

ACTS, RESOLUTIONS AND MEMORIALS

PASSED AT THE

REGULAR SESSION

OF THE

THIRD GENERAL ASSEMBLY

OF THE

STATE OF IOWA

WHICH CONVENEED AT IOWA CITY, ON THE THIRD DAY OF DECEMBER,
ANNO DOMINI, 1850.

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L A W S O F I O W A .

[17] CHAPTER 1.

RIGHT OF WAY.

AN ACT granting the Burlington and Mount Pleasant plank road company the right of way.

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

SECTION 1. Right of way. That the Burlington and Mount Pleasant Plank Road Company is hereby authorized to lay out their road between the towns of Burlington and Mount Pleasant, on such ground as may be deemed suitable for that purpose, including any portion of the public highway; provided the traveling on such highway is not thereby interrupted.

SEC. 2. Private property. The quantity of ground to be thus taken shall be merely a roadway not exceeding sixty feet in breadth, and where private property is thus taken, a fair equivalent must be paid therefor before the property can be appropriated by the company.

SEC. 3. Damages. When the proprietor of any land thus taken is legally competent to act for himself, and has received personal notice of the laying out of the road through his land, he must within ten days after receiving such notice, apply to the sheriff of the county in which the land lies for a jury to assess the amount of damages he may sustain, or he shall be held to have accepted of the largest amount of damages offered him by the company, and on the payment or tender of which sum the company is entitled to a deed for the land.

SEC. 4. Minor. If the proprietor of the land is a minor or otherwise in- [18] competent to act for himself, or if he has not been personally served with notice of the laying out of the road as aforesaid, the jury aforesaid must be called for by the company.

SEC. 5. Jurors. When called upon in either of the above methods, the sheriff must as soon as practicable, summon nine persons qualified to act as ordinary jurors as between the parties, and who are not interested in a similar question—a time and place must be appointed for the meeting, and reasonable notice thereof given to the parties or their agents or guardians, unless they are already acquainted with those facts.

SEC. 6. Panel. At the time appointed if the requisite number of qualified jurors do not appear, the sheriff must complete that number; the parties then (commencing with the agents of the company) shall in turn proceed to strike off one juror each until only three remains.

SEC. 7. Agree. If either party fails to strike off jurors in the manner aforesaid, the sheriff shall do the same in his place but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. Assess—deed—appeal costs. The three jurors so selected must then proceed to examine the ground and decide upon the amount of damages that should be paid by the company for the right of way aforesaid, upon the payment of which amount the company is entitled to a deed for the land. Provided, that either party dissatisfied with the decision of the jury shall have the right of appeal to the district court of the county wherein said land is situated at any time within thirty days from the making of said decision; but such appeal shall not prevent the prosecution of work upon said road; provided the company shall first have paid or tendered the amount adjudged by said jury; and in no case shall the company be liable for costs on an appeal unless the appellant receive a greater amount of damages than first awarded.

SEC. 9. Purpose. The right of way acquired by virtue of this act may be retained for any of the purposes contemplated in the article of incorporation of the company, but no other.

SEC. 10. Notice to agent. Any of the notices aforesaid if served on an agent of [19] the proprietor of the land are to have the same effect as if served upon the principal.

SEC. 11. Fees. The sheriff and jurors are entitled to the same compensation as is provided for in other cases for similar services, and all the expenses caused by the proceedings above authorized must be borne by the company.

SEC. 12. To take effect. This act shall be in full force [from] and after its publication in two newspapers in the city of Burlington and in the Iowa Observer, the expense of said publication however to be paid by the company.

GEORGE TEMPLE,
Speaker of the House of Representatives.

ENOS LOWE,

President of the Senate.

Approved December 18th, 1850.

S. HEMPSTEAD.

Published in the Burlington Telegraph Dec. 28, 1850, Hawk-Eye Jan. 2, 1851. and Iowa Observer Dec. ——— 1850.

CHAPTER 2.

CENTRE MARKET.

AN ACT to grant the use of centre market in Iowa City to the Davenport and Iowa City railroad company.

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

SECTION 1. Use as a depot—surrender to state. That the Davenport and Iowa City railroad company, be authorized and permitted to use and occupy centre market square in Iowa City, for the purpose of building thereon, using and occupying a depot, for receiving and delivering passengers and freight, and for no other purpose; provided, that if the state constructs said road as a state work, or the company fail to erect said depot within ten years from the passage of this act, the said company thereby surrenders to said state all rights and privileges acquired therein.

Approved January 4, 1851.

[20] CHAPTER 3.

DAVIS COUNTY COURT HOUSE.

AN ACT authorizing the county commissioners court of the county of Davis, to have a vote taken in relation to building a court house in said county.

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

SECTION 1. **Vote.** That the county commissioners of the county of Davis may at any regular or special term of said court, after the taking effect of this act, order a vote to be taken in said county, for the purpose of determining whether or not a special tax shall be levied by said commissioners, for the purpose of building a court house in said county.

SEC. 2. **Entered on record.** Should said commissioners decide to have a vote taken as above, the same shall be entered on record in said court, and also the time when said election shall be held.

SEC. 3. **Notice.** It shall thereupon after said order, be the duty of the clerk of said board to give at least twenty days notice of the same, by posting or causing to be posted up a notice of said election, at the place of holding elections in each of the several townships in said county, of the time of said election.

SEC. 4. **Vote viva voce for tax or against tax.** If an election shall be ordered, a poll shall be opened at each of the election precincts in said county, the vote shall be taken viva voce, and the question shall be put to said voter in this or an equivalent form: Are you in favor of or against a tax for building a court house? and the vote shall be put down in the column corresponding to the vote. For this purpose a separate book shall be opened at each election precinct, and after said election said poll book shall be returned sealed in a separate envelope by itself, to the clerk of said board of commissioners, certified as other election returns, within the time prescribed for other election returns.

SEC. 5. **Assess tax—not to exceed.** If a majority of the votes cast on the question shall be in favor of a tax, said commissioners shall thereupon at the first regular or special term thereafter proceed to assess a tax for the purpose aforesaid, on all taxable property in [21] said county; which amount shall not exceed that assessed or allowed to be assessed for county purposes, which said assessment may be continued from year to year until said court house is entirely completed.

SEC. 6. **Duplicate—collection.** When the assessment shall be made, the clerk of the board shall make out a list of the same, and deliver it to the collector of said county, who shall thereupon proceed without delay to collect the same, and for this purpose there shall be conferred upon him all the powers now conferred for the purpose of collecting state and county revenue.

SEC. 7. **Payment.** Said collector shall account for and pay over to said board or to the clerk thereof, once every month all moneys collected by him for the purpose above mentioned.

SEC. 8. **From last ass't.** In making said assessment the commissioners shall make the same from the last state and county assessment, for the purpose contemplated in this act.

SEC. 9. **Collector to give bond.** Before the collector shall be authorized to collect the tax levied under the provisions of this act, he shall execute a special bond payable to said board of commissioners and their successors

in office, faithfully to perform the duties enjoined on him by this act, which bond may be put in suit for any and every breach of the same: said bond shall be for such amount as said board may direct.

SEC. 10. Power conferred. All powers conferred on the board of commissioners by the thirty-fifth section of an act entitled an act to provide for levying and collecting revenue for state and county purposes, approved February 25th, 1847, are also conferred upon the board of commissioners of Davis county for the purpose contained in this act, and they shall also have the same power should said collector fail to qualify within two weeks after said assessment, having due notice thereof.

SEC. 11. Fees. The collector shall receive the same compensation for his duties under this act as is allowed by the forty-second section of the above named revenue act, approved February 25th, 1847.

SEC. 12. Report of district court. When the tax assessed for the purposes of this act or any portion thereof, shall remain due and unpaid for twelve months after said assessment, it shall be the duty of the county treasurer to make report thereof to the district court [22] of said county at the first term thereafter, which report shall conform as nearly as may be to that prescribed for state and county revenue.

SEC. 13. Give notice four weeks. Before making application to the district court as is above provided, the collector shall give notice as is prescribed in similar cases for state and county revenue, except that the first advertisement shall be four instead of six weeks, and all farther proceedings shall be as provided by law for the sale of lands for the collection of state and county revenue; and conveyances shall be made under the same regulations and with the same effect.

SEC. 14. To take effect. This act shall take effect and be in force from and after its passage.

Approved January 9th, 1851.

CHAPTER 4.

RIGHT OF WAY.

AN ACT to grant the right of way to the Davenport and Iowa City railroad company.

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

SECTION 1. Right of way. That there is hereby granted to the Davenport and Iowa City rail road company and to their successors and assigns, the right of way for their road through any street or alley of Iowa City, from the eastern boundary thereof to centre market, and also a strip one hundred feet wide through sections sixteen and any other land which may be owned by the state of Iowa.

SEC. 2. Grant obtained in writing—owner refusing, district court to appoint freeholders to assess damages and report to clerk—company may pay clerk—appeal—not delay. That in obtaining the right of way for their said rail road, over and across the lands of individual proprietors, the said company and their assigns, may proceed in the manner following, (that is to say), the grant of such right of way, from individual owners resident of the county in which the land is situated, or who have agents or guardians resident

as aforesaid, may be obtained in [23] writing over the hand and seal of such proprietor, or of his or her agent or guardian resident as aforesaid, and neither acknowledgment or recording shall be necessary to the validity of such grant: and if the owner of any land over which said road may be located shall refuse to grant the right of way for said road through his or her premises, the judge of the district court of the county in which such premises may be situated, shall on the application of either party appoint three (3) disinterested free holders of the county, whose duty it shall be to inspect said premises and assess the damages (if any) which such owner will sustain by the construction of said road and make report in writing to the clerk of said court who shall file and preserve the same, and if said company or their assigns shall at any time before they actually entered upon said land for the purpose of constructing said road, pay to said clerk for the use of said proprietor the sum so assessed and returned to him as aforesaid, they shall thereby be fully justified in constructing and maintaining their said road over and across said premises, doing no unnecessary injury to said land; provided, that either party dissatisfied with the decision of said freeholders, shall have the right of appeal to the district court of the county wherein said lands are situated, at any time within thirty days after said decision: but such appeal shall not delay the prosecution of work in said road: provided the company shall first have paid or tendered the amount so assigned by said freeholders, and in no case shall the company be liable for costs on appeal unless the appellant recover a greater amount of damages than first awarded, but the company shall in all cases pay costs made previously to an appeal.

SEC. 3. Non-resident. Be it further enacted, that if upon the location of said road it shall be found to run through the land of any non-resident proprietor, the said company or their assigns shall give four weeks notice to each proprietor, if known, and if not by a description of such land by publication in some newspaper printed in Iowa City and Davenport, that said road has been located through his or her lands and if such proprietors shall not apply to such district judge within thirty days thereafter to have the damages assessed in the mode [24] prescribed in the preceding section, said company or their assigns shall proceed in the same manner to have the damages assessed as in section third, subject to the same right of appeal and upon the payment of the damages so assessed, the company thereby shall acquire all rights, privileges and immunities mentioned in said third section.

Approved January 9th, 1851.

CHAPTER 5.

GUTTENBURGH.

AN ACT to change the name of the towns of Guttenburgh and Guthenberg to Prairie la Porte.

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

SECTION 1. Name changed by a vote. That the names Guttenberg and Guthenberg, of a recorded town, in the county of Clayton, be and the same is hereby changed to Prairie la Porte; providing that this change of name shall be approved by a vote of the legal voters of said town, at the annual election held on the first Monday in April next.

SEC. 2. **Recorded.** It shall be the duty of the judges of the said April election, to cause the result of the vote taken upon the change of name as directed in the foregoing section, to be recorded in the recorder's office in the county of Clayton.

SEC. 3. **Take effect.** This act shall take effect, from and after its publication, in the Du Buque newspapers providing that no expense for the printing of said law, shall be incurred by the state of Iowa.

Approved January 9 1851.

[25] CHAPTER 6.

JOHN WILLIAM BRANZON.

AN ACT to change the name of John William Branzon to William Allen Lett.

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

SECTION 1. **Name changed.** That the name of John William Branzon of the county of Delaware, be and the same is hereby changed, to William Allen Lett, and that he shall hereafter, be known and called by the name of William Allen Lett, which shall be his lawful name: provided such change shall not impair any of his legal rights.

SEC. 2. **Take effect.** This act shall take effect and be in force from and after its passage.

Approved January 9, 1851.

CHAPTER 7.

RAIL-ROAD COMPANY.

AN ACT for the relief of the Rock Island and Lasalle rail road company.

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

SECTION 1. **Depot.** That the Rock Island and Lasalle rail road company, in the state of Illinois, are hereby authorized to build a depot in the town of Davenport, at such place and under such regulations as the authorities of said town may authorize; and to carry freight and passengers to and from said depot across the Mississippi river between Rock Island and Davenport.

SEC. 2. **Western company may purchase.** That when a rail road shall be built, by any rail road company from Davenport towards the western part of this state, said company have the right to purchase said depot in the town of Davenport, and carry freight and passengers in pursuance of the first section of this [26] act, by paying to said company the original cost for said depot, and ten per cent interest thereon, from time of its completion.

Approved January 14th, 1851.

CHAPTER 8.

INSTITUTION OF LEARNING.

AN ACT to authorize the erection of an institution of learning on the public square in the town of New London in Henry county.

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

SECTION 1. Public square granted. That William R. Crain, Loudon Mullin, Elijah Richards, John E. Linn, Charles B. Wall, their associates and successors, be and they are hereby authorized, to erect a suitable building or buildings upon the public square, in the town of New London, in Henry county, to be used and occupied as an institution of learning, and are hereby created and declared to be a board of trustees for said institution of learning, and authorized to select and adopt a name by which said institution shall be known and called.

SEC. 2. To keep gates or openings. That if said public square be now and hereafter enclosed, good and sufficient gates or openings shall be kept at convenient or reasonable distances to afford ready, easy and convenient passage to all persons in an orderly manner, to and fro across said public square; provided, that no person shall have authority to enter or interfere with the buildings or other property of said institution without the leave of the trustees or other persons having charge thereof.

SEC. 3. Certain buildings prohibited. That the trustees of said institution or other persons having the control or management thereof, shall erect no building or buildings for dwelling houses or other purposes (except for the purposes above mentioned), upon or dispose of by sale or lease any portion of said public square or the building or buildings thereon.

[27] **SEC. 4. To take effect.** This act shall take effect and be in force from and after its passage.

Approved January 14th, 1851.

CHAPTER 9.

NEW COUNTIES.

AN ACT to establish new counties and to define their boundaries.

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

SECTION 1. Union—boundaries. That the following shall be the boundaries of a new county, which shall be called Union, to wit: beginning at the north-west corner of Clarke county, thence west on the township line dividing townships 73 and 74, to the northwest corner of township 73 north of range 31 west, thence south to the south-west corner of township 71 north of range No. 31 west, thence east on the line dividing townships 70 and 71, to the south-west corner of Clarke county, thence north to the place of beginning.

SEC. 2. Adair—boundaries. That the following shall be a new county to be called Adair, with boundaries as follows, to wit: beginning at the north-west corner of township 77 north of range 29 west, thence west on the town-

ship line between townships 77 and 78 to the north-west corner of township 77 range 33 west, thence south to the south-west corner of township 74 north of range No 33 west, thence east on the township line dividing townships 73 and 74, to the south-west corner of township 74 north of range 29 west, thence north to the place of beginning.

SEC. 3. **Adams—boundaries.** That the following shall be the boundaries of a new county which shall be called Adams. To wit: beginning at the north-west corner of township 73 north of range 31 west, thence west on the township line dividing townships 73 and 74 to the north-west corner of township 73 north of range 35 west, thence south to the south-west corner of township 71 north of range 35 west, thence east on the township line dividing townships 70 and 71 to the south-west corner of town- [28] ship 71 north of range 31 west, thence north to the place of beginning.

SEC. 4. **Cass—boundaries.** That the following shall be the boundaries of a new county which shall be called Cass. To wit: beginning at the north-west corner of township 77 north of range No. 33 west, thence west on the township line dividing townships 78 and 77, to the north-west corner of township 77 north of range 37 west, thence south on the range line between ranges 37 and 38, to the south-west corner to township 74 north of range 38 west, thence east on the township line between townships 73 and 74, to the south-west corner of township 74 north of range 33 west, thence north to the place of beginning.

SEC. 5. **Montgomery—boundaries.** That the following shall be the boundaries of a new county which shall be called Montgomery. To wit: beginning at the north-west corner of township 73, north of range 35 west, thence west on the line dividing townships 73 and 74, to the north-west corner of township 73 north of range 39 west, thence south to the south-west corner of township 71 north of range 39 west, thence east to the south-west corner of township 71 north range 35 west, thence north to the place of beginning.

SEC. 6. **Mills—boundaries.** That the following shall be the boundaries of a new county which shall be called Mills. To wit: beginning at the north-west corner of township 73, north range 39 west, thence west to the middle of the main channel of the Missouri river, thence down the middle of the main channel of the said Missouri river to the intersection of the line dividing townships 70 and 71, thence east to the south-west corner of township 71 north range 39 west, thence north to the place of beginning.

SEC. 7. **Pottawatomie—boundaries.** That the following shall be the boundaries of a new county which shall be called Pottawatomie. To wit: beginning at the north-west corner of township 77 north range 37 west, thence west on the line dividing townships 77 and 78, to the middle of the main channel of the Missouri river, thence down the middle of the main channel of said river, to the intersection of the line dividing townships 73 and 74, thence east on the said township line between townships 73 and 74. [29] to the south-west corner of township 74, north, range 37 west, thence north to the place of beginning.

SEC. 8. **Bremer—boundaries.** That the following shall be the boundaries of a new county which shall be called Bremer. To wit: beginning at the north-west corner of township 93 north, range 10 west, thence west on the line between townships 93 and 94, to the north-west corner of township 93 north, range 14 west, thence south to the south-west corner of township 91 north, range 14, thence east on the line between township 90 and 91, to the south-west corner of township 91, range 10 west, thence north to the place of beginning.

SEC. 9. **Butler—boundaries.** That the following shall be the boundaries of a new county which shall be called Butler. To wit: beginning at the north-west corner of township 93, range 14 west, thence west on the line dividing townships 93 and 94, to the north-west corner of township 93 range 18, thence south on the line dividing ranges 18 and 19, to the south-west corner of township 90, range 18, thence east on the line between townships 89 and 90 to the south-west corner of township 90 north, range 14 west, thence north to the place of beginning.

SEC. 10. **Grundy—boundaries.** That the following shall be the boundaries of a new county which shall be called Grundy. To wit: beginning at the north-west corner of township 89 north, range 14 west, thence west on the line dividing townships 89 and 90, to the north-west corner of township 89, range 18 west, thence south on the line dividing ranges 18 and 19 to the south-west corner of township 86 north, range 18 west, thence east on the line between townships 85 and 86 to the south-west corner of township 86 north, range 16 west, thence north to the north-east corner of said township, thence east to the south-west corner of township 87 north, range 14, thence north on the line dividing ranges 14 and 15, to the place of beginning.

SEC. 11. **Hardin—boundaries.** That the following shall be the boundaries of a new county which shall be called Hardin, to wit: beginning at north-west corner of township 89 north, range 18 west; thence west on the line between townships 89 and 90 to the north-west corner of township 89 north, range 22 west; thence south on the range line to the south-west corner of township 86 north range 22 west; thence east on the line between [30] townships 85 and 86 to the south-west corner of township 86 range 18 west; thence north on the range line dividing ranges 18 and 19 to the place of beginning.

SEC. 12. **Franklin—boundaries.** That the following shall be the boundaries of a new county which shall be called Franklin, to wit: beginning at the north-west corner of township 93 north range 18 west; thence west on the line between townships 93 and 94 to the north-west corner of township 93 north range 22 west; thence south on the line between ranges 22 and 23 to the south-west corner of township 90 north range 22 west; thence east on the line dividing townships 89 and 90 to the south-west corner of township 90 range 18 west; thence north to the place of beginning.

SEC. 13. **Wright—boundaries.** That the following shall be the boundaries of a new county which shall be called Wright, to wit: beginning at the north-west corner of township 93 north range 22 west; thence west on the line dividing townships 93 and 94 to the north-west corner of township 93 range 26 west; thence south on the line dividing ranges 26 and 27 to the south-west corner of township 90 range 26 west; thence east on the line between townships 89 and 90 to the south-west corner of township 90 range 22; thence north to the place of beginning.

SEC. 14. **Risley—boundaries.** That the following shall be the boundaries of a new county which shall be called Risley, to wit: beginning at the north-west corner of township 89 north, range 22 west; thence west on the line dividing townships 89 and 90, to the north-west corner of township 89, range 26 west; thence south on the line dividing 26 and 27, to the south-west corner of township 86 north, range 26 west; thence east on the line dividing townships 85 and 86, to the south-west corner of township 86, range 22; thence north on last range line to the place of beginning.

SEC. 15. **Yell—boundaries.** That the following shall be the boundaries of a new county which shall be called Yell, to-wit: Beginning at the north-west corner of township 89 north, range 26 west; thence west on the line dividing townships 89 and 90, to the north-west corner of township 89 [north] west, range 30 west; thence south on line dividing ranges 30 and 31, to the south-west corner of township 86, range 30; thence east on the line between [31] townships 85 and 86 to the south-west corner of township 86 north, range 26 west; thence north on the line dividing ranges 26 and 27, to the place of beginning.

SEC. 16. **Greene—boundaries.** That the following shall be the boundaries of a new county which shall be called Greene, to wit: beginning at the north-west corner of township 85, range 28 west; thence west on the line dividing townships 85 and 86 to the north-west corner of township 85 north, range 32 west; thence south on the line dividing ranges 32 and 33 to the south-west corner of township 82 range 32; thence east on the line between townships 81 and 82 to the south-west corner of townships 82 range 28; thence north to the place of beginning.

SEC. 17. **Guthrie—boundaries.** That the following shall be the boundaries of a new county which shall be called Guthrie, to wit: beginning at the north-west corner of township 81 north range 28 west; thence west on the line dividing townships 81 and 82 to the north-west corner of township 81 range 32 thence south on the line dividing ranges 32 and 33 to the south-west corner of township 78 range 32 west; thence east on the line between townships 77 and 78 to the south-west corner of township 78 north range 28 west; thence north on the line dividing ranges 28 and 29 to the place of beginning.

SEC. 18. **Audibon—boundaries.** That the following shall be the boundaries of a new county which shall be called Audibon, to wit: beginning at the north-west corner of township 81 north of range 32 west; thence west on the line between townships 81 and 82 to the north-west corner of township 81, range 36 west; thence south on range line dividing ranges 36 and 37 to the south-west corner of township 78 north range 36; thence east on the line between townships 77 and 78 to the south-west corner of township 78 range 32 west; thence north between ranges 32 and 33 to the place of beginning.

