

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.

SEC. 5. Punishment for obstructing, etc. That any person or persons, obstructing, injuring or defacing the said road, gates, or toll houses, or any of the property belonging to the same, in any manner, or shall aid or abet the same, shall be prosecuted in any court of competent jurisdiction within the proper county, and upon conviction shall be liable for such damages or injury, and shall be subject to a fine and imprisonment at the discretion of the court.

SEC. 6. Whenever a connected one third of the line of said road is completed, a gate, or gates, may be erected thereon, and the toll collected pro-rata: *provided*, that toll shall not be exacted in any case, except, such as is expressed in this act.

SEC. 7. Take effect. This act shall take effect and be in force from and after its publication.

Approved, January 15, 1849.

CHAPTER 97.

STATE ROAD.

AN ACT to lay out and establish a state road from Dubuque City, in Dubuque county, to Bunker's landing, in Clayton county.

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

SECTION 1. Commissioners. That Isaac N. Higbee and John Wharton, of Dubuque county, and Robert Bunker, of Clayton county, be, and they are hereby, appointed commissioners to lay out and establish a State road from Dubuque city, in Dubuque county, to Bunker's landing, in Clayton county.

SEC. 2. When to meet. Said commissioners, or a majority of them, shall meet at Dubuque city on the first Monday of May next, or within three months thereafter, and proceed to lay out and establish said road according to law.

Approved, January 15, 1849.

[128] CHAPTER 98.

STATE ROAD.

AN ACT to locate and establish a road therein named.

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

SECTION 1. Commissioners. That Robert Stuart and Asa Gregg, of Muscatine county, and Elisha Henry, of Cedar county, be and they are hereby appointed commissioners to locate and establish a state road, commencing where the north state road from Iowa City to Bloomington intersects the corners of sections one, (1) and two, (2) in township seventy-eight, (78) north of range four, (4) west of the fifth, (5) principal meridian on the north line of Muscatine county; thence east on said county line to some point near the east fork of Wapsenonoc creek; thence on the nearest and best