

[26] CHAPTER 32.

AN ACT amending an act defining the duties of supervisors of roads and highways.

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

SECTION 1. **Supervisor competent to prove warning.** That upon the trial of any action against any person or persons liable to work on the public roads, for the recovery of any penalty, fine or forfeiture, for a refusal or neglect to work on a public road, or for any other delinquency, the supervisor of the road, shall be a competent witness to prove the warning or notice given such person, and any other fact or facts necessary to establish such delinquency; any thing in any former act to the contrary notwithstanding.

Approved February 2, 1842.

CHAPTER 33.

AN ACT to amend an act entitled an act, for the benefit of settlers, etc., on the Half Breed lands.

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

SECTION 1. That the act to which this is amendatory, shall be, and is hereby so amended, that the price and value of improvements made under color of title on the Half Breed lands, lying in Lee county, allowed by the district court under the provisions of the act to which this is amendatory, shall be and remain a lien upon the lands on which such improvements are made, from the time of making said improvements, until the price so allowed shall be paid and satisfied.

Approved February 2, 1842.

CHAPTER 34.

AN ACT to re-locate a certain part of the territorial road, running from Burlington to the mouth of the Des Moines river.

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

SECTION 1. **Names of commissioners—meeting of commissioners—the best practicable route.** That Harman Booth, John Wright, and William Long of the county of Lee, be and they are hereby appointed commissioners to re-locate all that part of the territorial road from Burlington to the mouth of the Des Moines river, which lies between Keokuk and Montrose. It shall be the duty of said commissioners or a majority of them, to meet at Keokuk on the first Monday in March next, and having been duly sworn, proceed to re-locate and establish said road on the [27] nearest and best practicable route along the bluff; said commissioners conforming in other respects to the general act, providing for laying out and opening territorial roads, approved December 29, 1838.

SEC. 2. Duty of sheriff to notify commissioners—failure of commissioners to meet. It shall be the duty of the sheriff of the county of Lee, in the event of a majority of the commissioners aforesaid, failing to meet as aforesaid, to notify said commissioners to meet at Keokuk on any subsequent day; and in the event of a majority of said commissioners failing or refusing to act, it shall be the duty of the sheriff aforesaid, to select other suitable and disinterested persons, to serve in the places of such as refuse or fail to act and to notify them accordingly.

SEC. 3. Compensation for services. The commissioners and all other necessary persons employed in re-locating said road, shall be allowed such compensation for their services, as the board of commissioners of the county of Lee, may deem reasonable.

SEC. 4. This act shall take effect and be in force from and after its passage.
Approved February 3, 1842.

CHAPTER 35.

AN ACT to amend an act entitled "An act for opening and regulating roads and highways," approved January 17, 1840.

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

SECTION 1. Application for laying out by petition to commissioners—designation of beginning and termination. That all applications for laying out or re-locating any county road, shall be by petition to the commissioners of the county, signed by at least twenty legal voters, residing within three miles of where said road is to be laid out or relocated; which petition shall designate the place of beginning, the intermediate points, and the place of termination of said road; and said petition shall in all respects be prepared and acted upon as prescribed in the third section of the act to which this amendatory.

SEC. 2. Option of commissioners to grant applications—discretion of commissioners—remonstrance against relocation. That whenever application shall be made to the board of county commissioners, by the petition of less than twenty legal voters, for the reviewing, establishing, or re-location of any county road, it shall be optional with said commissioners to grant the same or not, at their discretion; and in all cases when application is made for the establishment of a road, and the same can with convenience be laid on a township or section line, the commissioners may, at their discretion, order the establishment of such road or roads without actual survey, but in no case shall the prayer of such petitioners be granted where there is a greater number remonstrating against the re-location or establishment of any such road or roads.

SEC. 3. Power of commissioners to contract for bridges in certain cases. When a bridge shall be necessary over any creek, river, pond, lake, slough, or place, where the supervisor or supervisors, with his or their hands, in whose district or districts the same may be, cannot conveniently make it, the board of county commissioners of the county wherein such creek, river, pond, lake, slough, or place, shall be, may at their discretion, and they are hereby empowered to contract and agree for the build-[28]-ing, keeping and repairing of such bridge, and to pay for the same out of any money in the county treasury not otherwise specially appropriated.

SEC. 4. Parts of former act repealed. That all parts of the act to which this is amendatory, contravening this act, be and the same are hereby repealed.

Approved February 2, 1842.