

CHAPTER 51.

AN ACT to authorize the county commissioners of Delaware county, to pay William Smith, senr., William Jones, and Thomas Denson, for their services as commissioners to locate the county seat of said county.

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

SECTION 1. **Per diem of commissioners locating the county seat of Delaware county.** That William Smith, Senr., of Dubuque county, William Jones of Jackson county, and Thomas Denson of Jones county, be and they are hereby allowed the sum of three dollars each per day, for their services as commissioners, in locating the county seat of Delaware county, agreeably to an act entitled "An act to amend an act entitled 'an [38] act to provide for the organization of the county of Delaware, and to locate the county seat thereof,' " approved July 24, 1840.

SEC. 2. **County commissioners to pay the same.** That the county commissioners of said county are hereby required to pay the same out of any money in the county treasury of said county, not otherwise appropriated.

Approved February 10, 1842.

CHAPTER 52.

AN ACT to amend an act to district the territory of Iowa into electoral districts, approved July 30, 1840.

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

SECTION 1. That the county of Clinton be and is hereby set apart from the county of Scott, in the election of members to the house of representatives, and shall be entitled to one member, and Scott county to one member, and the two shall elect one member to the council, as directed in the act to which this is an amendment.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 10, 1842.

CHAPTER 53.

AN ACT to make certificates of purchase of lands, from any register or receiver of any land office in this territory, evidence of title in the purchaser.

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

SECTION 1. **Nature of action—receipt of receiver or certificate of register prima facie evidence of title—to have the same effect as a deed or patent.** That in any action of trespass, quarre clausum fregit, action of right, or other actions at law, or in equity, in which the title to or possession, or right of possession, of lands or tenements, may come in question, now or hereafter pending in any court

of this Territory, or before any justice of the peace, the usual duplicate receipt of the receiver, or the certificate of the register, of the proper land office, shall be sufficient prima facie evidence of title, or of right of possession, (as the case may require,) in the person mentioned in such certificate or receipt, as the purchaser of such lands or tenements, or in the assignee of such receipt or certificate, as the case may be, to support such action; and such certificate shall have the same effect in establishing a possession in law as is given to a deed of conveyance or a patent.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved February 10, 1842.

[39] CHAPTER 54.

AN ACT to review and re-establish a part of the territorial road from Keokuk, in Lee county, to Iowaville, on the Des Moines river.

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

SECTION 1. **Names of commissioners—route of old road—route of new road.** That Joseph Roberts, Henry Wilson, and James Allen, be and they are hereby appointed commissioners to review and relocate that part of the territorial road, established according to the provisions of "An act to locate and establish a territorial road from Keokuck, on the Mississippi river, to Iowa City, (now Iowaville,) on the Des Moines river, approved December 14, 1839," which commences at the horse tail reach, on said river, and runs to the said town of Keokuck; and that the said commissioners are hereby required to establish the portion of said road hereby ordered to be reviewed, as near the Des Moines river as practicable, and in their opinion right and proper.

SEC. 2. **When and where commissioners to meet—in case of failure to meet the sheriff of Lee county to notify commissioners of time and place of meeting.**

That the commissioners aforesaid, or any two of them, shall meet at Keokuck on the second Monday in April next, to proceed to the discharge of their duties, and may adjourn from day to day as circumstances may require; and in case said commissioners, or any two of them, shall fail to attend on the day appointed, at the place aforesaid, then the sheriff of Lee county is hereby authorized and directed, on the application of any one of said commissioners, either written or verbal, to notify in writing said commissioners of some other time of meeting to be by him appointed, and request their attendance at such time and place aforesaid.

SEC. 3. **Compensation of commissioners—by what governed.** That each of said commissioners shall receive the sum of two dollars per day for his services, while engaged in the performance of his duties required by this act; and shall be governed in every respect by the "act to provide for laying out and opening territorial roads," approved December 29, 1839.

Approved February 10, 1842.