road, to the best of my ability;" which oath shall be filed in the office of the clerk of the board of county commissioners; and the said commissioners shall then proceed to employ the necessary assistance, according to an act to provide for laying out and opening territorial roads, approved December twenty-ninth, eighteen hundred and thirty-eight; and for all time necessarily spent in laying out, surveying and establishing said road, the commissioners shall receive three dollars per day each; the chain carriers and other necessary hands one dollar and fifty cents per day.

SEC. 3. Repealing section. That the nineteenth section of the act to establish certain territorial roads therein named, approved January fourteenth, eighteen hundred and forty, be and the same is hereby repealed.

Approved January 13, 1841.

[47] CHAPTER 59.

AN ACT to authorize the commissioners of Linn county to employ an agent to sell lots at Marion, the seat of justice of said county.

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

SECTION 1. Authority to appoint agent, etc. That the county commissioners in and for the county of Linn are hereby authorized and empowered to employ an agent, whenever by them deemed necessary, to dispose of and sell lots at Marion, the county seat of Linn county.

SEC. 2. Agent to give bonds, etc. When a person shall be appointed as aforesaid, he shall enter into bonds with good and sufficient securities, to be approved of by the board of county commissioners, in the sum of five thousand dollars, payable to the treasurer of said county, conditional to pay over all moneys by him received from the sale or disposal of lots at Marion, under his appointment, to the county treasurer, and to a faithful and honest discharge of his duties as such agent.

SEC. 3. Compensation of agent—to take oath—form of oath. The county agent shall receive such compensation as he and the county commissioners may agree upon, which shall not exceed ten per cent. of the amount of moneys and notes by him received for the sale of lots; and said agent shall, before entering upon the duties of his appointment, take and subscribe to the following oath, before the clerk of the district court: "I do solemnly

swear (or affirm) that I will, to the best of my abilities; discharge the duties of county agent without favor, fear or partiality; and will pay over all moneys to the treasurer of Linn county as soon as received by me for lots sold—so help me God.”

SEC. 4. Powers of agent, etc. The county agent appointed and qualified as aforesaid is hereby authorized and empowered to sell, dispose of and convey, all the right, title, claim and interest, the county of Linn may have, or hereafter have, in lots in said town of Marion; and he is hereby empowered to give bonds for deeds, and deeds in fee simple, absolute for said lots, which shall be deemed good and valid in law, to all intents and purposes, when witnessed by the seal of the board of commissioners of said county, and acknowledged by at least two of the county commissioners.

SEC. 5. Agent restricted to certain lots, etc. The county agent shall in no case dispose of any lot but such as have been previously appraised and submitted to him for sale by said commissioners, and shall sell no lot for less than the appraised value.

Approved January 13, 1841.

[48] CHAPTER 60.

AN ACT to establish the county seat of Delaware county.

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

SECTION 1. Qualified voters to locate county seat. That at the next general election in the county of Delaware, the qualified voters of said county shall be allowed to vote for the location of the seat of justice of said county.

SEC. 2. All points may be voted for, etc.—duty of clerk of Dubuque county. Every voter may vote for any point as the seat of justice, and the votes shall be returned to the office of the clerk of the board of commissioners of Dubuque county, and the result declared as in other cases; and the clerk, thereupon, shall cause to be entered upon the record of said board the whole number of votes given for each place named.

SEC. 3. Majority of votes necessary to locate. If, at said election, any one point shall receive a majority of votes over all the other points, it shall be declared the seat of justice of said county.

SEC. 4. Second election—highest points to be voted for. If no one point receives a majority of all the votes cast at said election, then there shall be a second election held on the third Monday of August, eighteen hundred and forty-one, at which second election the two points receiving the highest number of votes at the first election shall be voted for, and none others; and the point for which the highest number of votes is cast shall be declared the seat of justice of said county.

SEC. 5. Notice to be given of election, etc.—duty of sheriff. As soon as the votes cast at the first election are counted agreeably to law, if it shall appear that no one point has received a majority of all votes cast at said first election, it shall be the duty of the clerk of the board of county commissioners to write three notices for each election precinct in said county, which notices shall set forth the two places receiving the highest number of votes at the first election, and which places are to be voted for at the second election; and also, the day on which said election is to be held; which notices shall be delivered to the sheriff of said county, and shall be posted up by him in the following manner, to-wit: one notice at the place of voting in each