

Dallas county, and thence to the west line of Dallas county, in the direction of Council Bluffs, on the Missouri river.

SEC. 2. **To meet.** That said commissioners or a majority of them shall meet at the town of Montezuma, on the first day of April next, or within three months thereafter and proceed to locate and establish said road according to law.

SEC. 3. **Employ surveyor.** Said commissioners shall take to their assistance a competent surveyor, and other necessary hands who together with the commissioners shall receive such compensation and in such manner as is provided by law.

Approved, Jan. 15, 1848.

[125] CHAPTER 94.

STATE ROAD.

AN ACT to locate a state road from Eddyville, in Wapello county, to Haymaker's mill, in Marion county.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Commissioners.** That John B. Gray, of Monroe county, Daniel Hoover, of Wapello county, and Henry Haymaker, of Marion county, be, and are hereby appointed commissioners to lay out and establish a State road, commencing on the west side of the Des Moines river, opposite Eddyville, thence, by the nearest and best route, to intersect the State road leading from Clarksville, in Monroe county, to Racoon Fork, at or near Haymaker's mill.

SEC. 2. **Where to meet.** That said commissioners shall meet at Eddyville, in Wapello county, on the first Monday of April, or within three months thereafter, and upon taking to their assistance the necessary help, shall proceed to lay out and establish said road according to law.

SEC. 3. **Compensation.** That said commissioners and assistants shall be entitled to such compensation as is allowed by law.

SEC. 4. **Take effect.** That this act shall be in force from and after its publication according to law.

Approved, Jan. 15, 1849.

CHAPTER 95.

STATE ROAD.

AN ACT to establish a state road from Oskaloosa to Montezuma.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Commissioners.** That John White and Gideon Wilson, of Mahaska county, and James Wilson, of Powesheik county, be, and they are hereby, appointed commissioners to locate and establish a State road commencing at the town of Oskaloosa, thence, on the nearest and best route, to the town of Montezuma, in Powesheik county.

SEC. 2. When to meet. Said commissioners, or a majority of them, shall meet at [126] Oskaloosa on the first day of May next, or within three months thereafter, and proceed to locate and establish said road according to law.

SEC. 3. Surveyor—compensation. Said commissioners shall take to their assistance a competent surveyor, and other necessary hands, who, together with the commissioners, shall receive such compensation and in such manner as is provided by law.

Approved, January 15, 1849.

CHAPTER 96.

PLANK ROAD.

AN ACT relative to the construction of a plank road from the town of Montrose to Keokuk, in Lee county.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Authorized to construct plank road—grade of said road—time for the completion. And it is hereby enacted, that William Brownell and his associates be authorized to construct a "graded and plank" road, and use the same, between the towns of Montrose and Keokuk, in Lee county, following the present line of road so far as may be practicable, to be selected by survey, for twenty-five years: *provided*, the grade of said road shall not be less than forty feet wide, and the plank or track not less than eight feet: *and, provided further*: that said William Brownell and his associates keep the same in good repair during the time they shall use the same, and that they have the construction of said road completed within two years from and after this act shall take effect.

SEC. 2. Right of way. If the proprietor of any land or lands, through which said road is to pass, shall refuse their consent to the construction of the same over their lands, such refusal shall not prevent the construction of said road; *provided*, the said Brownell and associates shall pay the damages occasioned thereby, to be determined by three disinterested freeholders of said county of Lee, who shall be agreed upon by the contending parties, which adjudication shall be final.

SEC. 3. Rates of toll. That the said William Brownell and his associates may erect toll houses, and toll gates, upon said road, and exact toll upon the same as follows: for each carriage, wagon, cart or sleigh, drawn by two horses, oxen or mules, two and a half cents per mile, and one cent per mile for each additional horse, ox or mule, attached to the same vehicle; for every vehicle drawn by one horse, ox or mule, two cents per mile; for each horse and rider, one cent per mile; for every head of [127] horses, oxen, mules or cattle, led or driven one cent per mile; for every head of sheep, goats, or hogs, one half cent per mile; for merchandize (not including the furniture of emigrants) two cents per ton for each mile.

SEC. 4. May prosecute for non-compliance with this act. That any person or persons refusing or neglecting to comply with the requirements of the foregoing act, may be prosecuted before any justice of the peace, or any court having jurisdiction of the same, in an action of debt, and the toll, or debts, with the costs of suit collected according to law in such cases.