SEC. 19. **Carroll—boundaries.** That the following shall be the boundaries of a new county which shall be called Carroll, to wit: beginning at the north-west corner of township 85 north range 32 west; thence west on the line between [townships] 85 and 86 to the north-west corner of township 85 range 36 west; thence south on the line dividing ranges 36 and 37 to the south-west corner of township 82 range 36; thence east on the line between townships 81 [32] and 82 to the south-west corner of township 82 range 32 west; thence north on the line between ranges 32 and 33 to the place of beginning.

SEC. 20. **Fox—boundaries.** That the following shall be the boundaries of a new county which shall be called Fox, to wit: beginning at the north-west corner of township 89 north range 30 west; thence west on the line dividing townships 89 and 90 to the north-west corner of township 89 north range 34 west; thence south on the line dividing ranges 34 and 35 to the south-west corner of township 86 north range 34; thence east on the line between townships 85 and 86 to the south-west corner of township 86 north range 30; thence north on the line between ranges 30 and 31 to the place of beginning.

SEC. 21. **Sac—boundaries.** That the following shall be the boundaries of a new county which shall be called Sac, to wit: beginning at the north-west corner of township 89 north of range 34 west; thence west on the line

dividing townships 89 and 90 to the north-west corner of township 89 north of range 38 west; thence south to the south-west corner of township 86 range 38; thence east on the line dividing townships 85 and 86 to the south-west corner of township 86 north range 34; thence north on the line between ranges 34 and 35 to the place of beginning.

SEC. 22. **Crawford—boundaries.** That the following shall be the boundaries of a new county which shall be called Crawford, to wit: beginning at the north-west corner of township 85 range 36 west; thence west on the line between townships 85 and 86 to the north-west corner of township 85 range 40; thence south on the line between ranges 40 and 41 to the south-west corner of township 82 range 40; thence east on the line dividing townships 81 and 82 to the south-west corner of township 82 range 36 west; thence north on the line between ranges 36 and 37 to the place of beginning.

SEC. 23. **Shelby—boundaries.** That the following shall be the boundaries of a new county which shall be called Shelby, to wit: beginning at the north-west corner of township 81 north range 36 west; thence west on the line between townships 81 and 82 to the north-west corner of township 81 north range 40; thence south on the line between ranges 40 and 41 to the south-west [33] corner of township 78 range 40; thence east on the line dividing townships 77 and 78 to the south-west corner of township 78 north range 36 west; thence north on the line dividing ranges 36 and 37 to the place of beginning.

SEC. 24. **Harrison—boundaries.** That the following shall be the boundaries of a new county which shall be called Harrison, to wit: beginning at the north-west corner of township 81 north range 40 west; thence west on the line dividing townships 81 and 82 to the middle of the main channel of the Missouri river; thence down the middle of the main channel of said river to the intersection of the line between townships 77 and 78; thence east on the said township line to the south-west corner of township 78 north range 40 west; thence north on the line dividing ranges 40 and 41 to the place of beginning.

SEC. 25. **Monona—boundaries.** That the following shall be the boundaries of a new county which shall be called Monona, to wit: beginning at the north-west corner of township 85 north, range 40 west; thence west on the line between townships 85 and 86 to the middle of the main channel of the Missouri river; thence down the middle of the main channel of the Missouri river to the intersection of the line dividing townships 81 and 82; thence east on the township line dividing 81 and 82 to the south-west corner of township 82 range 40 west; thence north between ranges 40 and 41 to the place of beginning.

SEC. 26. **Ida—boundaries.** That the following shall be the boundaries of a new county which shall be called Ida, to wit: beginning at the north-west corner of township 89 range 38 west; thence west on the line between [townships] 89 and 90 to the north-west corner of township 89 north, range 41 west; thence south between ranges 41 and 42 to the south-west corner of township 86 north, range 41 west; thence east to the south-west corner of township 86 range 38 west; thence north to the place of beginning.

SEC. 27. **Wahkaw—boundaries.** That the following shall be the boundaries of a new county which shall be called Wahkaw, to wit: beginning at the north-west corner of township 89 north of range 41 west; thence west to the middle of the main channel of the big Sioux river; thence down in the middle of the main channel of said big Sioux river to the middle of the main channel of [34] the Missouri river; thence down the middle of the main

channel of the Missouri river to the intersection of township line between townships 85 and 86; thence east on the line between townships 85 and 86 to the south-west corner of township 81 north, range 41 west; thence north on the line dividing ranges 41 and 42 to the place of beginning.

SEC. 28. **Humbolt—boundaries.** That the following shall be the boundaries of a new county which shall be called Humbolt, to wit: beginning at the north-west corner of township 93 north, range 26 west; thence west to the north-west corner of township 93 range 30; thence south on the line between ranges 30 and 31 to the south-west corner of township 90 range 30; thence east on the line dividing townships 89 and 90 to the south-west corner of township 90 range 26; thence north to the place of beginning.

SEC. 29. **Pocahontas—boundaries.** That the following shall be the boundaries of a new county which shall be called Pocahontas, to wit: beginning at the north-west corner of township 93 north, range 30 west; thence west on the line dividing townships 93 and 94 to the north-west corner of township 93 range 34; thence south on the line between ranges 34 and 35 to the south-west corner of township 90 north, range 34 west; thence east on the line between townships 89 and 90 to the south-west corner of township 90 range 30; thence north to the place of beginning.

SEC. 30. **Buena Vista—boundaries.** That the following shall be the boundaries of a new county which shall be called Buena Vista, to wit: beginning at the north-west corner of township 93 north, range 34; thence west on the line dividing townships 93 and 94 to the north-west corner of township 93 north, range 38 west; thence south to the south-west corner of township 90 north, range 38 west; thence east to the south-west corner of township 90 north, range 34; thence north to the place of beginning.

SEC. 31. **Cherokee—boundaries.** That the following shall be the boundaries of a new county which shall be called Cherokee, to wit: beginning at the north-west corner of township 93 north, range 38; thence west to the north-west corner of township 93 north, range 42; thence south to the south-west corner of township 90 north, [35] range 42; thence east to the south-west corner of township 90 north, range 38; thence north to the place of beginning.

SEC. 32. **Plymouth—boundaries.** That the following shall be the boundaries of a new county which shall be called Plymouth, to wit: beginning at the north-west corner of township 93 range 42; thence west to the Big Sioux river; thence down the said river to the intersection of the line between townships 89 and 90; thence east to the south-west corner of township 90 range 42; thence north to the place of beginning.

SEC. 33. **Chickasaw—boundaries.** That the following shall be the boundaries of a new county which shall be called Chickasaw, to wit: beginning at the north-west corner of township 97, range 10, thence west to the north-west corner of township 97, range 14; thence south to the south-west corner of township 94, range 14; thence east to the south-west corner of township 94, range 10; thence to the place of beginning.

SEC. 34. **Floyd—boundaries.** That the following shall be the boundaries of a new county which shall be called Floyd, to wit: beginning at the north-west corner of township 97, range 14, thence west to the north-west corner of township 97, range 18, thence south to the south-west corner of township 94, range 18, thence east to the south-west corner of township 94, range 14, thence north to the place of beginning.

SEC. 35. **Cerro Gorda—boundaries.** That the following shall be the boundaries of a new county which shall be called Cerro Gorda, to wit: begin-

ning at the north-west corner of township 97, range 18, thence west to the north-west corner of township 97, range 22, thence south to the south-west corner of township 94, range 22, thence east to the south-west corner of township 94, range 18, thence north to the place of beginning.

SEC. 36. **Hancock—boundaries.** That the following shall be the boundaries of a new county which shall be called Hancock, to wit: beginning at the north-west corner of township 97, range 22, thence west to the north-west corner of township 97, range 26, thence south to the south-west corner of township 94, range 26, thence east to the south-west corner of township 94, range 22, thence north to the place of beginning.

SEC. 37. **Kossuth—boundaries.** That the following shall be the boundaries of a new county which shall be called Kossuth, to wit: beginning at [36] the north-west corner of township 97, range 26, thence west to the north-west corner of township 97, range 30, thence south to the south-west corner of township 94, range 30, thence east to the south-west corner of township 94, range 26, thence north to the place of beginning.

SEC. 38. **Palo Alto—boundaries.** That the following shall be the boundaries of a new county which shall be called Palo Alto, to wit: beginning at the north-west corner of township 97, range 30 west; thence west on the line dividing townships 98 and 97 to the north-west corner of township 97, range 34 west; thence south to the south-west corner of township 94, range 34, thence east to the south-west corner of township 94, range 30 west; thence north to the place of beginning.

SEC. 39. **Clay—boundaries.** That the following shall be the boundaries of a new county which shall be called Clay, to wit: beginning at the north-west corner of township 97, range 34; thence west to the north-west corner of township 97, range 38; thence south to the south-west corner of township 94, range 38; thence east to the south-west corner of township 94 range 34; thence north to the place of beginning.

SEC. 40. **O'Brien—boundaries.** That the following shall be the boundaries of a new county which shall be called O'Brien, to wit: beginning at the north-west corner of township 97 north, range 38 west; thence west to the north-west corner of township 97 north, range 42 west; thence south to the south-west corner of township 94, range 42; thence east to the south-west corner of township 94, range 38 west; thence north to the place of beginning.

SEC. 41. **Sioux—boundaries.** That the following shall be the boundaries of a new county which shall be called Sioux, to wit: beginning at the north-west corner of township 97 north, range 42 west; thence west to the middle of the main channel of the Big Sioux river; thence down in the middle of the main channel of the said Big Sioux river, to the intersection of the line dividing townships 93 and 94; thence east on the said line to the south-west corner of township 94, range 42; thence north to the place of beginning.

SEC. 42. **Howard—boundaries.** That the following shall be the boundaries of a new county which shall be called Howard, to wit: beginning at [37] the north-west corner of township 97 north, range 10 west; thence north to the line of the state; thence west on said line of the state, to a point where the line dividing ranges 14 and 15 intersects the said state line; thence south on said range line to the south-west corner of township 98 north, range 14 west; thence east to the place of beginning.

SEC. 43. **Mitchell—boundaries.** That the following shall be the boundaries of a new county which shall be called Mitchell, to wit: beginning at the north-west corner of township 97 north, range 14 west; thence north to

the north line of the state; thence west on said state line to the north-west corner of township 100 north, range 18 west; thence south to the south-west corner of township 98, range 18; thence east to the place of beginning.

SEC. 44. **Worth—boundaries.** That the following shall be the boundaries of a new county which shall be called Worth, to wit: beginning at the north-west corner of township 97 north, range 18 west; thence north to the north line of the state; thence west on the north line of the state, to the north-west corner of township 100 north, range 22; thence south to the south-west corner of township 98 north, range 22 west; thence east to the place of beginning.

SEC. 45. **Winnebago—boundaries.** That the following shall be the boundaries of a new county which shall be called Winnebago, to wit: beginning at the north-west corner of township 97 north, range 22 west; thence north to the north line of the state; thence west on the said state line to the north-west corner of township 100 north, range 26 west; thence south to the south-west corner of township 98 north, range 26 west; thence east to the place of beginning.

SEC. 46. **Bancroft—boundaries.** That the following shall be the boundaries of a new county which shall be called Bancroft, to wit: beginning at the north-west corner of township 97 north, range 26 west; thence north to the north boundary line of this state thence west on said boundary line to the north-west corner of township 100 north, range 30 west; thence south to the south-west corner of township 98 north, range 30 west; thence east to the place of beginning.

SEC. 47. **Emmett—boundaries.** That the following shall be the boundaries of a new county which shall be called Emmett, to wit: beginning at the north- [38] west corner of township 97 north, range 30 west; thence north to the north boundary line of this state; thence west on said boundary line to the north-west corner of township 100 north, range 34 west; thence south to the south-west corner of township 98 north, range 34; thence east to the place of beginning.

SEC. 48. **Dickinson—boundaries.** That the following shall be the boundaries of a new county which shall be called Dickinson, to wit: beginning at the north-west corner of township 97, range 34; thence north to the north boundary line of this state; thence west on said boundary line to the north-west corner of township 100, range 38; thence south to the south-west corner of township 98, range 38; thence east to the place of beginning.

SEC. 49. **Oceola—boundaries.** That the following shall be the boundaries of a new county which shall be called Oceola, to wit: beginning at the north-west corner of township 97, range 38; thence north to the north boundary line of the state; thence west to the north-west corner of township 100, range 42; thence south to the south-west corner of township 98, range 42; thence east to the place of beginning.

SEC. 50. **Buncombe—boundaries.** That the following shall be the boundaries of a new county to be called Buncombe, to wit: beginning at the north-west corner of township 97, range 42; thence north to the north boundary line of this state; thence west to the middle of the main channel of the Big Sioux river; thence down the middle of the main channel of said river to the intersection of township line dividing townships 97 and 98; thence east to the place of beginning.

Approved January 15th, 1851.

CHAPTER 10.

PORTLAND.

AN ACT to vacate a part of the town of Portland in Van Buren county.

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

SECTION 1. **Part of the town vacated.** That so much of the town of Portland in Van Buren [39] county, as is known and designated upon the recorded plat of said town, as that part of sixth street which commences at the line separating blocks ten and eleven, from out lots nineteen and twenty; thence southerly to the limits of said town and all alleys running north and south in all the blocks, be and the same is hereby declared vacated.

Approved January 15th, 1851.

CHAPTER 11.

WINNESHIEK COUNTY.

AN ACT to organize the county of Winneshiek and locate the county seat thereof.

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

SECTION 1. **Time when organized.** That the county of Winneshiek be and it is hereby organized from and after the first day of March next and the inhabitants of said county be entitled to all the rights and privileges to which by law the inhabitants of other counties of this state are entitled.

SEC. 2. **Election.** That there shall be a special election held on the first Monday in the month of April next, at which time the county officers of said county shall be elected, and also three justices of the peace, together with a like number of constables.

SEC. 3. **Sheriff to give notice and grant certificates of election.** That it shall be the duty of the sheriff of said county, to give at least ten days notice of the time, and places, of holding said elections, by posting up notices in three or more of the most public places in said county, to grant certificates of election, administer the oath of office, and in all respects discharge the duties required by law to be performed by the clerk of the board of commissioners in relation to elections, until a clerk of the board of commissioners for said county may be elected and qualified, providing, that it shall not be necessary for said sheriff to take to his assistance two justices of the peace, in opening the poll books of said election.

SEC. 4. **Judges and clerks.** The electors when assembled at the polls pursuant to [40] the notice as hereinbefore mentioned, shall proceed to choose from among their number three persons who shall act as judges of said election, also two clerks who shall act as clerks of said election. Said judges and clerks before entering upon the discharge of their several duties, shall take the oath as prescribed by law in such cases, which oath may be administered by any one of said judges.

SEC. 5. Term of county officers. That the county officers elected under the provisions of this act, shall hold their offices until the first Monday of August next, and until their successors are elected and qualified.

SEC. 6. Term of township officers. That the justices of the peace and constables elected under the provisions of this act, shall hold their offices until the first Monday of April, A. D. 1852, and until their successors may be elected and qualified.

SEC. 7. Organizing sheriff. That John L. Carson be and he is hereby appointed sheriff of said county, and shall continue in office until the first Monday of the month of April, and until his successor may be elected and qualified and said sheriff shall be qualified to enter upon the discharge of the duties of his said office, upon filing his oath of office, in the clerk's office of the county of Alamakee, which oath of office may be administered by said clerk.

SEC. 8. Actions. That all actions at law or equity, in the district court of Clayton county, commenced prior to the organization of Winneshiek county, where the parties or either of them reside in said county of Winneshiek, shall be prosecuted to final judgment, order or decree, as fully and effectually as if this act had not passed.

SEC. 9. Points staked. It shall be the duty of the sheriff aforesaid, on or before the tenth day of March next, to set three stakes, designating the points in said county, contending for the future location of the county seat of the same, one of which stakes shall be set at or near Louisville on Turkey river; at or near Swainey's mill on Yellow river, and at or near Decorah on the Iowa river, in said county.

SEC. 10. Described. It shall be the duty of the sheriff aforesaid to describe in the notices as hereinabove directed, each of the above described points, by such name as he may determine upon.

[41] **SEC. 11. Notice.** It shall be the duty of the sheriff aforesaid, to give at least ten days notice, in the manner herein before described, that a poll will be opened at the time and places for holding the special election in said county, on the first Monday in April next, when and where the electors of said county may vote for the location of the county seat of said county, at one of the above named points, providing that no person shall vote at said election who shall not have resided in said county for twenty days preceding said election.

SEC. 12. Returns. It shall be the duty of the judges of said election, to make a return of the vote polled for the location of the county seat, as herein directed, within ten days thereafter to the sheriff of said county, who shall proceed to examine such returns and determine the location of said county seat, providing if no point shall have received a majority of the whole vote cast, then it shall be the duty of the sheriff of said county, to call an election within twenty days thereafter, in the manner herein above described, to determine the location of said county seat at one of the two points having the highest number of votes.

SEC. 13. Returns of the second election. It shall be the duty of the judges of said second election to make returns to the clerk of the board of county commissioners of said county, within ten days thereafter, whereupon the said clerk shall proceed to canvass and determine the location of said county seat at that place which shall have received the highest number of votes.

SEC. 14. Take effect. This act to take effect and be in force from and after its passage.

Approved January 15th, 1851.

[42] CHAPTER 12.

FERRY CHARTER REPEALED.

AN ACT to repeal an act entitled "an act to authorize Thomas S. Parks to keep a ferry across the Mississippi river.

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

SECTION 1. **Repeal.** That an act authorizing Thomas S. Parks to keep a ferry across the Mississippi river approved January the 26th, A. D. 1842, be and the same is hereby repealed.

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

Approved January 15th, 1851.

CHAPTER 13.

RIGHT OF WAY.

AN ACT granting the Muscatine, Washington and Oskaloosa road and bridge company, the right of way.

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

SECTION 1. **Right of way.** That the Muscatine, Washington and Oskaloosa road and bridge company, is hereby authorized to lay out and construct a graded or plank road, from Muscatine in Muscatine county, to Oskaloosa in Mahaska county, via Washington in Washington county, on such ground as may be deemed suitable for that purpose, including any portion of the public highway; provided, the traveling on such highway is not thereby interrupted.

SEC. 2. **Width—private property.** The quantity of ground to be thus taken shall be merely a road way, not exceeding sixty feet in breadth, and when private property is thus taken a fair equivalent must be paid therefor, before the property can be appropriated by the company.

[43] SEC. 3. **Proprietor must apply to sheriff for jury to assess damages—deed.** When the proprietor of any land thus taken, is legally competent to act for himself, and has received personal notice of the laying out of the road through his land, he must within ten days after receiving such notice, apply to the sheriff of the county in which the land lies, for a jury to assess the amount of damages he may sustain, or he shall be held to have accepted of the highest amount of damages offered him by the company, and on the payment or tender of which sum, the company is entitled to a deed for the right of way.

SEC. 4. **Minors, etc.** If the proprietor of the land is a minor, or otherwise incompetent to act for himself, or if he has not been personally served with notice of the laying out of the road as aforesaid, the jury aforesaid must be called for by the company.

SEC. 5. Jurors—time and place and notice. When called upon in either of the above methods, the sheriff must as soon as practicable summon nine persons qualified to act as ordinary jurors, as between the parties, and who are not interested in a similar question, a time and place must be appointed for the meeting, and reasonable notice thereof given to the parties or their agent or guardians, unless they are already acquainted with these facts.

SEC. 6. Talismen—Strike off. At the time appointed if the requisite number of qualified jurors do not appear, the sheriff must complete that number, the parties then (commencing with the agents of the company), shall in turn proceed to strike off one juror each, until only three remain.

SEC. 7. Party failing, sheriff to do so—Agreed case. If either party fails to strike off jurors in the manner aforesaid, the sheriff shall do the same in his place, but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. Damages—deed—appeal—tender—costs. The three jurors so selected must then proceed to examine the ground, and determine upon the amount of damages that should be paid by the company, for the right of way as aforesaid, upon the payment of which amount the company is entitled to a deed for the right of way; provided, that either party dissatisfied with the decision of the jury, shall have the right of appeal to the district court of the county wherein said lands are situated, at any time within thirty days from the making of said decision; but such appeal [44] shall not delay the prosecution of work upon said road; provided, the company shall first have paid or tendered the amount adjudged by said jury, and in no case shall the company be liable for costs on appeal unless the appellant recover a greater amount of damages than first awarded.

SEC. 9. Right of way retained. The right of way acquired by virtue of this act, may be retained for any of the purposes contemplated in the articles of incorporation of the company, but no other.

SEC. 10. Agent. Any of the notices aforesaid, if served on an agent of the proprietor of the land, shall have the same effect as if served upon the principal.

SEC. 11. Fees—company pay expenses. The sheriff, and jurors, are entitled to the same compensation, as is provided for in other cases for similar services, and all the expenses caused by the proceedings above authorized must be borne by the company.

Approved January 18th, 1851.

CHAPTER 14.

ACTS LEGALIZED.

AN ACT to legalize certain proceedings of the school fund commissioner of Des Moines county, and of school district number two of the township of Burlington, in said county.

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

SECTION 1. **Acts made valid.** That the acts of William Walker, school fund commissioner of Des Moines county, in changing the school districts of the city of Burlington in said county, and incorporating the same into one district to be known as "school district No. 2, of the township of Burlington in the county of Des Moines, and state of Iowa," and of the board of directors of said district in levying a tax for the year 1849, are hereby legalized and declared valid to all intents and purposes.

SEC. 2. **Tax legalized.** That the tax levied by the qualified electors of said district at the regular meeting of said district on the first Monday in May 1850, is hereby declared valid and legal to all intents and purposes.

Approved January 18th, 1851.

[45] CHAPTER 15.

ADDITIONAL JUSTICE OF THE PEACE.

AN ACT providing for the election of an additional justice of the peace in Bloomfield township in Davis county.

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

SECTION 1. **Additional justice.** That the qualified electors of Bloomfield township, in Davis county, be, and they are hereby authorized to elect one additional justice of the peace in said township.

SEC. 2. **Poll.** That it shall be the duty of the officers conducting the elections on the first Monday of April, 1851, to open a poll at said election for the purpose aforesaid.

SEC. 3. **Bond, etc—three justices.** The person elected at said election shall proceed to qualify and give bond, in the manner now provided by law, and shall hold his office until the regular term for electing justice of the peace in said township, at which time and regularly thereafter, there shall be elected for said township, three justices of the peace, of which one at least shall reside and keep his office in the town of Bloomfield in said township.

SEC. 4. **Take effect.** This act shall take effect and be in full force from and after its passage.

Approved January 18th, 1851.

CHAPTER 16.

AN ACT for the relief of Daniel Hess.

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

SECTION 1. **Acts legalized.** That the official acts of Daniel Hess, a justice of the peace of Lyons township, in Clinton county, Iowa, be and the same are hereby made valid and binding in law, so far as the same would have been legal, had there been no irregularity in the returns of the election of said justice of the peace and in his qualification as such officer.

Approved January 18th, 1851.

[46] CHAPTER 17.

DUBUQUE.

AN ACT to amend an act entitled an act to incorporate and establish the city of Dubuque, approved February twenty-fourth, 1847.

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

SECTION 1. **Levy special tax to pay interest.** That the twenty-sixth section of an act entitled an act to incorporate and establish the city of Dubuque, approved February 24th, 1847, be so amended, as to empower the city council to levy annually a special tax, to pay the interest on such loans as are authorized by the twenty-seventh section of said act.

SEC. 2. **Take effect.** This act shall take effect and be in force from and after its passage.

Approved January 18th, 1851.

CHAPTER 18.

COUNTY SEAT.

AN ACT to provide for the location of the seat of justice, of the several counties, therein named.

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

SECTION 1. **Commissioners for Decatur county—time and place of meeting.** That Wareham G. Clark, of the county of Monroe, Henry Allen, of the county of Lucas, and F. N. Sales, of the county of Appanoose, be, and they are hereby appointed commissioners, to locate and establish the seat of justice of the county of Decatur; said commissioners or any two of them, shall meet at the house of H. B. Notson, in said county of Decatur, on the first day of February next, or at such other time, within sixty days thereafter, as a majority of them may agree, in pursuance of their duties under the provisions of this act.

SEC. 2. Commissioners of Wayne county—time and place of meeting. That George W. Perkins, of the county of Appanoose, William Davis, of the county of Decatur, and Lamaster M. [47] Boggs, of the county of Monroe, be, and they are hereby appointed commissioners, to locate and establish the seat of justice of the county of Wayne; said commissioners, or any two of them, shall meet at the house of Isaac McCarty, in said county of Wayne, on the first Monday of May next, or at such other time within said month, as a majority of them may agree, in pursuance of their duties under the provisions of this act.

SEC. 3. Commissioners for Fremont county—time and place of meeting. That William L. Berge, of the county of Page, R. McGavren, of the county of Pottawattamie, and John A. Sloan, of the county of Jefferson, be, and they are hereby appointed commissioners, to locate and establish, the seat of justice of Fremont county; said commissioners, or any two of them, shall meet at the house of James Babbitt, in said county of Fremont, on the first Monday of May next, or at such other time within said month as a majority of them may agree in pursuance of their duties under the provisions of this act.

SEC. 4. Commissioners for Page county —time and place of meeting. That Benjamin Rector, of the county of Fremont, William Smith, of Pottawattamie county, and Charles Wright, of Madison county, be, and they are hereby appointed commissioners, to locate and establish, the seat of justice of the county of Page; said commissioners, or any two of them shall meet at the house of William L. Berge, in said county of Page, on the first Monday of June next, or at such time, within said month as a majority of them may agree, in pursuance of their duties under the provisions of this act.

SEC. 5. Oath—by whom administered—filed. That said commissioners shall before entering upon the duties of their office, take and subscribe the following oath, to wit: "we do solemnly swear (or affirm) that we have no personal interest directly or indirectly, in the location of the seat of justice of the county of Decatur, (or Wayne, or Fremont, or Page as the case may be), and that we will faithfully and impartially, locate the same, according to the best interest of said county, taking into consideration the future, as well as the present population of said county;" which oath or affirmation, shall be administered by the clerk of the district court, notary public, or justice of the peace of the county whose seat of justice said commissioners are appointed [48] to locate; and the officer administering the same, shall certify and file the same in the office of the clerk of the board of county commissioners of such county, whose duty it shall be to record the same.

SEC. 6. Locate and make out a certificate—filed and recorded. That said commissioners, when met and qualified, under the provisions of this act, shall proceed to locate the seat of justice of the respective counties, for which they have been appointed, and as soon as they shall have come to a determination, they shall make out a certificate, containing a particular description of the place so selected; which shall be signed by said commissioners, and filed in the office of the clerk of the board of county commissioners of such county, whose duty it shall be to record the same in his office; and the place thus designated shall be the seat of justice of said county.

SEC. 7. Fees. That said commissioners, shall each receive the sum of two dollars per day, while necessarily employed in the discharge of their duties under the provisions of this act, and two dollars for every twenty miles travel, in going to and returning from said county, to be paid out of the funds arising from the sale of lots in said seat of justice.

Approved January 18th, 1851.

CHAPTER 19.

COUNTY SEATS.

AN ACT to locate the seats of justice of certain counties therein named.

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

SECTION 1. Commissioners for Marshall county. That B. B. Berry, of the county of Mahaska, Manly Gifford, of the county of Jasper, and W. W. Miller, of the county of Dallas, be, and they are hereby appointed commissioners to locate and establish the seat of justice of the county of Marshall.

SEC. 2. Commissioners for Boone county. That David Sweem, of the county of Marion, S. K. Scovill, of the county of Dallas, and Samuel Hayworth, of [49] the county of Warren, be, and they are hereby appointed commissioners to locate and establish the seat of justice of the county of Boone.

SEC. 3. Commissioners for Guthrie county. That Isaac H. Walters, of the county of Marion, David Bishop, of the county of Madison, and Lewis Whitten, of the county of Polk, be, and they are hereby appointed commissioners, to locate and establish the seat of justice of the county of Guthrie.

SEC. 4. Commissioners for Clarke county. That Beverly Tercy, of the county of Lucas, James Graham, of the county of Warren, and S. D. Bishop, of the county of Monroe, be, and they are hereby appointed commissioners to locate and establish the seat of justice of the county of Clarke.

SEC. 5. Time of meeting—oath—filed. That said commissioners shall meet at some place in the county for which they are respectively hereby appointed, on the third Monday of April, A. D. 1851, or within six months thereafter, and after taking the following oath, shall proceed to locate and establish the seat of justice of said county: "we, A. B., C. D. and E. F. do solemnly swear (or affirm) that we have no personal interest directly or indirectly in the location of the seat of justice of the county of, (here insert the name of the county.) and that we will faithfully and impartially locate the same, according to the best interest of said county, taking into consideration the future as well as present population of said county," which oath or affirmation shall be administered by the clerk of the district court, or some other person authorized to administer oaths, of the county whose seat of justice said commissioners are appointed to locate; and the officer administering the oath, shall certify and file the same in the office of the clerk of the board of county commissioners of said county, whose duty it shall be to record the same.

SEC. 6. Locate—certificate—filed. Said commissioners when met and qualified, shall proceed to locate the seats of justice of the respective counties for which they are appointed, and as soon as they shall come to a determination, they shall make out a certificate, containing a particular description of the places so selected, naming therein the quarter, section, township and range upon which they have located such seat of justice; which shall be signed [50] by said commissioners and filed in the office of the clerk of the board of county commissioners of such county, whose duty it shall be to record the same; and the place thus designated shall be the seat of justice of said county.

SEC. 7. Fees. That said commissioners shall each receive the sum or two dollars per day, while necessarily employed in the discharge of their duties under the provisions of this act, and two dollars for every twenty miles

travel in going to and returning from said county, to be paid out of the funds arising from the sale of lots in said seat of justice.

SEC. 14. **Take effect.** This act shall take effect and be in force from and after its passage.

Approved January 21st, 1851.

CHAPTER 20.

PROBATE RECORDS.

AN ACT to authorize John H. Franklin to transcribe the records of the probate court of Jasper county.

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

SECTION 1. **Transcribe records.** That John H. Franklin, of the county of Jasper, be, and he is hereby authorized, to transcribe the records of the probate court of Jasper county, into the bound record book procured by the county for that purpose.

SEC. 2. **Fees.** That the said John H. Franklin, shall receive the sum of eight cents for each and every one hundred words, transcribed into said record, to be paid out of the county treasury of the county of Jasper.

SEC. 3. **To take effect.** This act shall take effect and be in force from and after its passage.

Approved January 21, 1851.

[51] CHAPTER 21.

FAYETTE COUNTY.

AN ACT to locate the county seat of Fayette county.

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

SECTION 1. **Vote—points—majority—second vote— plurality elects—deed.** That the legal voters of Fayette county, may vote, on the first Monday of April next, for the five following points, to wit: Centerville, at the centre of said county, Lightville, near Light mill on the Volga river, West Union, Auburn and Claremont, and if, upon canvassing the vote, it is ascertained, that any one point has received a majority of all the votes cast, then that shall be, and remain the permanent seat of justice of said Fayette county; but if no one point shall receive such majority, then the legal voters of said county, may vote, on the first Monday in May thereafter, for the two points, which received the highest number of votes at the April election, and also for such point, if there be any, that shall have received a like number of votes with either of the two highest as aforesaid; and the point receiving the highest number of votes, shall be, and remain, the permanent seat of justice of the county of Fayette; providing, that the owner or owners of such town or point, shall within ten days after the result of said

election has been declared, make and execute, to the board of county commissioners of said county, a good and sufficient deed, for at least two acres of land, in said town, or at said point, for the use and accommodation of the public buildings of said county.

SEC. 2. Elections how conducted. Said election shall be conducted as other elections under the laws of the state. All acts, and parts of acts, coming in conflict with this act, be and the same are hereby repealed.

SEC. 3. To take effect. This act to take effect from and after its publication.

Approved January 21st, 1851.

[52] CHAPTER 22.

ALAMAKEE COUNTY.

AN ACT to locate the county seat of Alamakee county.

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

SECTION 1. Vote—points—majority—second vote—deed. That the legal voters of Alamakee county may vote on the first Monday of April next, for the four following points, to wit: Vailsville, on Paint Rock Prairie; Smith's mill, on section twelve, town 96 north, range six west of the fifth principal meridian; near Gilberts, on section No. twenty-three, in range five, town 97, and Columbus, on section No. thirty-three, town 99 north, of range No. three; and if upon canvassing the vote, it is ascertained that any one point has received a majority of all the votes cast, then that shall be and remain the permanent seat of justice of said Alamakee county. But if no one point shall received such majority, then the legal voters of said county may vote, on the first Monday in May thereafter, for the two points which received the highest number of votes at the April election; and the point receiving the highest number of votes shall be and remain the permanent seat of justice of said county of Alamakee: providing, that the owner or owners of such town, or point, shall within ten days after the result of said election has been declared, make and execute, to the board of county commissioners of said county, a satisfactory and sufficient deed for at least two acres of land in said town, or at said point, for the use and accommodation of the public buildings of said county.

SEC. 2. Elections how conducted—repeal. Said election shall be conducted as other elections under the laws of the state. All acts and parts of acts coming in conflict with this act, be, and the same are hereby repealed.

SEC. 3. Take effect. This act to take effect from and after its passage.

Approved January 21st, 1851.

[53] CHAPTER 23.

PLEASANT PLAIN VACATED.

AN ACT to vacate the town of Pleasant Plain.

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

SECTION 1. Town vacated. That the town of Pleasant Plain, in the county of Jefferson, as established by a survey made in the year 1841, be and the same is hereby vacated.

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

Approved January 21st, 1851.

CHAPTER 24.

PLANK ROAD COMPANY.

AN ACT granting the Burlington and Toolsborough plank road company the right of way.

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

SECTION 1. Right of way. That the Burlington and Toolsborough plank road company is hereby authorized to lay out their road, between the towns of Burlington and Toolsborough, on such grounds as may be deemed suitable for that purpose, including any portion of the public highway: provided, the traveling on such highway is not thereby interrupted.

SEC. 2. Width of road—private property. The quantity of ground to be thus taken, shall be merely a road-way, not exceeding sixty feet in breadth, and when private property is thus taken, a fair equivalent must be paid therefor, before the property can be appropriated by the company.

SEC. 3. Must apply for a jury—deed. When the proprietor of any land thus taken, is legally competent to act for himself, and has received personal notice of the laying of the road through his land, he must within [54] ten days after receiving such notice, apply to the sheriff of the county in which the land lies, for a jury to assess the amount of damages he may sustain, or he shall be held to have accepted of the largest amount of damages offered him by the company, and on the payment or tender of which sum, the company is entitled to a deed for the right of way.

SEC. 4. Minors. If the proprietor of the land is a minor or otherwise incompetent to act for himself, or if he has not been personally served with notice of the laying out of the road as aforesaid, the jury aforesaid must be called for by the company.

SEC. 5. Jurors—time and place and notice to parties. When called upon in either of the above methods, the sheriff must as soon as practicable, summon nine persons qualified to act as ordinary jurors, as between the parties, and who are not interested in a similar question. A time and place must be appointed for the meeting, and reasonable notice thereof given to the parties or agents or guardians, unless they are already acquainted with the facts.

SEC. 6. **Panel.** At the time appointed, if the requisite number of qualified jurors do not appear, the sheriff must complete that number, the parties then (commencing with the agents of the company;) shall in turn proceed to strike off one juror each until only three remains.

SEC. 7. **Agree.** If either party fails to strike off jurors in the manner as aforesaid, the sheriff shall do the same in his place; but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. **Damages—deed—appeal.** The three jurors so selected must then proceed to examine the ground, and decide upon the amount of damages, that should be paid by the company, for the right of way aforesaid, upon payment of which amount the company is entitled to a deed for the right of way: provided that either party dissatisfied with the decision of the jury, shall have the right to appeal to the district court of the county wherein said land is situated, at any time within thirty days from the making of said decision: but such appeal shall not prevent the prosecution of work upon the said road: provided the company shall first have paid or tendered the amount adjudged by said jury, and in no case shall the company be [55] liable for the costs on an appeal, unless the appellant recover a greater amount of damages than first awarded.

SEC. 9. **Right of way limited.** The right of way acquired by virtue of this act, may be retained for any of the purposes contemplated in the articles of incorporation of the company, but no other.

SEC. 10. **Agent.** Any of the notices aforesaid, if served on an agent of the proprietor of the land, are to have the same effect as if served upon the principal.

SEC. 11. **Fees paid by company.** The sheriff and jurors are entitled to the same compensation as is provided for in similar cases for similar services, and all the expenses caused by the proceedings above authorized, must be borne by the company.

SEC. 12. **Take effect.** This act shall be in full force from and after its publication in the Iowa State Gazette and Louisa County Times, the expenses of said publication however, to be paid by the company.

Approved January 21st, 1851.

CHAPTER 25.

WASHINGTON CHANGED TO HILLSBORO.

AN ACT to change the name of the town of Washington in Henry county to Hillsboro.

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

SECTION 1. **Name changed.** That the name of Washington in the county of Henry, be and the same is hereby changed to Hillsboro.

SEC. 2. **Recorded.** Provided however, that this change of name shall be recorded in the recording office of Henry county, within six months from and after the passage of this act.

SEC. 3. **To take effect.** This act shall take effect from and after its publication in the "Iowa Observer," a newspaper published at Mount Pleasant in this state: provided, that no expense for the printing of said law shall be incurred by the state of Iowa.

Approved January 22d, 1851.

[56] CHAPTER 26.

POTTAWATTAMIE COUNTY.

AN ACT to locate the county seat of Pottawattamie county.

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

SECTION 1. **County commissioners to designate two points.** That the county commissioners of Pottawattamie county, shall on or before the first day of March next, after having made an examination of the different parts of the county, designate two places, to be balloted for, on the first Monday of April next, as a seat of justice.

SEC. 2. **Notice.** As soon as said commissioners shall make a selection of two points in said county, they shall cause notices of the same, to be published in the "Frontier Guardian," and also written or printed notices posted up in each township of said county, stating the two points to be ballotted for, at said election for the county seat, particularly describing the said points.

SEC. 3. **Vote—points receiving highest vote remain seat of justice—tie commissioners to decide.** That it shall be the duty of the judges of election, in each township in said county, to receive votes for the two places so designated, by said commissioners, and shall note down in separate columns, the number of votes received for each place designated, as aforesaid; and the place receiving the highest number of votes polled at said election, shall be and remain the county seat of said county: provided, that if an equal number of votes shall be polled, for each place designated, then the county commissioners shall determine which of the two places shall be the seat of justice of said county; and the place thus designated shall thenceforth be the seat of said county.

SEC. 4. **Returns.** The manner of conducting said election shall be the same as is now prescribed by the law regulating elections; and it shall be the duty of said judges of election, to transmit true returns to the clerk of the board of county commissioners of the number of votes polled for each place designated by the commissioners.

SEC. 5. **Take effect.** This act to take effect and be in force from and after its passage.

Approved January 23d, 1851.

[57] CHAPTER 27.

COUNTY SEAT.

AN ACT to locate the county seats of the counties of Cass and Adair.

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

SECTION 1. **Commissioners—Cass and Adair.** That Isaac G. Houck of Madison county, Barlow Granger of Polk county, and Samuel B. M'Call of the county of Boone, be and they are hereby appointed commissioners to locate the county seat of Cass and Adair counties.

SEC. 2. **Time and place of meeting—oath—centre—recorded.** Said commissioners or a majority of them, shall meet at Wahtowah on the first Monday in May next, or six months thereafter, and after taking such oath as required by law, shall proceed to mark, designate, and name the county seats of said counties, at or as near the geographical centres of said counties as may be practicable, taking into consideration the present and future population of each of the said counties, as well as the necessary facilities for building a town. Said commissioners shall make a report of their selections, which shall be recorded in Polk county.

SEC. 3. **Take effect.** This act shall be in force from and after its passage.

Approved January 23, 1851.

CHAPTER 28.

PENITENTIARY.

AN ACT authorizing the governor of the state of Iowa to procure a title to certain ground.

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

SECTION 1. **Governor to investigate title—perfect title.** That the governor of said state be, and he is hereby authorized to take the proper means to cause to be investigated, the title by which the state holds the ground upon which the penitentiary now stands; and in the event that the same [58] should be deemed imperfect, that he be further authorized to take the necessary measures to procure a perfect title thereto and have the same recorded in the office of the secretary of the state.

Approved January 24, 1851.

CHAPTER 29.

METHODIST EPISCOPAL CHURCH.

AN ACT legalizing the acts of the trustees of the "Methodist Episcopal Church" at Muscatine.

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

SECTION 1. **Sale legalized.** That the sale of lot six (6) in block thirty-four (34) in the town of Muscatine, by Thomas Morford, to the trustees of the "Methodist Episcopal Church" of said town; and the sale of said lot by said trustees, to Auley McAuley and J. A. Parvin, be and said sales are hereby legalized and made valid.

Approved January 24, 1851.

CHAPTER 30.

UNIVERSITY OF IOWA.

AN ACT to provide for the medical department of the Iowa university.

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

SECTION 1. **Medical department.** That the college of physicians and surgeons located at Keokuk, Lee county, Iowa, is hereby recognized and established, as the medical department of the Iowa state university.

SEC. 2. **May grant diplomas.** The said medical department shall have power to grant diplomas for the degree of doctor of medicine, to such persons as they deem qualified for such degree, and power to make such regulations, and adopt such rules, as may be necessary for the good of said department.

SEC. 3. **M. D's. permitted to practice.** All persons having obtained such degree of doctor of medicine from said institution, are permitted to practice physic, and surgery and obstetrics, within this state.

Approved January 28th, 1851.

CHAPTER 31.

ACT REPEALED.

AN ACT to repeal an act entitled "an act to change the name of Guttenburgh or Gethenburgh to Prairie Laport," approved January 9th, 1851.

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

SECTION 1. **Repeal.** That the act entitled "an act to change the name of Guttenburgh or Guthenburgh to Prairie La Porte," approved the ninth day of January, 1851, be and the same is hereby repealed.

Approved February 1st, 1851.

CHAPTER 32.

MUSCATINE CITY.

AN ACT to incorporate the city of Muscatine.

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

SECTION 1. **Muscatine created a city.** That the town of Muscatine, (formerly the town of Bloomington,) in the county of Muscatine, is hereby created a city by the name of the "City of Muscatine."

SEC. 2. **Incorporation.** The said city is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

SEC. 3. Town property, rights, liabilities, etc. transferred to city. All the rights, powers, privileges, duties, liabilities and [60] property of late town of Muscatine, are hereby transferred to, and imposed upon, the said city, except as repealed or qualified herein, and the same may be enforced by or against the city as they might have been by or against the town.

SEC. 4. Wards. The said city is hereby divided into three wards as follows: that part of the city which lies south and west of the middle of Chestnut street, is the first ward; that part lying between the middle of Chestnut street and the middle of Walnut street, is the second ward; that part lying north and east of the middle of Walnut street is the third ward; but the city council may create new wards and change the limits of those now or hereafter established.

SEC. 5. Citizenship. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city six months, and of the ward in which he offers to vote ten days next preceding a city election, is declared a citizen of the said city, and is entitled to vote at all elections thereof.

SEC. 7. Voters may be challenged. A person offering to vote may be challenged as in the elections in the townships, and an oath may be administered to him under like circumstances, naming the qualifications herein prescribed.

SEC. 8. Qualifications for office. No person shall be eligible to any elective office mentioned in this act, unless he be a citizen of the city, as above defined, and have [has] been a resident thereof one year next preceding his election.

SEC. 9. City officers—term. The officers of the city shall be a mayor, two aldermen from each ward, a marshal, recorder, treasurer, assessor and wharf-master; for the choice of whom an election shall be holden annually on the first Monday of March, and each of whom will hold his office for the term of one year, (except in the case of aldermen as hereafter provided,) and until their successors are elected and qualified.

SEC. 10. Aldermen. Two aldermen shall be elected in each ward, and such one of the two as receives at the first election the highest number of votes, shall hold his office for the term of two years, and the other one year, and thereafter one shall be elected each year, in each ward, to hold for the term of two [61] years: if there be a tie in the above case, the matter is to be determined by lot.

SEC. 11. Duties of the mayor. It is the duty of the mayor to see that the laws and ordinances of the city are executed, and their violation punished; to superintend and direct the official conduct of the subordinate officers; to keep the seal of the city and to sign and seal all commissions, licenses and permits granted by the city council; and to perform such duties, and exercise such powers as pertain to the office of mayor of a city, and such as may be granted by the ordinances of the city consistent with law.

SEC. 12. Mayor ex-officio a justice of peace—fees. He is by virtue of his office a justice of the peace, and is invested with exclusive original jurisdiction of cases arising under the ordinances of the city; with criminal jurisdiction of offences against the laws of the state committed within the city, and with civil jurisdiction limited to the city, in the same manner as that of justices is or may be limited to their townships: and he will not be disqualified to act in such judicial capacity by any proceeding being in the name of, or in behalf of the city. He will be entitled to demand and receive in civil actions and in actions for the breach of the laws of the state, such fees as are at the time allowed by law to justices of the peace.

SEC. 13. **Appeals.** Appeals to the district court in the same county shall be allowed from the judgment and decisions of the mayor in the same cases, time and manner as they are at the time allowed by law from those of other justices, and they shall be tried in the same manner.

SEC. 14. **Mayor to preside—casting vote—pro tem.** He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie. In his absence the council may appoint a president for the time being.

SEC. 15. **Duty of recorder.** The recorder is required to keep a true record of all the official proceedings of the council, and such record shall at all times be open to the inspection of any citizen, and he shall perform such other duties as may be required by the council.

SEC. 16. **Marshal—execute process—authority to quell riots, etc.—may appoint deputies—fees.** The marshal is made the conservator of the peace. He is the executive officer of the mayor's court, and shall [62] execute and return all process directed to him by the mayor, and in cases for the violation of the criminal laws of the state and of the ordinances of the city, may execute such process in any part of the county; he is invested with the same authority within the city to quell riots and disturbances, to prevent crimes and to arrest offenders, that the sheriff has within his county. He shall perform such other duties as the council prescribe, and with its approval may appoint one or more deputies, for whose official acts he will be responsible, and whom he may discharge. For the service of legal process he will be entitled to the same fees as a constable and for services required by the council, such compensation as it may allow.

SEC. 17. **Legislative authority.** The legislative authority of the city is vested in a city council, consisting of a mayor and a board of aldermen composed of two from each ward of the city.

SEC. 18. **Meeting of council public.** The council may hold meetings as it sees fit, having stated times fixed, or having provided by ordinances for the manner of calling them. Its meetings shall be public.

SEC. 19. **Quorum—regulations—record.** A majority of the council will be necessary to constitute a quorum. It is the judge of the election and qualification of its own members; it may determine the rules of its own proceedings; it may compel the attendance of its members at its meetings in such manner and by such penalties as it may adopt, and it shall cause a record of its proceedings to be kept.

SEC. 20. **Powers.** The council is invested with the following powers:

First.—**Fire—riots, etc.—health and morals.** To make ordinances, to secure the inhabitants against fire, against violations of the law and the public peace, to suppress riots, drunkenness, gambling and indecent and disorderly conduct, and generally to provide for the safety, good order and prosperity of the city, and the health, morals and convenience of the inhabitants.

Second.—**Fines not to exceed \$100—judgments.** To impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the city or by complaint before the mayor, as in the case of a complaint before a justice of the peace, and the laws of the state in relation to carrying into effect a judgment of a justice of the peace [63] under a complaint, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

Third.—**Fire companies.** To establish and organize fire companies, and to provide them with engines and other fire apparatus.

Fourth—Powder—prohibit wooden buildings. To regulate the keeping and the sale of gun powder within the city; and to provide that no building of wood shall be erected within such parts of the city as may be designated, and to declare such buildings a nuisance and cause their removal.

Fifth—Landing—wharfage, etc.—reservation. To have the control of the landing on the Mississippi river, and build wharves and regulate the landing, wharfage and dockage of boats and all water crafts, goods, lumber and other things landed at, or taken from the same; provided, nothing in this section shall be so construed as to affect the rights of the state or counties, nor to prevent the county of Muscatine from granting ferry charters in said county.

Sixth—Licences—shows, etc.—gaming houses—grocery license—may prohibit—may revoke. To exercise exclusively the power to provide for the license, regulation or prohibition of exhibitions, shows and theatrical performances, billiard tables, ball and ten pin alleys and places where any games of skill or chance are played, but this power extends to no exhibition of a properly literary, scientific or artistic character; and when the laws of the state permit license for the sale of intoxicating liquors, that subject shall be within the exclusive authority of the council, and it may at all times prohibit the retail of the above liquors unless such prohibition would be inconsistent with the laws of the state at the time existing; and it may revoke or suspend any of the licenses above mentioned when it considers that the good order and welfare of the city require it.

Seventh—Cleanliness—and health—stagnant pools. To make all requisite ordinances in relation to the cleanliness and health of the city, and to require the owners of lots on which water becomes stagnant, to drain or fill up the same; and in default thereof after reasonable notice, to cause the same to be done at the expense of the city, and assess the cost on the specific lots, and cause them to be sold by the city collector, as in the case of unpaid taxes; but the owner may redeem the same as in that case.

Eighth—Cartage and drayage—animals. To regulate cartage and drayage within the city, [64] and may license therefor, and may also make a prohibition of animals running at large within the city.

Ninth—Schools. To provide for the establishment and support of schools in the city, when there has been a legal vote of the citizens in favor thereof, and to provide for the government of the same.

Tenth—Audit claims—public money. To audit all claims against the city, to provide for the keeping the public money of the city and the manner of drawing the same from the treasury; and all officers of the city are accountable to the council in such manner as it directs; and it is the duty of the council to publish annually a particular statement of the receipts and expenditures of the city, and of all debts owing to and from the same.

Eleventh—Streets, alleys, etc. To establish the grade of the streets, alleys and wharves, and to change that of wharves at pleasure, and that of a street or alley, upon the petition of two-thirds the value of the real property on both sides the street where the change is desired.

Twelfth—Call meetings. To prescribe the manner of calling the meetings of the citizens, except for the election of officers.

Thirteenth—Street commissioner—clerk of market—surveyor, etc. To appoint in such manner as it determines and during pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers and such other officers as it deems advisable, and may prescribe their duties, powers and qualifications, and may provide for the election of any of those officers by the citizens.

Fourteenth—Pavements—owners may be required to pave—lots to be sold. To cause the streets and alleys of the city to be paved, and the pavement to be repaired; and to that end it may require the owners of the lots adjacent to which it is to be done, to pave or repair one half in width of the street contiguous to their respective lots; and in case of neglect after a reasonable time named in the order, the same may be done by the city, and the expense may be assessed on such lots, which shall have the effect of a tax levied thereon, and they may be sold therefor, as for a tax, subject to the same right of redemption.

Fifteenth—Borrow money. To borrow money for any object in its discretion; if at a regularly notified meeting under a notice stating distinctly the nature and object of the loan, and the [65] amount thereof as nearly as practicable, the citizens determine in favor of the loan by a majority of two thirds of the votes given at the election.

Sixteenth—Fill vacancies. To fill vacancies occurring in any of the city offices by appointment of record, to hold in the case of elective officers until the next regular election and the qualification of the successor.

SEC. 21. Ordinances to be published or posted—recorded. Ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect, be published in one or more newspapers printed in the city at least ten days, or be posted in each ward for fifteen days; they shall be recorded in a book to be kept for that purpose, and signed by the mayor and attested by the recorder.

SEC. 22. Elections how conducted. The elections of the officers shall be conducted in a manner as similar to that in which the elections are conducted in the townships, as the nature of the case permits.

SEC. 23. Challenge. A person offering to vote may be challenged as in the election in the townships, and an oath may be administered to him under like circumstances, naming the qualifications herein prescribed.

SEC. 24. Qualification for office. No person shall be eligible to any elective office mentioned in this act, unless he be a voter of the city and have been a resident thereof one year next preceding his election.

SEC. 25. Members of council ineligible. No member of the city council shall be eligible to any office in the gift of the council during the term for which he is elected, nor shall he be interested directly or indirectly in the profits of any contract or job for work or service to be performed for the city.

SEC. 26. Proclamations. For all elections for city officers the mayor is directed to issue a proclamation to the voters of the city or of the several wards as the case may be, naming the time and place or places of the election and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days before the election, or instead thereof he may cause a copy to be published in a newspaper printed in the city the same length of time.

SEC. 27. Polls—returns—recorded. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open till four [66] o'clock in the afternoon; within two days after the election the judges of the election shall make their returns to the city council, which shall examine them, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

SEC. 28. Oath of office—who may administer. The mayor, aldermen, marshal, treasurer, recorder and assessor, shall take an oath to support the constitution of the United States, and of the state of Iowa, and faithfully and impartially to perform their duties to the best of their knowledge and

ability, the oath of office may be administered by the mayor or recorder when he is qualified, and in the transaction of the business of the corporation, those officers and the president for the time being may administer oaths, which shall be of the same effect as if administered by other officers authorized thereto.

SEC. 29. **Bond.** Such of the officers as the council determine shall give bond in such penal sum and with such conditions as may be prescribed, and to be approved as required.

SEC. 30. **Duties—fees—penalties.** The duties of all the officers, (in addition to the duties herein prescribed,) shall be such as are provided by ordinance, and they will be entitled to such compensation for their services and subject to such penalties and forfeitures for violation of duty (except as herein provided,) as the ordinances may prescribe.

SEC. 31. **Taxes.** The city council is further authorized to levy and collect taxes not exceeding one half of one per cent. on the value of all property within the city which is liable for state and county taxes, including improvements on real property: the council may also levy a tax on dogs or may prohibit their being kept in the city.

SEC. 32. **Assessment.** The latest county assessment roll shall form the basis of the assessment, but the city assessor may add thereto any property omitted, assessing the same himself.

SEC. 33. **Collector—notice.** The marhall or such person as in case of his absence or disability the council may appoint of record, shall be the collector of taxes, and before proceeding to collect the same, shall give thirty days notice of the assessment and levy of the tax, and the rate thereof in general terms without names or the description of the property, in a newspaper printed in [67] the city, if there be one, and if none then by two written notices posted in public places in each ward.

SEC. 34. **Appeal.** During the thirty days any person aggrieved by his assessment or taxation may appear before the council, which may correct the same if found erroneous.

SEC. 35. **Warrant.** The mayor shall affix his warrant to the tax list, in general terms, requiring the collector to collect the taxes therein according to law, and such warrant and list shall be a justification to the collector.

SEC. 36. **Distrain.** When any person's tax is not paid within a reasonable time after demand, the collector may distrain upon personal property liable to taxation, and sell the same as the county collector may sell in like cases.

SEC. 37. **Taxes a lien on real property.** Taxes on real property shall be a lien thereon and it may be sold therefor (if no personal property be found,) when the taxes remain unpaid for four months after the publication of the notice of the tax, but demand of the tax must be made a reasonable time before sale if the supposed owner be found in the city.

SEC. 38. **Sale public auction—manner of bidding.** Such sales must be at public auction and there must be thirty days notice prior thereto given as above provided for notifying the assessment and tax, and in such sale he who bids to pay the amount due for the least quantity of the land will be the highest bidder, and the manner of ascertaining the portion purchased shall be as directed in the state revenue law now or hereafter existing.

SEC. 39. **Deed—redemption.** The collector shall execute and deliver to the purchaser a deed running in the name of the state, which shall have the same force and effect as the deed of the treasurer of the county on sales for county and state taxes under the law existing at the time. The lands

may be redeemed within one year from the day of sale by the payment of the purchase money and ten per cent. thereon with any other taxes paid by the purchaser, which payment may be made to the purchaser, his agent or the treasurer of the city.

SEC. 40. **Vote to be taken—for or against the charter—by ballot.** On the passage of this act, the president and trustees of the town of Muscatine, are required to cause a vote to be taken on the acceptance of this charter in the manner in which the elections of the town are now called and holden, in [68] which the vote shall be "for the charter," or "against the charter," and shall be taken by the ballot, and if the vote be in favor of its acceptance such results shall be declared, and be entered on the record of the present town, and thenceforth the same is accepted.

SEC. 41. **Existing authorities continue—election.** The existing authorities of the town of Muscatine will continue until an election is holden for the choice of city officers and the organization of the city, and the town authorities shall cause an election to be holden on the first Monday of March, A. D. 1851, for the election of city officers; but if this act does not take effect at a day sufficiently early for the above proceedings to take place as early as the day above named, then the question above provided for may be taken after the said first Monday of March, but the officers there chosen will hold as if elected on the above named day, and the succeeding annual elections shall be holden as in this act before provided.

SEC. 42. **Public act.** This act shall be taken and may be pleaded as a public act.

SEC. 43. **Repeal—repeal not to affect.** An act entitled "An act to incorporate the town of Bloomington," approved January 23rd, 1839; an act entitled "An act to amend an act entitled an act for the incorporation of the town of Bloomington," approved February 18th, 1842, and an act entitled "An act to amend an act entitled an act to incorporate the town of Bloomington, approved January 23rd, 1839," approved January 14, 1846, and an act titled "An act to amend an act entitled an act for the incorporation of the town of Bloomington," approved January 23rd, 1839, approved January 12th, 1849," are hereby repealed; but the rights and privileges, duties, liabilities and obligations of individuals, created or arising under the acts so repealed, are not to be affected by their repeal.

SEC. 44. **Take effect.** This act shall take effect from and after the passage thereof.

Approved February 1st, 1851.

[69] CHAPTER 33.

SHEEP AND SWINE.

AN ACT to restrain swine and sheep from running at large in Scott, Cedar and Jones Counties.

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

SECTION 1. **Poll opened—vote swine and sheep at large or not.** That at the next April election in each of the counties of Scott, Cedar and Jones, a poll shall be opened in each township, of each of said counties, and a vote taken to determine whether swine and sheep or either of them shall run at

large in said counties, or either of them. The electors in each of said counties may vote by ballot at said election "swine at large," or "swine not at large," also "sheep at large" or "sheep not at large."

SEC. 2. **Returns—canvass.** The judges of election shall make returns of said vote so polled, to the clerk of the board of commissioners of each county, at the same time that they make returns of the other votes polled at said election, which said votes shall be canvassed by the clerk of the board of commissioners and justices of the peace at the same time that the other votes cast at said election are canvassed.

SEC. 3. **Decision—notice—owner restrain—damages.** If a majority of the votes cast upon said question in either of the counties, shall be either "swine not at large," or "sheep not at large," or both swine not at large and sheep not at large, the clerk of said county in which said vote is so cast, shall immediately cause public notice thereof to be given by posting up three written or printed notices in each township of said county and from and after the posting up of such notice, every owner of swine and sheep shall restrain his swine or sheep or both, according as said vote shall be, from running at large in said county, and in the event of a failure so to do, he shall be liable for any and all damages done by his swine and sheep, or either of them, so running at large, to be recovered by action of trespass by the party injured.

SEC. 4. **Take effect—proviso.** This act shall take effect and be in force from and [70] after its publication in the "Iowa Capital Reporter," published in Iowa City and the "Democratic Banner" at Davenport: provided, that the counties named in this act shall pay for said publication.

Approved February 3d, 1851.

Published in the Iowa Capital Reporter, February 12th, 1851, and Davenport Banner February 1851.

CHAPTER 34.

RIGHT OF WAY.

AN ACT to grant to the Camanche and Council Bluffs railroad company the right of way.

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

SECTION 1. **Right of way granted—width.** That there be, and is hereby granted to the Camanche and Council Bluffs rail road company, and to their successors and assigns, the right of way for a rail road from Camanche in Clinton county via Dewitt, Tipton, Iowa City and Fort Desmoines, to Council Bluffs on the Missouri river, embracing a strip of land one hundred feet wide, through sections sixteen and other lands which may be owned by the state of Iowa, on which said road may be located and constructed.

And be it further enacted,

SEC. 2. **May be procured from residents in writing—need not be acknowledged or recorded—owner refusing—court to appoint freeholders—assess and report—appeal—not delay work—proviso—company to pay costs.** That in obtaining the right of way for said road over and across the lands of individual proprietors, the said company and their assigns, may proceed in the manner following, that is to say: the grant of such right of way, may be procured from individual owners, resident in the county in which said

lands are located, or who have agents, or guardians residents as aforesaid, may be obtained in writing over the hand and seal of such proprietor or of his or her agent or guardian resident as aforesaid, and neither acknowledgement or recording shall be necessary to the validity of such grant. And if the owner of land over which said road may be located, shall refuse to grant the [71] right of way through his or her premises, the judge of the district court of the county in which said premises may be situated, shall on application of either party, appoint three disinterested free holders of the county, whose duty it shall be to inspect said premises and assess the damages if any, which such owner will sustain by the construction of said road; and make report in writing to the clerk of such court who shall file and preserve the same, and if said company or their assigns shall at any time before they actually enter upon said lands for the purpose of constructing said road, pay to said clerk for the use of said proprietor the sum assessed and return to him as aforesaid, they shall thereby be fully justified in constructing and maintaining their said road across said premises doing no unnecessary injury to said lands; provided, that either party dissatisfied with the decision of said freeholders shall have the right of appeal to the district court wherein said lands are situated at any time within sixty days after said decision, but such appeal shall not delay the prosecution of work upon said road; provided, however, the company shall first have paid or tendered the amount adjudged by said freeholders, and in no case shall the company be liable for costs on appeal unless the appellant recover a greater amount of damages than first awarded, but the company shall in all cases pay all the costs made previous to the appeal.

SEC. 3. **Non-residents—same as section 2—rights acquired, etc.** And be it further enacted, that if upon the location of said road, it shall be found to run through the lands of any non-resident proprietor, the said company or their assigns shall give four weeks notice to each proprietor if known, and if not, by a description of such lands by publication in some newspaper printed in Iowa City, that said road has been located through his or her lands, and if such proprietors shall not apply to such district judge within thirty days thereafter to have damages assessed in the mode prescribed in the preceding sections, said company or their assigns shall provide in the same manner to have the damages assessed, as is provided in section second, subject to the same right of appeal, and upon the payment of the damages so assessed, the com-[72] pany thereby shall acquire all rights, privileges and immunities mentioned in this act.

SEC. 4. **Take effect.** This act to take effect by publication and distribution.

Approved, February 4th, 1851.

CHAPTER 35.

VALLEY PLANK ROAD COMPANY.

AN ACT granting the Keokuk and Des Moines Valley Plank Road Company the right of way.

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

SECTION 1. **Right of way—proviso.** That the Keokuk and Des Moines valley plank road company, is hereby authorized to lay out their road between the towns of Keokuk and Birmingham in Van Buren county, by the town of Charleston in Lee county, on such ground as may be deemed suitable for that purpose, including any portion of the public highway, provided the traveling on such highway is not thereby interrupted.

SEC. 2. Width of roadway—private property. The quantity of ground to be taken shall be merely a road-way not exceeding sixty feet in breadth; and when private property is thus taken a fair equivalent must be paid therefor before the property can be appropriated by the company.

SEC. 3. Owner must apply for jury—deed. When the proprietor of any land thus taken is legally competent to act for himself, and has received personal notice of the laying out of the road through his land, he must within ten days after receiving such notice, apply to the sheriff of the county in which the land lies for a jury to assess the amount of damages he may sustain, or he shall be held to have accepted of the largest amount of damages offered him by the company, and on the payment or tender of which sum, the company is entitled to a deed for the right of way.

SEC. 4. Minors, etc. If the proprietor of the land is a minor or otherwise incompetent to act for himself, or if he has not been personally served with notice of the laying out of the road as aforesaid, the jury aforesaid must be called for by the company.

[73] **SEC. 5. Jury.** When called upon in either of the above methods the sheriff as soon as practicable summons nine persons qualified to act as ordinary jurors as between the parties and who are not interested in a similar question. A time and place must be appointed for the meeting and reasonable notice thereof given to the parties or their agents or guardians, unless they are already acquainted with these facts.

SEC. 6. Panel. At the time appointed if the requisite number of qualified jurors do not appear the sheriff must complete that number, the parties then (commencing with the agents of the company,) shall in turn proceed to strike off one juror each until only three remains.

SEC. 7. Party failing sheriff to strike—agreed case. If either party fails to strike off jurors in the manner aforesaid, the sheriff shall do the same in his place: but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. Damages—deed—appeal—not delay work—proviso. The three jurors so elected must then proceed to examine the ground and decide upon the amount of damages that should be paid by the company for the right of way aforesaid, upon the payment of which amount the company is entitled to a deed for the right of way provided that: either party dissatisfied with the decision of the jury shall have the right of appeal to the district court of the county wherein said land is situated at any time within thirty days from the making of said decision: but such appeal shall not prevent the prosecution of work upon said road, provided the company shall first have paid or tendered the amount adjudged by said jury, and in no case shall the company be liable for costs on an appeal unless the appellant recover a greater amount of damages than first awarded.

SEC. 9. Right or way limited. The right of way acquired by virtue of this act may be retained for any of the purposes contemplated in the article of incorporation of the company, but no other.

SEC. 10. Agent. Any of the notices aforesaid if served on an agent of the proprietor of the land are to have the same effect as if served upon the principal.

SEC. 11. Fees—company pay expenses. The sheriff and jurors are entitled to the same compensation as is provided for in other cases for similar service; [74] and all the expenses caused by the proceedings above authorized must be borne by the company.

SEC. 12. Take effect. This act shall be in full force from and after its publication in the newspapers in the city of Keokuk, the expenses of said publication however to be paid by the company.

Approved February 4th, 1851.

CHAPTER 37.

SIXTH JUDICIAL DISTRICT.

AN ACT to create the sixth judicial district.

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

SECTION 1. Counties embraced in district. That the counties of Ringgold, Taylor, Page, Fremont, Mills, Montgomery, Adams, Union, Adair, Cass, Pottawattamie, Harrison, Shelby, Audibon, Carroll, Crawford, Monona, Waukaw, Ida, Sac, Buena Vista, Cherokee, Plymouth, Sioux, O'Brien, Clay, Dickinson, Oeola and Buncombe, shall constitute the sixth judicial district.

SEC. 2. District judge to be elected—qualification and oath of office. A district judge of the sixth judicial district shall be elected on the first Monday in April next, according to the provisions of the act entitled an act regulating the elections of district judges, approved February 16th, 1847. The abstracts of the votes of the several organized counties shall be returned to the county of Pottawattamie, according to the provisions of the third section of this act; and the judge elect shall be qualified to act, on receiving a certificate, and taking the official oath as provided in the fourth section thereof.

SEC. 3. Take effect. This act shall take effect from and after its publication in the "Iowa Star," "Fort Desmoines Gazette" and "Frontier Guardian."

Approved February 4th, 1851.

Published in Fort Desmoines Gazette, February 7th, Iowa Star February 13th, and Frontier Guardian February 1851.

[75] CHAPTER 37.

SEAT OF JUSTICE.

AN ACT to provide for the location of the seats of justice of Taylor and Ringgold counties.

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

SECTION 1. Commissioners—Taylor county—time and place of meeting—centre—name. That John R. Williams of the county of Monroe, G. D. Hackworth of the county of Wappello, and Harvey Dunlavy of the county of Davis, be and they are hereby appointed commissioners to locate and establish the seat of justice of the county of Taylor; said commissioners or any two of them, shall meet at the house of Isaac Groill in said county of Taylor, on or before the first Monday of July next, and proceed to locate and establish the seat of justice of said county, as near the geographical centre of said county as the said commissioners may deem proper, having due regard to the present as well as the future population of said county; and as soon as they shall have come to a determination, they shall give the said point a name.

SEC. 2. Commissioners—Ringgold Co.—time and place of meeting. That John W. Ellis of Davis county, H. B. Notson of Decatur county and Reason Wilkinson of Davis county, be and they are hereby appointed commissioners

to locate and establish the county seat of Ringgold county, said commissioners or any two of them, shall meet at the house of the said H. B. Notsou, on or before the first day of July next, and proceed as provided for by this act, for the location of the seat of justice of Taylor county.

SEC. 3. **Be governed by act of Feb. 24th, 1847—proviso.** The provisions of an act of the general assembly of the state of Iowa, entitled "an act to locate the seat of justice of Buchanan county," approved 24th February, 1847, shall be observed by the above named commissioners as far as the same are applicable; provided, that the return of the location made by them shall be temporarily filed with the clerk of the county court of Page county.

SEC. 4. **Fees.** Said commissioners shall receive the same pay and in the same way, as is provided in the above recited act for the payment of the commissioners therein named.

[76] SEC. 14. **Take effect.** This act to take effect and be in force from and after its passage.

Approved February 4th, 1851.

CHAPTER 38.

ACTS LEGALIZED.

AN ACT to legalize the acts of the officers of school district No. 3, in Baltimore township in Henry county.

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

SECTION 1. **Acts of board legalized—Hillis' acts legalized.** That the action of the president and treasurer of school district No. 3, in Baltimore township in the county of Henry, in this state, in appointing R. W. Hillis secretary of said district, on the 16th day of November last, is hereby legalized and made valid and lawful to all intent and purposes, as fully as if said Hillis had been a legal voter of said township at the time of his appointment, and the acts of said Hillis as secretary under said appointment are in like manner legalized.

SEC. 2. **Take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 4th, 1851.

CHAPTER 39.

TAX TO BUILD A BRIDGE.

AN ACT authorizing the county commissioners of Jackson county, to submit the question of levying a tax to build a bridge across the Maquoketa river at Bridgeport, to the people of said county.

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

SECTION 1. **Commiss'rs may submit the question to a vote.** That the county commissioners of Jackson county, be and they are hereby authorized, to submit to the people of [77] said county at the next April election, whether a tax shall be levied to build a bridge across the Maquoketa river at Bridgeport or not.

SEC. 2. **Tax or no tax.** The question submitted by the county commissioners to the people shall be in the following words, to wit: tax? or no tax?

SEC. 3. **Commissioners shall levy a tax—tax to be paid in cash.** Should the people determine to have a tax levied for the above mentioned purpose, the commissioners shall levy a tax sufficient to erect a good substantial bridge across the Maquoketa river at Bridgeport, and let out the building of the same to the lowest and best bidder; provided, said tax so levied shall be paid in cash and in no other manner.

SEC. 4. **Take effect.** This act shall take effect from its passage.

Approved February 4th, 1851.

CHAPTER 40.

POOR HOUSE FARM.

AN ACT to authorize the county commissioners of Lee county to purchase a farm and build a poor house thereon.

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

SECTION 1. **County commissioners to purchase farm—poor house.** That the commissioners of the county of Lee, be, and they are hereby authorized and empowered to purchase any quantity of land as to them may seem fit, not exceeding two hundred and forty acres, for the purpose of establishing a poor house and farm thereon, for the said county of Lee.

SEC. 2. **Health and convenience.** Said commissioners in making such purchase, shall be governed as well in making said location, by its healthiness, as its convenience for all the general interests of the people of said county.

SEC. 3. **Erect buildings—management.** They shall proceed to erect a house or houses thereon as necessity requires, and govern and manage the same in all respects, as to them may appear best for the interests of said county.

SEC. 4. **Paupers.** Every person becoming a county charge (except persons convicted of penal offences,) shall be sent to said farm, and kept and governed by such rules as the overseer thereof shall establish, not repugnant to the rules established by said commissioners.

SEC. 5. **Commissioners shall appoint an overseer.** The said commissioners shall appoint an overseer of said farm, who shall reside thereon, and who shall enter into bond to said county commissioners, in a penal sum to be fixed by said commissioners, for the faithful performance of his duties.

SEC. 6. **May be discharged.** Such overseer may be removed at the pleasure of the said commissioners, for violation of the rules prescribed for said farm, or for incompetency to discharge the duties of overseer.

SEC. 7. **Overseer to clerk—compensation.** The overseer shall perform the duties of clerk for said farm, and such other duties as may be prescribed by said commissioners, and shall receive such compensation as may be fixed by the commissioners at the time of his appointment, which compensation shall not be reduced during the term of his appointment.

SEC. 8. **Take effect.** This act shall take effect from and after its passage.

Approved February 4th, 1851.

CHAPTER 41.

RIGHT OF WAY.

AN ACT granting the Burlington and Louisa county plank road company the right of way.

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

SECTION 1. Right of way—proviso. That the Burlington and Louisa county plank road company, is hereby authorized to lay out their road on such ground as may be deemed suitable for that purpose including any portion of the public highway; provided, the traveling on such highway is not thereby interrupted.

SEC. 2. Road way—private property. The quantity of ground to be thus taken shall be merely a road way, not exceeding sixty feet in breadth; and [79] when private property is thus taken, a fair equivalent must be paid therefor, before the property can be appropriated by the company.

SEC. 3. Owner must apply—jury—deed. When the proprietor of any land thus taken, is legally competent to act for himself, and has received personal notice of the laying out of the road through his land, he must within ten days after receiving such notice, apply to the sheriff of the county in which the land lies, for a jury to assess the amount of damages he may sustain, or he shall be held to have accepted of the highest amount of damages offered him by the company, and on the payment or tender of which sum, the company is entitled to a deed for the right of way.

SEC. 4. Minors, etc. If the proprietor of the land is a minor, or otherwise incompetent to act for himself, or if he has not been personally served with notice of the laying out of the road as aforesaid, the jury aforesaid must be called for by the company.

SEC. 5. Sheriff to summon jurors—time and place of meeting. When called upon in either of the above methods, the sheriff must as soon as practicable summon nine persons qualified to act as ordinary jurors, as between the parties, and who are not interested in a similar question, a time and place must be appointed for the meeting, and reasonable notice thereof given to the parties or their agents or guardians, unless they are already acquainted with the facts.

SEC. 6. Panel. At the time appointed if the requisite number of qualified jurors do not appear, the sheriff must complete the number, the parties then shall in turn (commencing with the agents of the company,) proceed to strike off one juror each, until only three remain.

SEC. 7. Party failing sheriff to strike—party may agree. If either party fails to strike off jurors in the manner as aforesaid, the sheriff shall do the same in his place, but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. Jurors to assess the damages—deed—appeal—work not delay—proviso. The three jurors so selected must then proceed to examine the ground, and decide upon the amount of damages that should be paid by the company, for the right of way as aforesaid, upon the payment of which amount the company is entitled to a deed for the right of way; provided, that either party dissatisfied with the decision of the jury, [80] shall have the right of appeal to the district court of the county wherein said land is situated, at any time within thirty days from the making of such decision; but such appeal shall not prevent the prosecution of work upon said road;

provided, the company shall first have paid or tendered the amount adjudged by said jury; and in no case shall the company be liable for costs on appeal, unless the appellant recover a greater amount of damages than first awarded.

SEC. 9. **Right of way limited.** The right of way acquired by virtue of this act may be retained for any of the purposes contemplated in the articles of incorporation of the company; but no other.

SEC. 10. **Agent.** Any of the notices aforesaid if served on an agent of the proprietor of the land, are to have the same effect as if served upon the principal.

SEC. 11. **Fees—company to pay.** The sheriff and jurors are entitled to the same compensation as is provided for in similar cases for similar services; and all the expenses caused by the proceedings above authorized must be borne by the company.

SEC. 12. **Take effect—expense of company.** This act shall take effect and be in full force from and after its publication in the Iowa State Gazette and Burlington Hawk-Eye, the expenses of said publication, however to be paid by the company.

Approved, February 4th, 1851.

CHAPTER 42.

BURLINGTON CITY.

AN ACT to amend the charter of the city of Burlington.

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

SECTION 1. **Boundaries.** That the boundaries of the city of Burlington shall hereafter be as follows; commencing in the middle of the channel of the Mississippi river, at a point eighty rods due south of the line dividing sections four and nine, township sixty-nine, north of range two west; thence west and parallel with the line dividing said sections, to the west line of section [81] tion eight of same township, thence north along the west line of sections eight and five of said township, and along the west line of section thirty-two of township seventy, north of range two west, for the distance of two and a quarter miles from the south-west corner of said boundary; thence east with the north line of said section thirty-two, to the middle of the channel of the Mississippi river; thence down the middle of the main channel of said river to the place of beginning.

SEC. 2. **Council not to lay out streets or alleys, nor tax addition without owners consent.** The city council shall have no power, without the consent of the owners of two-thirds of the property through which the right of way may be asked, to lay out through the tract of land thus brought within the city limits, any streets or alleys, which have not been previously laid out. Nor shall any land, not laid out into town lots, or out lots, be taxed, otherwise than by the acre, and according to its value, for agricultural or horticultural purposes; except that all improvements thereon may be taxed at their full value.

SEC. 3. **Recorder to assess—oath—bond.** That in making annual assessments of real estate in said city, for the purposes of collecting revenue, the city recorder shall be and he is hereby appointed *ex officio* assessor of real estate for said city, and it shall be and is hereby made his duty to have said

assessment completed on or before the first Monday in June of each year hereafter. In making said annual assessment, the said assessor and recorder shall take and subscribe an oath before a justice of the peace, that he will faithfully and impartially assess all taxable property in the city, and that he will not fix a greater value on any property than its actual worth in cash. And he shall give such bond for the performance of his duties as the city council may deem necessary; and a copy of such bond and affidavit shall be preserved by the mayor.

SEC. 4. City a road district—tax—exempt from county road tax. The said city is hereby constituted a special road district, and the city council shall have power, in addition to the amount of taxes heretofore authorized, to levy road taxes not exceeding the amount allowed to be levied by the county court, and they may provide for the collection of such taxes, either in a similar manner to that pursued in relation to county road taxes, or in the manner in which other city taxes are collected; they may also provide for the manner in which [82] all such taxes shall be expended on the streets of said city and the avenues leading to the country; and all persons or property rightfully taxed within said city, in accordance with the provisions of this section, are to that extent exempted from all road taxes due to the county.

SEC. 5. Supervisor not to have supervision over roads and streets in the city. The county supervisor of roads is not required to expend labor upon or exercise supervision over the roads or streets in said city, but the duties and responsibilities imposed upon such supervisors generally, shall, as to the roads and streets within the city limits devolve upon the city council, or upon such officer or officers as they may authorize to take charge of such work.

SEC. 6. May submit question of levying a tax—limited. That the city council shall have power, whenever they deem it expedient for the public interest of said city, to submit the question of levying and collecting an additional tax to that already authorized for defraying the current expenses of the city; provided, the additional tax authorized shall not be levied for a longer time than one year, and shall not in any one year exceed twelve and a half cents on each one hundred dollars worth of property taxed; and if a majority of the legal voters shall, at any election, at which such question is submitted, have voted an additional tax, such tax shall be collected as heretofore provided for the collection of city revenue.

SEC. 7. Time of elections. The regular election for mayor and other city officers, shall be held on the first Monday in March, in the year 1851, and on the first Monday in February in each subsequent year.

SEC. 8. Woods and others exempt from taxes. The additional territory which the city of Burlington has acquired by this act, shall not in any manner be subject to any levy of taxes by the city council, except for road purposes, until after the first day of February, A. D., 1854.

SEC. 9. Fees. Each member of the city council of said city, shall receive a compensation to be fixed by ordinance for his services, to be paid out of the city treasury. Such compensation shall not exceed one dollar per day, nor shall any one member of said council receive a compensation to exceed fifty dollars in any one year.

SEC. 10. Hawkeye creek. That the city council is hereby authorized to cause [83] the channel, or any part thereof, of the creek running from the west boundary line of said city to the Mississippi river, usually known as Hawk Eye creek, to be changed from its natural channel and to be located and made to run in such channel, as said city council may deem for the best interest of said city.

SEC. 11. **Private property damaged city liable.** That if said channel, or any part thereof, is changed from the natural channel, and shall be caused to run over the private property of individuals, without their consent, said city shall be responsible for all damages sustained by such change, as follows: after any change from the natural channel shall have been adopted by the city council, notice thereof shall be given to all persons over whose property the new channel may run, and within twenty days from the service of such notice, they may object to such change, and put in their claim for damages, stating the amount, and describing the property injured, to be filed with the city recorder.

SEC. 12. **Claim filed—council to file same with a justice of the peace—jury.** That when any claim for damages shall be filed as aforesaid, the city council shall cause a copy thereof to be filed with some justice of the peace, or some person authorized to act as such, and a day of trial shall be fixed by such justice, and notice thereof given to such claimant or claimants. Such justice shall cause to be summoned nine persons, qualified to act as ordinary jurors as between the parties, and who are not interested in a similar question.

SEC. 13. **Panel.** At the time appointed, the parties, commencing with the council or any member thereof, shall in turn proceed to strike off one juror each until only three remain.

SEC. 14. **Examination and evidence.** The three jurors so selected must then proceed to examine the premises claimed to be injured, and shall hear evidence offered by either party.

SEC. 15. **Verdict—judgment and payment.** The jurors, when agreed shall return their verdict to said justice, and such justice shall thereupon enter a judgment of condemnation, and upon payment by the city of the damages so assessed by the jury, to said justice for the use of such claimant or claimants, the channel so located by the city council shall be established, and no further damages shall be claimed.

SEC. 16. **Grade streets and alleys.** The city council shall have power to grade any of [84] the streets, roads and alleys of said city, which have not already been graded, of which the city surveyor shall keep a true and accurate record, and to regrade the same whenever they deem it expedient.

SEC. 17. **Damages.** Whenever any owner of property feels aggrieved by such regrading, the damages shall be assessed and paid in the manner pointed out in this act, in sections 11, 12, 13, 14 and 15.

SEC. 18. **Take effect.** This act shall take effect and be in force from and after its publication in the Iowa State Gazette and Burlington Hawk Eye; the expense of said publication however to be paid by said city of Burlington.

Approved, February 4th, 1851.

Published in the Iowa State Gazette February 12th, and Burlington Hawk Eye February 14th, 1851.

CHAPTER 43.

IOWA CITY.

AN ACT to incorporate Iowa City.

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

SECTION 1. **Town created a city.** That the town of Iowa City, situated in section ten, and the north-west quarter of section fifteen, in township seventy-nine, north of range six west in Johnson county, is hereby declared to be a city, by the name of "Iowa City."

SEC. 2. **Incorporated.** The said city is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

SEC. 3. **Legislative authority.** The legislative authority of the city is vested in a city council, consisting of a mayor and a board of aldermen, consisting of two from each ward of the city.

SEC. 4. **Wards.** The said city shall be divided into three wards as follows, to wit: that portion lying south of Burlington street, shall constitute the first ward; that portion lying north of Burlington street, and south of Jefferson street, shall consti-[85]-tute the second ward; and all that portion lying north of Jefferson street shall constitute the third ward; provided, that the said city council may change, unite or divide the said wards, or any of them, whenever they shall think it for the interests of the city.

SEC. 5. **Citizenship.** Every white male citizen of the United States of the age of twenty-one years who shall have been a resident of the city six months, and of the ward in which he offers his vote ten days next preceding a city election, is declared a citizen of the said city, and is entitled to vote at all the elections thereof.

SEC. 6. **Manner of conducting elections.** The elections of the city, (for officers,) shall be conducted in a manner as similar to that in which the elections are conducted in the townships, as the nature of the case permits.

SEC. 7. **Challenge—oath.** A person offering to vote may be challenged, as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

SEC. 8. **Eligible to hold office.** No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and have been a resident thereof for one year next preceding his election.

SEC. 9. **Time of elections—what officers to be elected—council—quorum—term.** That the qualified electors of said city shall on the first Monday of April, A. D. 1851, and annually on the same day thereafter, elect a mayor, and at the same time six aldermen, who shall have resided in said city one year; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. They shall be elected for the term of one year and until their successors are elected and qualified, except as provided in the next section.

SEC. 10. **Term of aldermen.** Two aldermen shall be elected in each ward, and he who at the first election receives the highest number of votes, shall hold his office for the term of two years, and the other for one year, and thereafter one shall be elected each year, in each ward, to hold for the term of one [two] years.

SEC. 11. **Recorder—assessor, treasurer, marshal, etc.** The city council when convened on the second Mon-[86]-day of April, shall elect a recorder, who shall attend all meetings of said council, keep a record of all their proceedings, keep the corporate seal and perform such other duties as said council shall ordain and prescribe. The council shall also appoint an assessor, a treasurer, a marshal, and such other subordinate officers, as they shall think necessary and proper, and whose duties shall hereafter be prescribed.

SEC. 12. **Duty of the mayor.** It shall be the duty of the mayor to see that the laws and ordinances of the city are executed, and their violation punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties, and exercise such powers, as pertain to the office of the mayor of a city, and such as may be granted or imposed by the ordinances of the city consistent with law.

SEC. 13. The mayor ex-officio a justice of the peace—criminal and civil jurisdiction. He shall be a conservator of the peace within the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the ordinances of the city, and with criminal jurisdiction of offences against the laws of the state committed within the city, and with civil jurisdiction limited to the city in the same measure as that of justices is or may be limited to their townships. He shall not be disqualified from acting in such judicial capacity, by any proceeding being in the name of or behalf of the city.

SEC. 14. Appeals. Appeals to the district court in the same county, shall be allowed from the judgments and decisions of the mayor, in the same cases, time and manner, as may at any time be allowed by law from those of other justices, and they shall be tried as in other cases.

Fees. (1.) He will be entitled to demand and receive the same fees as are at the time allowed by law, to justices of the peace.

Preside—pro-tem. (2.) He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie; and in his absence the council may appoint a president for the time being.

SEC. 15. Council. The council shall be the judge of the qualifications and election of its own members, it may determine the rules [87] of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen: (it may appoint a clerk,) and may compel the attendance of its members in such manner, and by such penalties, as it may adopt.

SEC. 16. Marshall—his powers and duties—fees. The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for the violation of the city ordinances, and of the criminal laws of the state, may execute the same in any part of the county and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the sheriff has within his county, and may in the same cases, and under the same penalties, require the aid of the citizens, and perform all duties imposed by the council. He may with the approval of the council appoint one or more deputies, and discharge them, and he shall be responsible for their doings when acting officially. For the service of legal process he will be entitled to the same fees as a constable, and for services required by the council, such compensation as it may allow.

SEC. 17. Treasurer, recorder and assessor to give bond—their duties. The treasurer, recorder and assessor shall give such bonds, perform such duties and exercise such powers as may be required of them by the ordinances, not inconsistent with law.

SEC. 18. Mayor to issue proclamation giving notice of election—poll opened—returns—recorded. In all elections for city officers the mayor shall issue a proclamation to the voters of the city, or of the several wards as the case may require, naming the time and place or places, of the election, and the officers to be chosen, and cause a copy to be posted up in each ward, at least ten days previous to the day of the election. The poll shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open till four o'clock in the afternoon. Within two days after the election, the judges of the election shall make their returns to the president of the city council, which shall examine them at their next meeting, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

SEC. 19. Members of council not eligible to office—take no interest in contract. No member of the city council shall be eligible to [88] any office within the gift of the council during the term for which he is elected, nor shall he be interested directly or indirectly, in the profit of any contract, or job of work, or services to be performed, for the city.

SEC. 20. Publication of ordinances. Ordinances passed by the city council shall be signed by the mayor, and attested by the recorder, and before they take effect, be published in one or more newspapers printed in the city, at least ten days, and if there be no such newspapers they shall be posted in each ward the same length of time. They shall also be recorded in a book to be kept for that purpose, and signed by the mayor, and attested by the recorder.

SEC. 21. Records to be open to inspection. It is the duty of the recorder to keep a true record of all the official proceedings of the city council, and such record shall at all times be open to the inspection of any citizen.

SEC. 22. Officers to take an oath—what officers may administer oaths. The mayor, aldermen, marshal, treasurer, recorder and assessor, shall take an oath to support the constitution of the United States, and of the state of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the council. The oath of office may be administered by the mayor or recorder when he is qualified; and in the transaction of the business of the corporation those officers and the president for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

SEC. 23. Fees. All the above officers may be allowed, and may receive, such compensation and fees for their services, and be subject to such fines, penalties and forfeitures, for violation of duty, as the council may by ordinance provide.

SEC. 24. Meetings of council—public. The council may hold its meetings as it sees fit, having fixed stated times, or provided [provide] the manner of calling them by ordinance; and its meetings shall be public.

SEC. 25. Council may appoint certain officers. The council may appoint in such manner as it determines and during its pleasure, street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it deems advisable, and may prescribe their duties, powers and qualifications, and may prescribe for the election of any such officers by the citizens.

[89] **SEC. 26. May fill vacancies.** When a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record until the next election, and the qualification of the successor.

SEC. 27. Powers of city council—fines. The city council is invested with authority to make ordinances, to secure the inhabitants against fire, against violations of the law and the public peace, to suppress riots, and gambling and drunkenness, and indecent or disorderly conduct, to punish lewd behavior in public places, and generally to provide for the safety and prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances not exceeding one hundred dollars, which may be recovered by civil action in the name of the city, or by complaint before the mayor as in criminal proceedings before a justice of the peace, and the laws of the state relating to carrying into effect a judgment of a justice of the peace imposing a fine, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

SEC. 28. **Fire companies—landing.** The council is authorized to establish and organize fire companies and to provide them with fire engines and other apparatus; and it has control of the landing on the Iowa river, and may regulate the landing, wharfage and dockage of all water crafts, goods lumber and other things landed or taken from the same.

SEC. 29. **Powder—prohibit wooden buildings.** The council may regulate the keeping and sale of gun powder within the city. And it may provide that no building of wood shall be erected within such parts of the city as may be designated, and such buildings may be declared a nuisance and may be removed in such manner as may be provided by previous ordinances.

SEC. 30. **Licenses—shows, gaming, etc.—Intoxicating liquors.** The council have the exclusive authority to provide for the license, regulation and prohibition, of all exhibitions, shows, and theatrical performances, billiard tables, ball and ten-pin alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of purely literary or scientific or artistical character.—When the laws of the state permit or require licenses for the [90] sale of intoxicating liquors, that matter shall be within the exclusive authority of the said council, and it may at all times prohibit the retail of such liquors, unless such prohibition would be inconsistent with the law of the state at the time existing, and the said council is authorized to revoke or suspend any of the above licenses, when it deems that the good order and welfare of the city require it.

SEC. 31. **Cleanliness and health—stagnant pools.** The council may make all necessary ordinances in relation to the cleanliness and health of the city, and may require the owners of lots on which water becomes stagnant to drain or fill up the same, and in default thereof after reasonable notice may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots, and cause them to be sold by the city collector as in the case of taxes, and the owner may redeem from such sale as in that case. (of a sale for taxes).

SEC. 32. **Cartage and drayage—animals.** It may regulate the system of cartage and drayage within the city, and may license therefor; and may prohibit any species of animal from running at large within the city.

SEC. 33. **Schools.** It may provide for the establishment and support of public schools within the city when there has been a legal vote of the citizens in favor thereof, and may provide by ordinance for the government of the same.

SEC. 34. **Public money—audit claims—publish receipts and expenditures.** The council shall provide by ordinance for the keeping the public money of the city, and the manner of disbursing the same; and shall audit all claims against the city, and all officers of the city are accountable to the council in such manner as it directs. It shall publish annually a particular statement of the receipts and expenditures of the city, and of all debts owing to and from the same.

SEC. 35. **Grade of wharves, streets, etc.** It has the exclusive authority to establish the grade of wharves, streets and alleys of the city, and may change the same upon the petition of two-thirds the value of the real property on both sides of the street when it is desired to change.

SEC. 36. **Imprisonment.** Imprisonment for the violation of any ordinance shall not exceed fifteen days, and the county jail shall be the place of imprisonment but at the expense of the city.

SEC. 37. **Taxes—may exempt improvements—tax dogs.** The city council is authorized to levy and collect tax- [91] es, not exceeding one-half of one per cent. on all the property within the city which it liable for state and county taxes including improvements on such property; and it may exempt

such improvements when it is so determined by a vote of the majority of all the voters of the city; but when such exemption takes place the rate of tax on personal property shall not exceed that above named, and the rate on realty shall not exceed one and one-half of one per cent. on the valuation; the council may also lay a tax on dogs, or may prohibit their being kept in the city.

SEC. 38. Collector—manner of collecting taxes. The marshal, or in case of his absence, or disability, such person as the council may appoint in his stead, shall be the collector of taxes; and before proceeding to collect the tax he shall give thirty days notice of the assessment, and levy of the tax, and the rate thereof, in general terms without the names or description of property in a newspaper printed in the city if there be one, and if not, then by three months notice in the most public places in each ward.

SEC. 39. Council may correct assessment. During the thirty days, any person aggrieved by this assessment or taxation, may appear before the council, which may correct the same if found erroneous.

SEC. 40. Distrain and sell. The marshal may distrain upon personal property liable to taxation, and sell the same for payment, if not paid in reasonable time after demand, as constables may sell personal property on execution.

SEC. 41. Lien on real estate—may sell. Taxes on real property, shall be a lien thereon, and it may be sold therefor when the taxes remain unpaid for four months after posting the notice of the tax, but demand of the tax must be made before the sale, if the supposed owner be found in the city.

SEC. 42. Sale at auction—notice. Such sale must be at auction, and there must be thirty days notice prior to the sale, given as above provided for, notifying the assessment and tax. In such sale he who bids to pay the amount due for the least quantity of land, will be the highest bidder; and the manner of ascertaining the portion bid for shall be as in the state revenue law.

SEC. 43. Deed. The marshal shall execute and deliver, to the purchaser, a deed running in the name of the state, which shall have the same force and effect as the deed of the treasurer of [92] the county (in like circumstances) on sales for county and state taxes.

SEC. 44. Pavements. The council are authorized to cause the streets and alleys of the city to be paved, and the pavement to be repaired, and to that end it may require the owners of lots adjoining to which it is to be done, to pave or repair one-half the street in width contiguous to their respective lots, and in case of neglect after reasonable time named in the order, the same may be done by the city, and the expense assessed on the contiguous lots, which shall have the effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption.

SEC. 45. Council may borrow money—vote. The council may borrow money for any object in its discretion, if at a regular notified meeting under a notice, stating distinctly the nature and object of the loan, and the amount thereof, as nearly as practicable, the voters of the city determine in favor of the loan by a majority vote of two-thirds of the votes given at the election.

SEC. 46. Special election—for the charter, against the charter—election February 24, 1851. On the passage of this act the trustees of Iowa City township shall cause a vote to be taken on the acceptance of this charter in the manner in which the township elections are now called and holden, in which the vote shall be "for the charter," or "against the charter," and shall be by ballot, and at the same time and place, and by said trustees, an election shall be held for the election of mayor and six aldermen, two aldermen from each ward, if said vote result in favor of said charter the result

shall be declared and entered of record and thenceforth the same is accepted, but should said vote result against the acceptance of said charter, the election of said officers shall be a nullity: the foregoing election shall be held at the court house in Iowa City, on the 24th day of February 1851; shall be opened between the hours of eight and nine o'clock of the forenoon, and kept open until four o'clock of the afternoon of said day.

SEC. 47. Another election April 10, 1851. Should this act not go into effect at a sufficiently early day for the above proceedings to take place as early as the day above named, then the said election to be held on the second Monday of April 1851.

[93] **SEC. 48. Take effect.** This act to take effect from and after its passage.

Approved February 4th, 1851.

CHAPTER 44.

ROAD.

AN ACT to amend an act entitled "An act granting to James Weed and his associates, the right of way and the privilege of constructing a road from Bloomington, in Muscatine county, via Tipton, in Cedar county, to the county seat of Benton county," approved, January 8th, 1849.

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

SECTION 1. Width—toll. That the grade of said road shall not be less than sixteen feet wide; and as soon as ten miles of said road shall be constructed, the said James Weed, and his associates may erect toll houses and gates upon said road, and shall be authorized to exact such tolls as they may determine; provided, that no toll gate shall be established within a less distance than two miles of Muscatine city; provided, also, that said grade shall not obstruct any public highway.

SEC. 2. Right of way That the right of way for said road, is hereby granted to the said James Weed and his associates for the term of fifty years.

SEC. 3. Take effect. That all parts of said act, to which this is an amendment, which conflicts with this act are hereby repealed.

Approved, February 4th, 1851.

CHAPTER 45.

CITY OF KEOKUK.

AN ACT to amend the charter of the city of Keokuk.

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

SECTION 1. Supervisors—work streets and wharves. That the city council of said city of Keokuk, shall [94] have the exclusive power of appointing supervisors and other street officers within said city, and of requiring each and every male person between the ages of twenty-one and fifty years (excepting regularly ordained ministers of the gospel,) who shall have resided one

month in said city, to work two days on the streets and wharf of said city, or to pay two dollars in money as an equivalent therefor.

SEC. 2. Council to regulate by ordinance the manner of working, etc. Said city council shall have the power to regulate by ordinance, the manner in which such street labor shall be rendered; how those liable to work shall be notified; the periods of time between which such labor shall be rendered in each year; and may require those persons having teams and owing street labor to furnish the supervisor with the same, providing for a fair and adequate allowance for the use thereof; provided, such team shall not be used longer than is necessary to work out the road labor of the owner, unless it be by the consent of the owner of such team.

SEC. 3. Revision and publication of by-laws. The said city council shall have power to revise and remodel their by-laws and ordinances, from time to time, and if they shall publish such revision and modification of them in pamphlet form for distribution, it shall not be necessary to republish the same in the newspapers of the city.

SEC. 4. Jury. In the trial of causes before the mayor of said city, it shall not be necessary to impanel a jury, unless it shall be demanded by one of the parties to such suit, before it is submitted to the mayor.

SEC. 5. Subpoenas. In all suits and prosecutions before the mayor, where the city of Keokuk is a party, the marshal of said city, or any constable of Jackson township, shall have power to serve subpoenas, or other process, any where within Jackson township, or to perform any duty devolving on such marshals.

SEC. 6. Imprisonment—may work out fine. When imprisonment shall constitute a portion or all the punishment of offenders against the by-laws and ordinances of said city, such offenders on conviction, may be committed to the city calaboose or county jail at the discretion of the mayor, and the said city council may make provision by ordinance for all such offenders to work out the fine and costs of prosecution on the streets of said city.

SEC. 7. Increase number of wards. Said city council shall have power to increase the [95] number of wards and aldermen within said city, whenever in their judgment the exigencies of the city may require it.

SEC. 8. Repeal. Such portions of the present charter of the city of Keokuk as may be repugnant to the provisions contained in this act are hereby repealed.

SEC. 14. Take effect. This act shall take effect and be in force from and after its passage.

Approved, February 4th, 1851.

CHAPTER 46.

RIGHT OF WAY.

AN ACT to grant to the "Lyons Iowa Central Rail Road Company," the right of way.

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

SECTION 1. Right of way. That there be, and is hereby granted to the Lyons Iowa Central rail road company; and their successors and assigns the right of way for a rail road, from the narrows of the Mississippi river in the town of Lyons, in Clinton county, state of Iowa, to Council Bluffs on the Missouri river, embracing a strip of land one hundred feet wide through sections sixteen and all such other lands which may be owned by the state of Iowa, on which said road may be located.

SEC. 2. Manner of obtaining the right of way—appeal. Be it further enacted, that in obtaining the right of way for said rail road over and across the lands of individual proprietors, the said company and their assigns may proceed in the manner following to wit: the grant of the right of way may be procured from individual owners, resident in the county in which such lands are situated, or who have agents, or guardians residents as aforesaid may be obtained in writing, under the hand and seal of such proprietor, or his or her agent, or guardian resident as aforesaid, and neither acknowledgement or recording shall be necessary to the validity of such grant, and if the owner of the land over which said road may be located, shall refuse to grant the right of way through [96] his or her premises, in the manner aforesaid then the judge of the district court, of the county in which said lands and premises may be situated shall on application of either party appoint three disinterested free-holders, resident of said county, whose duty it shall be to inspect said land and premises, and assess the damages which such owner, or owners will or may sustain by the construction of said road—and make report in writing to the clerk of such court who shall file and preserve the same, and if said company, or their assigns, shall at any time before they actually enter upon said lands for the purpose of constructing said road, pay to said clerk for the use of said proprietor the sum so assessed, reported, and returned to him as aforesaid they shall thereby be fully justified in constructing and maintaining their said road across said land and premises doing no unnecessary injury to the said lands. Provided, that if either party should be dissatisfied with the decisions of said free-holders, they shall have the right of appeal to the district court of the county in which said lands are situated, at any time within sixty days after said decision is made, but such appeal shall in no case delay the prosecution of the work upon said road: provided, however, the company shall first have paid, or tendered the amount so adjudged and assessed by said free-holders, and in no case shall said company be liable for the cost of an appeal, unless the appellant shall in the district court recover a greater amount of damages than first allowed and assessed by said free-holders, but the company shall in all cases pay all costs made prior to taking said appeal.

SEC. 3. Non-residents. And be it further enacted, that if, after the location of said road, it shall be found to run through the lands of any non-resident proprietor, then said company, or their assigns, shall give four weeks notice to each proprietor if known, if not, by a description of such lands by publication in some newspaper, published in Iowa City, for the like period, that said road has been located through his or her lands, and if such proprietor shall not appeal to such district court, within thirty days thereafter, to have their damages assessed in the mode provided for in the preceding section, said company, or their assigns, shall proceed in the same manner to have the [97] damages assessed as is provided in section second, subject to the same right of appeal; and upon the payment of the damages so assessed, the company thereby shall acquire all rights, privileges and immunities mentioned in this act.

SEC. 4. Take effect. This act shall take effect from and after its passage.

Approved, February 4th, 1851.

CHAPTER 47.

ACT LEGALIZED.

AN ACT legalizing the acts of Isaac Meyer a justice of the peace of Marshall county.

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

SECTION 1. Official acts legalized. That each and every official act performed by Isaac Meyer, as justice of the peace of Marshall county, be, and the same are hereby declared to be as legal and valid in law, as if the said justice had been eligible to be elected to said office, at the time of his election to said office of justice of the peace.

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

Approved, February 4th, 1851.

CHAPTER 48.

RIGHT OF WAY.

AN ACT granting the right of way for a graded or plank road from Muscatine to Iowa City.

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

SECTION 1. Company—right of way. That Joseph Bennett, Adam Ogilvie, Jacob Butler, John Lemp, John G. Gordon, H. W. Moore, James Weed, William Williams, Jonathan Neidig and —Hershey, and their associates, be, and they are hereby authorized to construct a graded or plank road from Muscatine, in Muscatine county, to Iowa City, in Johnson county, on such ground as may be deemed suitable for that purpose, including any portion of the public highway; provided, the traveling on such highway is not thereby interrupted.

SEC. 2. Roadway—private property. The quantity of ground to be thus taken, shall be merely a road way not exceeding sixty feet in breadth, and where private property is thus taken a fair equivalent must be paid therefor, before the property can be appropriated by the said J. Bennett and his associates.

SEC. 3. Apply for a jury—deed. When the proprietor of any land thus taken is legally competent to act for himself and has received personal notice of the laying out of the road through his land, he must within ten days after receiving such notice, apply to the sheriff of the county in which the land lies, for a jury to assess the amount of damages he may sustain, or he shall be held to have accepted of the highest amount of damages offered him by the said J. Bennett and his associates; and on the payment or tender of which sum said J. Bennett and his associates, are entitled to a deed for the right of way.

SEC. 4. Minors and others. If the proprietor of the land is a minor, or otherwise incompetent to act for himself, or if he has not been personally served with notice of the laying out of the road as aforesaid; the jury aforesaid must be called for by the said J. Bennett and his associates.

SEC. 5. **Sheriff to summon jury—Notice of time and place.** When called upon in either of the above methods the sheriff must so soon as practicable summon nine persons qualified to act as ordinary jurors as between the parties, and who are not interested in a similar question. A time and place must be appointed for the meeting and reasonable notice thereof given to the parties or their agents or guardian, unless they are already acquainted with these facts.

SEC. 6. **Panel.** At the time appointed if the requisite number of qualified jurors do not appear, the sheriff must complete that number, the parties then, (commencing with the agents of the said J. Bennett and his associates) shall in turn proceed to strike off one juror each, until only three remain.

SEC. 7. **Sheriff to act for party—agree.** If either party fails to strike off jurors in the manner [99] aforesaid the sheriff shall do the same in his place; but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. **Jury to assess—deed—appeal.** The three jurors so selected, must then proceed to examine the ground and decide upon the amount of damages that should be paid by the said J. Bennett and his associates, for the right of way as aforesaid, upon the payment of which amount the said Bennett and his associates, are entitled to a deed for the right of way: provided, that either party dissatisfied with the decision of the jury shall have the right of appeal to the district court of the county wherein the lands are situated, at any time within thirty days from the making of said decision. But such appeal shall not delay the prosecution of the work upon said road; provided, the said J. Bennett and his associates shall first have paid or tendered the amount adjudged by said jury, and in no case shall the said J. Bennett and his associates be liable for costs on appeal unless the appellant recover a greater amount of damage than first awarded.

SEC. 9. **Purposes.** The right of way acquired by virtue of this act, may be retained for any of the purposes contemplated, but no other.

SEC. 10. **Agent.** Any of the notices aforesaid if served on an agent of the proprietor of the land, shall have the same effect as if served upon the principal.

SEC. 11. **Fees.** The sheriff and jurors are entitled to the same compensation as is provided for in other cases for similar services, and all the expense caused by the proceedings above authorized must be borne by the said J. Bennett and his associates, unless an appeal be taken.

Approved, February 4th, 1851.

[100] CHAPTER 49.

STATE PRINTER.

AN ACT to amend an act entitled "An act to create the office of state printer, to provide for his election, to define his duties and to establish the prices of public printing," approved December 29th, 1849.

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

SECTION 1. **Prices reduced 25 per ct.** That from and after the term of service of the present state printer, the prices of the public printing shall be reduced at the rate of twenty-five per cent., from the prices allowed in the act to which this is amendatory.

SEC. 2. Office need not be held at the seat of government—Exception. That so much of an act, entitled “An act to create the office of state printer, to provide for his election, to define his duties, and to establish the prices of public printing, approved December 29th, 1849,” as requires the state printer to hold his office at the seat of government, is hereby repealed; provided, said office shall remain at the seat of government during the sitting of the general assembly.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved February 4th, 1851.

CHAPTER. 50.

GUTTENBERG.

AN ACT to incorporate the town of Guttenberg.

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

SECTION 1. Boundaries—incorporation. That so much of fractional township ninety-two, north of range two west, and of ninety-two north, of range three west, of the fifth principal meridian, in the county of Clayton, as is comprised within the limits of the town plats, of Guttenberg and Guthenberg, and the additions made thereto, as recorded in the recorder's office of the county of [101] Clayton, together with all additions that may hereafter be recorded thereto, by consent of the owner or owners of such additions, and a majority of the qualified voters of said town, be, and the same is hereby created a town corporate, and shall hereafter be known by the name of Guttenberg.

SEC. 2. Election—mayor, recorder and five trustees—term. That the qualified voters for members of the general assembly, residing within the limits of said corporation, shall meet at some convenient place within the same, on the first Saturday of April next, and on the first Saturday of April, annually thereafter, at such place in said town, as the town council shall direct, and then, and there, proceed to elect, by ballot, a mayor, recorder and five trustees, who shall have the qualification of electors, and reside within the limits of the corporation, and the mayor, recorder, and trustees so elected, shall hold their offices one year, and until their successors are elected and qualified; provided, that failure to elect on said day, shall not forfeit the charter, but an election may be had on any succeeding day, by due notice being posted and subscribed by any two citizens of said town.

SEC. 3. Judges and clerks of election—oath. That at the first election to be held under this act three judges and a clerk shall be chosen *viva voce* by the electors present, and at all subsequent elections the mayor, or any two of the trustees, shall sit as judges, and the recorder, or in his absence some one of the council pro tempore, shall sit as clerk; and at all such elections the polls shall be opened between the hours of twelve and one in the afternoon, and closed at the hour of four in the afternoon, and at the close of the polls, the votes shall be counted and a statement thereof proclaimed at the door of the house in which the election shall be held; and the persons elected, shall within ten days after their election take and subscribe an oath to support the constitution and laws of the United States, and of the state of Iowa.

which oath shall be administered by some person duly authorized by law to administer oaths, and when so administered and subscribed shall be deposited with the recorder of said town.

SEC. 4. Incorporation. The mayor, recorder and trustees of said town, shall be a body politic, and corporate, with perpetual succession, to be known by the name of the town of Guttenberg, and shall [102] be capable in law to acquire property, real and personal, for the use of said town, and sell and convey the same, may have a common seal, and may alter the same at pleasure; may sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this state, and when any suit shall be commenced against said corporation the first process shall be summons, a certified copy of which shall be left with the recorder, and in his absence, with the mayor, at least ten days previous to the return day thereof.

SEC. 5. Ordinances—fill vacancies—subordinate officers—fines. That the mayor, recorder and trustees or a majority thereof, of whom the mayor or recorder shall always be one, shall have authority to make, ordain and publish, all by-laws and ordinances not inconsistent with the constitution of the United States or of this state, as they shall deem necessary and proper for the promotion of morality, as well as for the good regulation, interest, safety, health, cleanliness and conveniences, of said town, and the citizens thereof; they shall have power to fill all vacancies that may happen, by death or otherwise, of any of the officers herein named. They shall also have power to appoint a treasurer, marshal, and such other subordinate officers as they may deem needful, to prescribe their duties and require surety for their performances, to remove them at pleasure; and to establish the fees of all officers in the corporation not established by this act. They shall have power to impose fines for the breach of their ordinances, but no fine shall be imposed on any person for any one breach of any one ordinance of more than ten dollars, which fine may be recovered with costs before a justice of the peace by action of debt in the name of the corporation; all fines collected in pursuance of this act shall by the officer collecting the same, be paid over to the treasurer of the corporation.

SEC. 6. Recorder's duty. It shall be the duty of the recorder, to keep a true record of the by-laws and ordinances, and of the proceedings of the council; which record shall be at all times kept open for the inspection of the electors of said town, and the recorder shall preside at all meetings in the absence of the mayor.

SEC. 7. Streets, alleys, sidewalks—nuisances—lots may be sold or leased—Pelzer's mill exempt. The said corporation shall have power to regulate and improve all streets, alleys, sidewalks, drains or sewers, to [103] sink and keep in repair public wells, remove nuisances, and regulate markets, improve the public landing, they may lease or rent a given number of lots upon said public landing for warehouse purposes not exceeding one in front of each block of town lots along said landing. They may lease, rent or sell, any lot or out lot, belonging to said town, the proceeds arising from the rent or sale of which shall be appropriated to the use, benefit and improvement of said town; providing, that said corporation shall have no power or right to exercise any control over or right to the flouring mill claim on Miners creek, within the limits of said corporation, owned by Bernard H. Pelzer and brother, embracing four acres of land.

SEC. 8. Fire department—licenses. Said corporation shall have power to establish and organize a fire department, to procure an engine, hose, hooks, ladders and other implements of use in the arrest and extinguishment of fire; they shall have power to license, and regulate or prohibit, all shows.

and public exhibitions, grant licenses for retailing ardent spirits within the limits of said corporation, and to appropriate the proceeds of such licenses for the benefit of the town; provided however, that the powers hereby granted shall not be so construed as to conflict with the general laws of this state regulating the sale of ardent spirits.

SEC. 9. Tax—assessor—duplicate. That the town council shall have power, to assess for corporation purposes, an annual tax on all property in said town made subject to taxation by the laws of this state for state and county purposes, not exceeding in any one year one per centum on the value thereof; which value shall be ascertained by an assessor appointed by the town council for that purpose, a duplicate of which shall be made out and signed by the recorder, and delivered to the collector; they shall have power to equalize any injudicious assessment thus made on complaint of the person aggrieved.

SEC. 10. Marshal to collect—demand—distress and sale—real estate. That the town marshal shall be the collector of any tax assessed, and he is hereby authorized and required by distress and sale of property as constables on execution, to collect and pay over said tax to the treasurer within three months after the time of receiving the duplicate thereof and the treasurer's receipt shall be his voucher. The town mar- [104] shall shall make personal demand of every resident charged with tax, and shall give ten days notice by advertisement in three of the most public places in said corporation of any tax; and if the tax on any lot or piece of land on which no personal property can be found shall remain unpaid three months after the expiration of the time by this act allowed the collector for the collection of the tax, when the town marshal shall give notice in the nearest newspaper, stating the amount of such tax, and the number of the lot on which it is due, and that the same will be sold to discharge such tax, unless the payment thereof be made within three months from the date of such advertisement, and if such tax be not paid within that time, the town marshal after giving twenty days notice of the time and place of sale at three of the most public places in said town, shall proceed to sell at public auction, so much of said lot or piece of land as will discharge said tax.

SEC. 11. Redemption. That if the owner of such lot or piece of land shall appear, at any time within two years after such sale, and pay to the recorder of said town, for the use of such purchaser, the purchase money, with twenty per centum interest thereon, together with the value and ten per centum on such value of all improvements on such lot or piece of land made by such purchaser, then he shall be entitled to the right of redemption. Providing, that nothing in the two preceding sections shall affect the right of others, in law or equity, to the benefit of the right of redemption when they shall arrive at full age.

SEC. 12. Publish receipts and expenditures. Twenty days before each annual election, the town council shall put up, in some conspicuous place within said town, an accurate account of the monies received and expended by said corporation since the last annual election, with the sources from which they were derived, and the objects on which they were expended, which shall be certified by the recorder.

SEC. 13. Ordinances published—notice of election.. That the by-laws and ordinances of said corporation shall be published in a newspaper in the county, or posted up in some public place in said town, fifteen days before the taking effect thereof. And the certificate of the recorder upon the town record shall be sufficient evidence of the same hav- [105] ing been done, and every annual election herein authorized shall be preceded by five days notice thereof, put up in three public places in said town.

SEC. 14. Road district—supervisor. That the streets and alleys of said town shall constitute one road district, including the several roads leading from said town for the distance of two miles along said roads from the corporation limits, and the town council shall have the exclusive right of appointing the supervisor for said district, who in every respect shall be governed in his acts by such laws as prescribe the duties of supervisors of highways.

SEC. 15. Special meetings. That the mayor or a majority of the councilors, may call a meeting of the town council, whenever in his or their opinion the same may be necessary. The mayor and trustees shall receive no compensation, unless the same shall be authorized by a vote of the inhabitants of said town, at some annual election of the mayor and officers thereof; providing, that nothing herein contained shall prevent the mayor and trustees of said town from allowing a reasonable salary to the recorder thereof.

SEC. 16. This act submitted to the citizens. This act shall be submitted to the legal voters of the said town of Guttenberg, on the third Monday of March next, who shall determine by a majority of the votes then cast, whether they will accept or reject this act of incorporation.

SEC. 17. Take effect. This act shall take effect from and after its publication in one or more of the Dubuque newspapers, which publication shall be free of cost to the state of Iowa.

Approved February 5th, 1851.

CHAPTER 51.

STATE LOAN.

AN ACT to provide for a loan from the school fund.

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

SECTION 1. Governor to issue bond—term of loan. That the governor is hereby authorized and required to issue a bond in behalf of the state to the superintendent [106] of public instruction, on behalf of the school fund, for the sum of \$2,353.70, of the five per cent fund for the year 1848, two thousand eighty-eight dollars and one cent of which has been expended in running the boundary line between Iowa and Missouri in accordance with the decision of the supreme court of the United States, for a term not exceeding five years from and after the first day of January 1851, with interest at the rate of ten per cent per annum, payable annually on the first day of January.

SEC. 2. Faith of state pledged. The faith of the state is hereby irrevocably pledged to provide adequate means to pay the interest on said bond as the same becomes due, and the principal at the end of five years, and for this purpose so much of the revenue arising from all taxable lands and other property in this state as may be necessary, shall be, and the same is hereby set apart and pledged for that purpose.

SEC. 3. Supt. to cancel evidence of debt. It shall be the duty of the superintendent of public instruction, so soon as the said bond shall have been executed and filed in his office, to cancel and annul the evidence of debt now in his hands for the aforesaid sum, against His Excellency Ansel Briggs, and others.

SEC. 4. **Interest when paid.** The interest upon all moneys borrowed by the state from the school fund, shall be paid annually by the treasurer of state, on the first day of January.

SEC. 5. **Repeal.** All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SEC. 6. **Take effect.** This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

Approved, February 5, 1851.

[107] CHAPTER 52.

FAIRFIELD.

AN ACT to amend an act, entitled an act to incorporate the town of Fairfield, approved February 9th, 1847.

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

SECTION 1. **Constables shall maintain peace, order, etc.** That the regularly elected constables, within the corporate limits of the town of Fairfield, shall at all times be vigilant in maintaining and preserving the peace, order and quiet of said town, and shall aid and assist the mayor of said town, to maintain and preserve the same, subject to punishment for omission of duty as for a misdemeanor.

SEC. 2. **Tax.** It shall be lawful for the mayor, recorder and trustees of said town, at any of their sessions, to direct the recorder of said town to make out a list of all the tax due and unpaid in any particular year, and add, and transfer the same to the tax roll for the succeeding year, and it is hereby made the duty of the marshal to collect the same, in the same manner as he is authorized to collect other taxes.

SEC. 3. **Imprisonment.** The mayor, recorder and trustees of said town, shall have power for the violation of any of their ordinances amounting to a breach of the peace, to affix the penalty of imprisonment, instead of a fine, or both penalties in their discretion; provided, that such imprisonment shall not exceed for any one violation more than thirty days.

SEC. 4. **Powers of corporation—license auctioneers—shooting and racing—tax dogs—ferocious animals excluded—fire—powder—coal—violations.** The said corporation shall have power, to license the vending of merchandise by auction within said town; to prohibit the discharging of firearms, and the racing or immoderate running of horses within the corporation; to levy and collect a tax on dogs; to regulate or prohibit the running at large of hogs or ferocious animals and enforce the same by distress and sale of such animals or by fine or other penalty; to provide against danger by fire, and procure all necessary apparatus therefor; to prohibit the keeping in any one place of large quantities of gunpowder; to fix a standard for the weight of coal, and require the sale of the same within said corporation, to be by weight; and for the violation of either [108] of their ordinances, they may affix such penalties, and provide for the enforcement of the same in such manner, as shall not be inconsistent with the constitution, or laws of this state.

SEC. 5. **Town a road district—supervisor—pay.** The streets and alleys of said town, shall constitute one road district, including the several roads leading from said town for the distance of one mile from the corporation limits;

and the mayor, recorder and trustees of said town, shall at their first meeting yearly after each election, appoint some suitable person to act as supervisor for one year, and remove him at pleasure, and appoint another who shall discharge the duties of supervisor within said district as required by law; and the citizens of said town shall not be subject to the orders of any other supervisor, and said supervisor shall be paid as now provided by law.

SEC. 6. **Fines—appeals.** Said corporation may provide for the assessment of fines imposed for the breach of any ordinance, by a summary process, returnable forthwith before the mayor, or any justice of the peace within said town, and upon such assessment being made, execution may immediately issue for such fine; provided, that any person thus fined, shall have the privilege of an appeal to the district court by giving bond and security as in appeals from ordinary decisions of justices of the peace.

SEC. 7. **Repeal.** All acts and parts of acts coming in conflict with this act are hereby repealed.

SEC. 8. **Take effect—proviso—vote—majority opposed to this act, void—expenses paid by town.** This act shall take effect and be in force from and after its publication in the Iowa Sentinel; provided, that, if one third of the legal voters in said town of Fairfield shall within three months after the publishing of said law, petition the mayor of said town to submit said law, to a vote of the legal voters of said town; it shall be the duty of said mayor to submit the same to a vote, in the manner provided for other elections, giving at least ten days notice thereof; and if a majority of the legal voters are opposed to said laws, then this act shall be null and void; provided, the expenses of said publication shall be paid by said town.

Approved, February 5th, 1851.

[109] CHAPTER 53.

CENSUS RETURNS.

AN ACT to authorize the secretary of state to have bound the census returns of 1850.

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

SECTION 1. **Census returns to be bound—payments.** That the secretary of state be authorized to arrange and have bound, in a cheap and substantial manner, the census returns of the United States marshal for the year A. D. 1850, on file in his office; and that the auditor of state be required to audit and allow the account for binding the same when presented, duly certified by the secretary of state.

Approved, February 5, 1851.

CHAPTER 54.

HARRISBURGH.

AN ACT to vacate the town of Harrisburgh in Van Buren county.

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

SECTION 1. **Vacated.** That the town of Harrisburgh in the county of Van Buren as recorded in the recorder's office in said county, is hereby vacated.

SEC. 2. **Take effect.** This act shall take effect and be in force from and after its publication according to law.

Approved, February 5, 1851.

[110] CHAPTER 55.

CITY OF DAVENPORT.

AN ACT to incorporate the city of Davenport.

OF THE BOUNDARIES AND GENERAL POWERS.

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

SECTION 1. Incorporation. That the inhabitants of the town of Davenport in the county of Scott and state of Iowa, be, and they are hereby, constituted a body politic and corporate, by the name and style of the "City of Davenport," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

SEC. 2. Boundaries. All that district of country embraced within the following limits, and such additions as hereinafter provided, shall be the limits of the boundaries of said city, to wit: "Beginning at the point in the middle of the main channel of the Mississippi river where the western boundary line of the old town of Davenport extended, would intersect the middle of the said main channel, running northward by and along said western boundary line to the north-west corner of said old town; thence eastwardly and along the northern line of blocks numbered on the plat of Le Clair's addition to said town, as blocks number forty-nine, fifty, fifty-one and fifty-two, to the north-east corner of block fifty-two; thence in the same direction across Rock Island street; thence southwardly along the eastern side of said street to Sauk or Second street; thence eastwardly along the northern boundary of said last mentioned street, to where the same if extended, would reach low-water mark on the bank of the Mississippi river; thence at right angles to the last course, to the middle of the main channel of said river, and thence down and along the middle of said main channel to the place of beginning," are hereby declared to be within the boundaries of the said city of Davenport.

SEC. 3. Out-lots included. The tracts of land laid off into town lots and duly recorded as required by law for the recording of "town plats" [111] adjoining said town, or whenever any tract of land adjoining the city of Davenport shall have been laid off or shall hereafter be laid off into town lots, and duly recorded as required by law, the same shall be annexed to, and form a part of the city of Davenport.

SEC. 4. Corporate powers. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, both real and personal and mixed in said city; to purchase, receive and hold property, both real, personal and mixed beyond the city for burial grounds or for other purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real, personal and mixed for the benefit of the city; and to improve and protect such property, and to do all other things in relation thereto as natural persons.

ARTICLE II.

OF THE CITY COUNCIL.

SECTION 1. City council. There shall be a city council to consist of a mayor and board of aldermen.

SEC. 2. Aldermen. The board of aldermen shall consist of two members from each ward, to be chosen by the qualified voters for two years.

SEC. 3. **Qualification.** No person shall be an alderman, unless at the time of his election a citizen of the United States, six months a resident of the state of Iowa, over the age of twenty-one years and resident three months within the limits of said city. If any alderman shall after his election remove from the ward for which he is elected in said city, his office, shall be thereby vacated. At the first meeting of the city council the aldermen shall be divided by lot into two classes, the seats of those of the first class shall be vacated at the expiration of the first year; and of the second class, at the expiration of the second year, so that one-half of the board shall be elected annually.

SEC. 4. **Council to be judge of election and qualification, etc.—vacancies.** The city council shall judge of the qualifications, [112] elections and returns of their own members and shall determine all contested elections. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from time to time and compel the attendance of absent members, under such penalties as may be prescribed by ordinance. They shall have power to determine the rule of its proceedings, punish their members for disorderly or contemptuous conduct, and with the concurrence of two-thirds of the members elected, expel a member. They shall cause to be kept a journal of their proceedings and may from time to time publish the same, and the yeas and nays when demanded by any member present shall be entered on the journal. All vacancies that shall occur in the board shall be filled by election.

SEC. 5. **Oath of office—tie—meetings of council.** The mayor and each alderman before entering upon the duties of their respective offices, shall take and subscribe an oath or affirmation "that they will support the constitution of the United States, and of the state of Iowa, and that they will discharge the duties of their office to the best of their knowledge and ability." Whenever there shall be a tie in the election of an alderman the judges of the election shall certify the same to the mayor, who shall determine the same by lot in such manner as shall be determined by ordinance. There shall be twelve stated meetings of the city council in each year, at such times and places as may be prescribed by ordinance, and for such special meetings as they may deem necessary.

ARTICLE III.

OF THE CHIEF EXECUTIVE OFFICER.

SECTION 1. **Mayor—who eligible—vacated.** The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year, and until his successor shall be elected and qualified. No person shall be eligible to the office of mayor, who shall not be a citizen of the United States a resident of the city one year next preceding his election, and over the age of twenty-one years; and if any mayor shall during the time for which he shall have been [113] elected, remove from the city, or be absent therefrom more than two months at any one time, his office shall become thereby vacated.

SEC. 2. **Tie—lot—vacancy.** When two or more persons shall have an equal number of votes for mayor, the judges of the election shall certify the same to the city council, who shall proceed to determine the same by lot, in such manner as may be provided by ordinance, whenever an election shall be contested for mayor, the city council shall determine the same in such manner as may be prescribed by ordinance; and whenever any vacancy shall happen in the office of mayor, it shall be filled by an election, and until such an election shall be had, it shall be competent for the board of aldermen to elect one of their number president, who shall be mayor pro tem.

ARTICLE IV.

OF ELECTION.

SECTION 1. Elections—canvass—notice—qualify. On the first Saturday of April next an election shall be held in each ward of said city, for one mayor for said city, two aldermen for each ward, and forever thereafter on the first Saturday of April, of each year, there shall be an election held for one mayor for the city, and an alderman for each ward. The city council shall before each annual or special election, appoint three electors in each ward of said city to act as judges and clerks of said election, who shall take the same oath, conduct the elections in the same manner as are now provided or hereafter may be provided by law for holding and conducting elections for county officers, said judges and clerks shall return a certified statement of the persons voted for as aldermen and mayor in their respective wards within three days to the clerk of said city, and a majority of said judges shall meet at said clerk's office on the Monday following, and canvass the number of votes cast for mayor, and certify the number of votes cast, who for, and the person elected mayor (provided there has been a choice) to the clerk of said city. The clerk shall receive said returns, certificates and poll books, and preserve the same among the papers of his office, and shall give the person and persons receiving [114] the highest number of votes for mayor and aldermen, a notice of their election, within two days after the receipt of the returns aforesaid, and such person receiving such notice of his election, as mayor or aldermen, shall within five days after the receipt of such notice, take the oath prescribed in this act for the office to which he may have been elected, and a neglect or refusal to take such oath and file the same with the clerk shall be taken as a refusal of said office, and the city council may proceed to fill such vacancy as provided for in this act.

SEC. 2. Qualification of voters. All resident citizens over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city ninety days next preceding said election, shall be entitled to vote for city officers; provided, that said electors shall give their votes for mayor and aldermen in the wards in which they respectively reside; and for voting illegally at any election herein provided for, shall be punished in the same manner and with like effect, as is provided under the general laws of the state of Iowa for illegal voting.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

SECTION 1. Taxes—may correct assessment—marshal to collect—notice—distrain—notice in newspaper—sale of lots, etc.—deed. The city council shall have power and authority to levy and collect taxes upon all taxable property, real, personal and mixed, within the city, not exceeding one-half per cent. per annum upon the assessed value thereof, which value shall be ascertained by the assessor of said city; to provide by ordinance the time for taking such assessment, when the same shall be returned to the city clerk, and also provide for the assessing of property that may have been omitted or overlooked or otherwise not returned by said assessor, also the time when said clerk shall make out and deliver to the marshal of said city, a copy of said assessment together with the tax due or assessed, which said copy, shall be sealed with the common seal of said city, with a warrant for the collection of the taxes so assessed, signed by the mayor, and clerk of said city. The city council shall have power to correct or [115] equalize any erroneous or

injudicious assessment. The marshal shall be the collector of all taxes assessed as aforesaid he shall upon receiving a copy of such assessment and warrant as aforesaid, make personal demand of every resident charged with tax if to be found within said city, or leave a written notice of the amount of such tax at his or her place of abode, and shall put up at least one written notice in each ward of said city, that if the taxes are not paid within twenty days thereafter, the same will be collected by sale of property of delinquents; at the expiration of which twenty days said marshal may, and he is hereby authorized by distress and sale of personal property of such delinquent or delinquents, as constables on execution, to collect said tax or he may after the expiration of said twenty days if said tax shall remain unpaid, give notice by publication in one of the newspapers published in said city for six consecutive weeks, stating the amount of said tax costs and printer's fee, and the number of the lot, or the description of the piece of land or property on which the same are due, and the owner's name if known, and that the said lot, piece of land or property will be sold on the day and at the place to be mentioned in said notice, unless payment be made of the taxes, costs and printer's fee on or before said day of sale, and if such payment should not be made according to said notice, then said marshal shall proceed and sell the same in accordance with said notice, for said amount due, to the bidder who will take the least quantity of the lot or piece of land or property, off from the side, which said marshal shall designate, or the whole if no bid for a less quantity, and he shall give to the purchaser thereof a certificate stating the description of the piece of land or the number of the lot or the portion thereof or the property purchased and price paid therefor and the day of sale, and at the expiration of two years thereafter, if the owner or claimant shall not redeem the same by paying the amount for which the same was sold together with fifty per cent per annum to the purchaser or to the city treasurer for said purchaser's benefit, said purchaser or his heirs or assigns shall be entitled to a deed therefor, and the mayor of said city shall on demand and the presentation of said certificate make, ex- [116] ecute and deliver to the holder or owner of such certificate a deed for said property in said certificate mentioned, which when acknowledged, or proven and recorded, as other deeds are acknowledged and proven, shall be good and valid in law and equity, to pass a valid title to such lot, piece of lot, ground or property, and shall be *prima facie* evidence in all courts that all things have been complied with, nor shall the same ever be inquired into until the amount for which said property or real estate together with the interest aforesaid shall have been tendered to the holder thereof or deposited in the city treasury for his or their benefit.

SEC. 2. Clerk, treasurer, marshal, assessor, etc.—bonds—oath—schools—may borrow money—vote—council to make regulations—to open, alter, grade and pave streets and alleys—wards—improve the navigation of Mississippi river—licenses—gaming and other disorderly houses—measuring, weighing, and inspecting—census—regulate elections—fees of officers—shooting, racing, etc.—police—powers—style of ordinances—to be published in newspaper, or posted up. The city council shall have power to provide by ordinance from time to time for the election of a clerk, treasurer, assessor, marshal, and one or more street commissioners, by the electors of said town, by causing one or more polls to be opened in said city for said purpose; and they may appoint such other officers as they may deem necessary, or provide for their election by the voters of said city at the same time and place that the above officers are elected, their tenure of office shall be one year, and said city council before the election or appointment of any officer aforesaid, shall have power to require of any or all of them, bonds with penalty, and security, for the faithful performance of their respective duties, as may be deemed expedient, and to

take an oath for the faithful performance of the duties required of them in their respective offices, before entering upon the discharge of the same, to establish, support and regulate common schools, to appropriate money, and provide for the payment of the debts and expenses of the city, to borrow money on the credit of the city, to be used for such purposes as they may think conducive to the welfare thereof. In all cases where the city council may borrow money they shall provide for the payment of the interest thereof, by setting apart a portion of the ordinary revenue, and collecting it for that purpose the question of borrowing money shall be submitted and approved by a majority of the tax payers of said city: provided, that no debt shall be contracted that the interest per annum in any one year due thereon, shall exceed one-half of the revenue derived from tax on the real estate and [117] personal property within said city. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city; to establish hospitals, and make regulations for the government of the same. To make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, and to prevent, remove or abate the same; to tax dogs or prevent them from going at large; to provide the city with water; to erect hydrants and pumps in the streets for the convenience of the inhabitants; to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys; to establish, erect and keep in repair bridges; to divide the city into wards, alter the boundaries thereof, and erect additional wards as the occasion may require; to provide for lighting the streets, and erecting lamp posts; to establish, support and regulate night watches; to erect market houses, establish markets and market places, and provide for the government and regulation thereof; to provide for the erection of all needful buildings for the use of the city; to provide for the enclosing, improving and regulating all public grounds belonging to the city; to improve and preserve the navigation of the Mississippi river within the limits of the city; to erect, repair and regulate public wharves and docks; to regulate the erection and repair of private wharves, and the rates of wharfage thereat; to license, tax, and regulate auctioneers, transient merchants, retailers and grocers, taverns, ordinaries, hawkers, pedlars, brokers, pawnbrokers and money changers; to license, tax, and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage, and drayage of property; to license and regulate porters, and fix the rates of portorage; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to tax billiard tables, restrain, prohibit and suppress tipling houses, dram shops, gaming houses, bawdy and other disorderly houses; to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate or prohibit the erection of wooden [118] buildings in any part of the city; to regulate the fixing of chimneys, fix the flues thereof; to regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials; to regulate and order parapet walls and partition fences; to establish standard weights and measures, and to regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work; to provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, fire wood and other fuel to be sold or used in the city; to provide for, and regulate inspection of tobacco, beef, pork, flour, meal and whiskey, in barrels; to regulate the weight, quality and price of bread to be sold and used in the city; to provide for taking the enumeration of the inhabitants of the city; to regulate the election of city officers, and to provide for the removing from office any

person holding an office created by ordinance; to fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance; to prohibit the discharging of firearms, and the racing and immoderate running or driving of horses, drays, carts, carriages, wagons, or other vehicles, in said city; to regulate the police of the city; to impose fines, forfeitures, and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties, and the licensing and regulating retailers of spirituous and vinous liquors, in said city.

The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to, or inconsistent with the constitution of the United States and of the state of Iowa.

The style of the ordinances of the city shall be "Be it enacted by the city council of the city of Davenport."

All ordinances passed by the city council, shall within one month after they shall have been passed, be published in some newspaper published in said city, or a certified copy [119] thereof, signed by the clerk, posted up at one or more public place in each ward of said city, and shall not take effect until ten days after such publication, or posting up, as above provided for. All ordinances, by-laws, rules and regulations, shall be recorded by the clerk of the city in a book to be kept for that purpose, with a certificate to each, that the same has been published in some newspaper published in said city, or a copy thereof posted in each ward thereof, and that the same is a correct copy of the original as passed by the city council; and the said book, or a copy of any bye-law, ordinance, rule or regulation, with the certificate of the clerk, of the publication aforesaid, certified by the said clerk to be a true copy of such by-law, ordinance, rule or regulation, shall be sufficient authentication to allow the same to be read or received in evidence, in all actions and suits, in any court in this state, or when said by-laws, ordinances, rules, and regulations, shall be published in book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places, without further proof.

ARTICLE VI.

OF THE MAYOR.

SECTION 1. Mayor to preside at meetings. The mayor shall preside at all meetings of the city council, and shall have a casting vote and no other, in case of the non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own members chairman who shall preside at the meeting.

SEC. 2. Special meetings. The mayor or any two aldermen may call special meetings of the city council, by notifying each alderman, mayor and clerk of said city, of the time and place of meeting, and the business to be transacted at such meeting; and no other business than that designated in said notice, shall be transacted.

SEC. 3. Mayor to enforce laws, etc., and prosecute and recommend, etc. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of [120] duty to be prosecuted and punished; he shall from time to time communicate to the aldermen such information, and recommend all such

measures, as in his opinion, may tend to the improvement of the finances, the police, the health, security, comfort and ornament of the city.

SEC. 4. Mayor ex-officio a justice of the peace—jurisdiction—civil and criminal cases—fees. He shall by virtue of his office be a justice of the peace for said city, and as such shall be a conservator of the peace in the said city, and shall have power and authority to administer oaths, issue writs and processes under the seal of the city, to take depositions, the acknowledgments of deeds, mortgages and all other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law, he shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent jurisdiction with all other justices of the peace in all civil and criminal cases within the county of Scott, arising under the laws of the state; and shall receive the same fees, and compensation, for his services in similar cases. He shall also have such jurisdiction as may be vested in him by ordinance of the city in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health, quarantine ordinances and regulations thereof and the protection of cemeteries or grave yards and enclosures.

SEC. 5. Bond—salary. He shall before entering upon the discharge of the duties of his office give bond and security to be approved of, and filed with the clerk of said city, in the same penalty and with like conditions as are required of justices of the peace now by law, and the same may be prosecuted for any breach in the same manner and with the like effect, as is required by law for similar cases under the laws of Iowa, he shall receive for his services as mayor of said city such salary as shall be fixed by an ordinance of the city.

SEC. 6. Omission of duty or misconduct. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct or partiality, in the discharge of the duties of his office, he shall be liable to be indicted in the district court of Scott county, and on conviction he shall be fined in a sum not exceeding two hundred dollars, for the use of said city, and the court shall have power [121] er on the recommendation of the jury trying said indictment, to add to the judgment of the court that he be removed from office.

SEC. 7. Process—duties and liabilities of marshal. All processes or writs issued by the mayor may be either a warrant for the arrest of the person of the offender, or writs in the usual form, directed to the marshal of said city, who shall serve and return the same as commanded in said warrant or writs, and in case of a warrant to bring the offender forthwith before said mayor, the marshal of said city shall have the same authority, and may do and perform the same duties, and shall be subject to the same liabilities in the service and return of all such writs and process issued by, and in attending the trial before such mayor, for recovery of fines and penalties, for the breach or violation of any of the by-laws, ordinances, rules or regulations of said corporation, that constables have in their respective counties.

ARTICLE VII.

PROCEEDINGS IN SPECIAL CASES.

SECTION 1. Private property—jury—owners petition, streets, etc., may be opened. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue, block, lot or alley, the corporation shall make a just compensation therefor, to the person whose property is so taken; and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be ascertained by a jury of six

disinterested freeholders of the city. When three-fourths of all the owners of all the property on a street, lane, avenue, block or alley, proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue, block or alley, upon conditions to be prescribed by ordinance, but no compensation shall be made in such case to those whose property shall be taken for the opening, widening or altering such street, lane, avenue, block or alley, nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.

SEC. 2. **Jury to assess—report to mayor.** All jurors impanelled to inquire into the amount of benefits or damages, which shall happen to the owners of [122] property proposed to be taken for opening, widening or altering any street, lane, block or alley, shall first be sworn to that effect, and shall return to the mayor, their inquest in writing signed by each juror; in ascertaining the amount of compensation for property taken for the above purposes, the jury shall take into consideration the benefit, as well as the injury, happening by such opening, widening or altering aforesaid.

SEC. 3. **Mayor may set aside the inquest.** The mayor shall have power for good causes shown within ten days after an inquest shall have been returned to him as aforesaid, to set aside and cause a new inquest to be made, but he shall have power to set the same aside as aforesaid but once, for each party, when the city council shall still determine whether said street, lane, avenue, block or alley shall be opened, widened or altered.

SEC. 4. **Special tax.** The city council shall have power by ordinance to levy and collect a special tax on the holders of the lots in any street, lane, avenue, alley or block, or the side of a block fronting or lying on an alley, or part of any street, lane, avenue or alley, according to their respective fronts owned by them for the purpose of paving and grading the sidewalks and lighting such streets, lane, avenue, or alley or parts thereof.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. **Road district.** The inhabitants of the city of Davenport are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same, and said city is hereby constituted a road district, with powers conferred on any one or more street commissioners as the city council may appoint or provide for the election of, as are now conferred under the laws of the state of Iowa upon supervisors of roads and highways, and the said city council shall have the same authority to provide for work in the corporate limits of said city, on the streets, lanes, alleys, public grounds, wharves, landings, avenues and highways as are now by law or hereafter may be conferred [123] on the several boards of county commissioners or such other tribunal as the state may provide and clothe with such authority, and they shall provide for the collection and appropriation of such work by ordinance.

SEC. 2. **Labor on streets.** The city council shall have power for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city over twenty-one years of age to labor on said streets, lanes, avenues and alleys not exceeding three days in each and every year and any person failing to perform such labor when duly notified by the street commissioner shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

SEC. 3. **Punishment for offences.** The city council shall have power to provide for the punishment of offenders by imprisonment in the county jail

or work house, or city prison, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against he, she or them.

SEC. 4. Publish statement of monies, etc. The city council shall cause to be published or posted up in each ward of said city annually, twenty days before each annual election for mayor, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended, showing the entire indebtedness of said city, and also the amount of road work, from whom received, money paid instead of work, the disposition of said work and money.

SEC. 5. Provide books—to keep journal—keep record of marshal's returns—duty of marshal—mayor to keep record. The city council shall provide well bound books for their own use, and for the use of the officers under their city charter. They shall cause their clerk to keep a journal of the proceedings of their meetings, which shall be signed by said clerk and the presiding officer of each meeting. He shall also keep a record of the returns of the marshal, in which he shall record the number of lot, price of ground or description of land or property sold by him for taxes due on assessment, the amount for which it was sold, the time when sold, the purchaser's name and the time of redemption, when redeemed, for what amount and the person to whom, and when deeded. And said marshal shall so make his return of the tax lists of each year, as to enable said clerk to state the [124] above facts in said delinquent tax book. A book to record the acts and reports of the street commissioners, and the name, age and residence of deceased persons buried in the city cemetery, and when such person became deceased, and of what disease such person died, if known; also an order book stating the amount allowed each person out of the city treasury, the name of the person to whom allowed, when and by whom drawn; they shall also provide the mayor and his successor in office with a record or docket in which he shall record all the proceedings had before him as such mayor, for the violation of ordinances, his judgments, and the reports required to be made to him as such mayor and justice of the peace. All of the books above provided for shall be open for the inspection of the inhabitants of said town at all reasonable hours, free of expense, tax or fee.

SEC. 6. Suits how prosecuted. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Davenport, and in cases of warrants the same may be issued for violations of the ordinances, by-laws, rules and regulations of said city without being predicated or based upon affidavit.

SEC. 7. Filling vacancies. The city council shall have power to provide by ordinance for filling of temporary vacancies in any subordinate office, where the same shall occur from sickness, absence from the city or inability on the part of any officer, or sudden death, until the same can be filled as is provided by ordinance, or another elected.

SEC. 8. Act to be published—vote. The mayor and aldermen of the town of Davenport shall cause this act to be published in each of the papers of said town, or they may provide for the publication and distribution of one hundred copies among the inhabitants of said town; and ten days after the publication or the distribution of the copies herein provided for, for an election for or against the adoption of this charter; such election shall be holden in some public place therein, where all the voters may attend during the day between the hours of 10 a. m. and 4 p. m. and vote by ballot "for new charter" or "against new charter," and if "for new charter" shall have

a majority of [125] the votes cast "for" and "against," this charter shall immediately take effect as a law, but if a majority of the votes given shall be against the adoption of said charter, then this act to be of no effect.

SEC. 9. Ordinances—wards—fines, etc.—acts not invalidated. All ordinances and resolutions passed by the mayor and aldermen of the town of Davenport, shall remain in force until the same shall have been repealed by the city council of Davenport. The boundaries of the wards of the city shall (until otherwise changed by the city council of the city of Davenport) be the same as those heretofore of the town of Davenport, all actions, fines, penaltines and forfeitures which have accrued to the mayor and aldermen of the town of Davenport, shall be vested in, and prosecuted by the corporation hereby created. All property, real, personal and mixed heretofore belonging to the mayor and aldermen of the town of Davenport, shall be and the same is hereby declared to be vested in the corporation hereby created. This charter shall not invalidate any act done by the mayor and aldermen of the town of Davenport nor divest them of any right which may have accrued to them prior to the passage of this act, but the same shall inure to and be enjoyed by the corporation hereby created.

SEC. 10. Appeals—jurisdiction of marshal—marshal disqualified. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the district court of Scott county. Any and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from, and granted by justices of the peace to the district court, under the laws of this state. The city marshal or any officer authorized to execute writs or other process issued by the mayor, shall have power to execute the same any where within the limits of Scott county, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases; and in case of the interest, inability or disqualification of the marshal to act in any station or position hereby created in this act, the mayor shall have authority to depute such person as he may think proper, by writing on the process to be served or executed, that such [126] person is so deputed, who shall be vested with all the power and authority of such marshal, for the time being.

SEC. 11. Act declared public—repeal. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state without further proof. All acts or parts of acts coming within the provisions or perview of this act, or contrary to, or inconsistent with its provisions on the taking effect of this charter, are hereby repealed.

SEC. 12. Sign and file ordinances, etc. The mayor and clerk shall sign all by-laws and ordinances passed by said corporation, and the same shall be carefully filed and preserved by the clerk. All bills, bonds, notes, drafts, or contracts, ordered by said corporation shall be signed by the mayor and attested by the clerk; and all bills, bonds, notes, drafts or contracts so signed and attested, and in case of bonds or contracts under seal, sealed with their common seal, shall be valid and binding on said corporation, in law and equity, in every court in Iowa.

SEC. 13. Service of process. The service of all process against said city of Davenport, shall be by leaving with the mayor, or in his absence, with the clerk, a certified copy thereof, and in case of subpoena in chancery, a certified copy of the bill also.

SEC. 14. Aldermen to receive no compensation. No alderman shall receive any compensation for his services as such, for serving on committees created by the city council, nor hold any office or station under this charter unless an ordinance providing for such service and compensation, and the amount of such compensation shall have been adopted by said city council, and sub-

mitted to the voters of said city, and a majority of the votes cast are in favor of the same; but they shall be exempt from the three days work on the streets, side-walks and highways herein provided for, and be eligible to act as judges and clerks of elections under this charter.

SEC. 15. Failing to hold election—failure to work no forfeiture. Any failure to hold any election or expression of opinion provided for under this charter, shall not operate as a forfeiture thereof, but in case the mayor and aldermen of the town of Davenport failing to provide for the election or vote to be had (here in provided for) by them, the same may be holden on any day thereafter, and the said mayor and aldermen of said town shall see that due notice is given, and the [127] election or vote had which may have been neglected or omitted to be held or had, in this act required of them. And in case of the failure or neglect after this charter shall take effect of the city council, at any time, to hold or cause to be held an election or vote to be had which may be required of them, the same shall work no forfeiture of this charter; but such election or vote may be had at some future time thereafter as may be provided for by said city council, nor shall the office of mayor, alderman nor any other office become vacant by such failure; but the incumbent of such office, if otherwise qualified, shall continue and be entitled to all the rights and privileges of said office, and exercise the same until his successor shall be duly elected or appointed and qualified.

Approved, February 5, 1851.

CHAPTER 56.

RIGHT OF WAY.

AN ACT to grant the right of way to the "Iowa Western Rail Road Company."

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

SECTION 1. Right of way. That there is hereby granted to the "Iowa Western Rail Road Company," and to their representatives, the right of way, one hundred feet wide, for their rail road from Davenport, in Scott county, by the way of Muscatine, in Muscatine county, to Oskaloosa, in Mahaska county.

SEC. 2. How obtained—proprietor may give consent in writing—refusal; sheriff to summon jury—time and place—panel—damages—report—appeal—shall not delay work. That in obtaining the right of way for their said rail road, over and across the lands of individual proprietors, the said company and their representatives may proceed in the manner following: that is to say, the grant of such right of way from individual owners resident of the county in which the land is situated, or who have agents or guardians resident as aforesaid, may be obtained in writing over the hand and seal of such proprietor, or of his agent or guardian, resi- [128] dent as aforesaid, and neither acknowledgement nor recording shall be necessary to the validity of such grant: and if the owner of any land over which said road may be located, shall refuse to grant the right of way for said road through his premises, notice may be given by either party, to the sheriff of the county in which said land may be situated, whose duty it shall be, within ten days thereafter, to summon eighteen freeholders of his county, who are not interested in a like question, to appear on the premises, and he shall give the parties notice of the time and place of the meeting. When so assembled, if the said freeholders do not all appear the sheriff shall summon others to make up the num-

ber, the parties shall then proceed, commencing with the company, alternately to strike off the names so returned until but six of said freeholders are left who being sworn, shall proceed to inspect the premises and assess the damages if any which such owner will sustain by the construction of said road, and make report thereof to the clerk of the district court for said county, and the same shall be filed by him, and if the said company shall at any time before they actually enter upon said lands for the purpose of constructing said road, pay to said clerk or proprietor the sum so assessed they shall be fully authorized to construct and maintain said road over and across said premises, doing no unnecessary injury to said lands; provided, that either party dissatisfied with the decision of said freeholders, shall have the right of appeal to the district court wherein said land is situated, at any time within thirty days after such decision, but such appeal shall not delay the prosecution of work upon said road; provided, the company shall first have paid, or tendered, the amount adjudged by said freeholders; and in no case shall the company be liable for costs on appeal, unless the appellant recover a greater amount of damages than first awarded, but the company shall in all cases pay costs made previously to an appeal.

SEC. 3. **Non-residents—proceedings.** That if upon the location of said road, it shall be found to run through the lands of any non-resident proprietor, the said company or their representatives, shall give four weeks notice to each proprietor, if known, and if not known by a description of such lands by publication in some news- [129] paper printed in Muscatine and Oskaloosa, that said road has been located through his lands, and if such proprietors shall not apply to such sheriff within thirty days thereafter, to have their damages assessed in the mode prescribed in the preceding section, said company, or their representatives, shall proceed in the same manner to have the damages assessed as in section second, subject to the same right of appeal; and upon the payment of the damages so assessed, the said company thereby shall acquire all rights, privileges and immunities mentioned in said second section.

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

Approved February 5th, 1851.

CHAPTER 57.

RIGHT OF WAY.

AN ACT granting the right of way to the Dubuque and Keokuk Railroad Company, north.

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

SECTION 1. **Right of way.** That there be, and is hereby granted, to the Dubuque and Keokuk rail road company north, and to their successors and assigns, the right of way for a rail road from the city of Dubuque in Dubuque county, *via* Cascade, Anamosa in Jones county, Marion and Cedar Rapids in Linn county, to Iowa City in Johnson county, embracing a strip of land one hundred feet wide through sections sixteen, and other lands which may be owned by the state of Iowa, on which said road may be located and constructed.

SEC. 2. Proprietor may grant right in writing—owner refusing sheriff to summon freeholders—notice of time and place of meeting—assess damages and report to district court—appeal—proviso—costs. And be it further enacted, that in obtaining the right of way for their said rail road over and across the lands of individual proprietors, the said company, and their assigns may procure in the manner following that is to say: the grant of such right of way from individual owners, resident of the county in which the land is situated, or who have agents or [130] guardians resident as aforesaid, may be obtained in writing over the hand and seal of such proprietor or of his or her agent or guardian resident as aforesaid; and neither acknowledgment or recording shall be necessary to the validity of such grant; and if the owner of land over which said road may be located, shall refuse to grant the right of way for said road, through his or her premises, notice may be given by either party to the sheriff of the county in which said land may be situated, whose duty it shall be within ten days thereafter, to summons eighteen freeholders of his county, and who are not interested in a like question, to appear on the premises, and he shall give the parties notice of the time and place of the meeting, when so assembled, if the said freeholders so summoned do not all appear, the sheriff shall summon others to make up the number, the parties shall then proceed, commencing with the company, to alternately strike off the names so returned until but six of said freeholders are left, who after being sworn shall proceed to inspect the premises, and assess the damages, if any, which said owner will sustain by the construction of said road, and make report thereof to the clerk of the district court for said county, and the same shall be filed by him, and if the said company shall at any time before they actually enter upon said lands for the purposes of constructing said road, pay to said clerk or the proprietor the sum so assessed, they shall be fully authorized to construct and maintain said road over and across said premises, doing no unnecessary injury to said lands; provided, that either party dissatisfied with the decision of said freeholders, shall have the right of appeal to the district court of the county wherein said lands are situated at any time within thirty days after said decision, but such appeal shall not delay the prosecution of work upon said road; provided, the company shall first have paid or tendered, the amount adjudged by said freeholders; and in no case shall the company be liable for costs on appeal unless the appellant recover a greater amount of damages than first awarded; but the company shall in all cases pay costs made previous to an appeal.

SEC. 3. Non-residents—notice—same as sec. 2. And be it further enacted, that if upon the location of [131] said road, it shall be found to run through the lands of any non-resident proprietor, the said company or their assigns, shall give four weeks notice to each proprietor if known, and if not, by a description of such lands, by publication in some newspaper printed in the city of Dubuque or Iowa City, that said road has been located through his or her lands, and if such proprietor shall not apply to such sheriff within thirty days thereafter to have their damages assessed in the mode prescribed in the preceding section, said company or their assigns shall proceed in the same manner to have the damages assessed, as in section second, subject to the same right of appeal, and upon the payment of the damages so assessed, the company thereby shall acquire all rights, privileges and immunities mentioned in said third [second] section.

Approved February 5th, 1851.

CHAPTER 58.

DES MOINES RIVER IMPROVEMENT.

AN ACT to secure a more vigorous prosecution, and early completion of the Des Moines river improvement, and amendatory and supplemental to all other acts now in force in relation thereto.

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

SECTION 1. **The office of president, secretary and treasurer abolished—new officers created.** That the offices of president, secretary and treasurer, of the board of public works be, and the same are hereby abolished; that the control and management of the Des Moines river improvement is given to the officers hereinafter mentioned.

SEC. 2. **Sales suspended.** That all sales of lands granted by the United States for said improvement are suspended, except as herein provided.

SEC. 3. **Governor shall appoint a commissioner—oath—bond—governor approve—filed.** The governor shall, by and with the advice and consent of the senate, appoint a suitable individual to be known as commissioner of the Des Moines river improvement, who shall hold his office for the term of two years from and after the first day of February, 1851, and until his successor is [132] duly appointed and qualified. Before entering upon the discharge of his duties he shall take and subscribe the following oath, before some person authorized to administer the same: "I —— do solemnly swear that I will to the best of my ability, honestly and faithfully, discharge the duties imposed upon me as commissioner of the Des Moines river improvement, and to the utmost of my exertions, strive to promote the vigorous prosecution, and secure the early and economical completion of the said work; and that I will give my constant and unremitting personal attention thereto." The said commissioner shall also, previous to entering upon the discharge of the duties of his office, execute a bond to the state of Iowa, in the sum of thirty thousand dollars, with freehold security, to be approved by the governor, conditioned for the faithful and honest discharge of his duties as commissioner aforesaid: which said bond and oath shall be filed with the secretary of state, and preserved by him.

SEC. 4. **Register—oath—bond—approval and filed—proviso.** There shall in like manner be appointed some suitable person to the office of register of the Des Moines river improvement, who shall hold his office for the like term as the commissioner, and until his successor is duly appointed and qualified. Before entering upon the discharge of the duties of his office, he is required to take and subscribe (so far as applicable) a like oath with that taken by the commissioner, and he shall also execute a bond in the sum of fifty thousand dollars, with like security, and to be similarly approved, filed and preserved as the bond executed by the commissioner: provided, that if the appointment hereby authorized to be made shall not be made in time for confirmation by the senate, the governor shall have the same right to appoint as though a vacancy existed.

SEC. 5. **Commissioner and register to be appointed every two years.** At the regular meeting of the general assembly in the year 1852, and every two years thereafter there shall in like manner be appointed by the governor, by and with the advice and consent of the senate, a commissioner and register of the Des Moines river improvement, who shall qualify severally, as required in the two preceding sections.

SEC. 6. **Commissioner's duty—oversight and control of works—take charge of books, papers, etc.—deliver to successor.** It is the duty of the commis-

sioner to take a personal oversight and control of the improvement as it progresses;— [133] examining each and every part thereof as often as practicable;—to do all things properly developing upon such an officer, and in all his acts connected with said improvement; to have special reference to the permanency of and early completion of the entire work. He shall immediately after qualifying as herein provided, proceed at once to the discharge of his duties;—shall take charge of all books, papers, plans and other matters of whatever kind or description, now in the hands of the president of the board of public works, etc., in like manner deliver the same to his successor in office, and in general perform all duties now devolving on such president with such additional duties as are herein provided.

SEC. 7. Register's duty. The register is to do and perform all such acts and things connected with the sale of the lands mentioned in this act as have heretofore been done and performed by the secretary and treasurer of the board of public works, and such other duties as are herein imposed, or would properly come within the scope of such an officer, under such rules and regulations as have been or may be established by the board, or said commissioner and register.

SEC. 8. May contract for completion of work below Keosauqua—may sell water rents and tolls—tolls limited—must complete works. The commissioner and register are hereby authorized to contract with any individual or individuals, company or companies, for the completion of that part of the improvement of said river at and below Keosauqua, by allowing the contractors in payment for such work, as the same progresses, any portion of the lands granted for the improvement of said river which lie below Raccoon Forks, at a price not less than one dollar and twenty-five cents per acre; and if the lands lying below the Raccoon Forks cannot be disposed of upon such terms as to procure the completion of the works mentioned in this section, after having made provisions for the payment of the present liabilities of said work, the commissioner and register are hereby authorized and empowered, to contract and consent on the part of the state, to surrender to such contractor or contractors, the water rents of the power created by the above improvement, and also the tolls at the locks, upon such conditions and for such time as will compensate such contractor or contractors for such work;—but the tolls shall not exceed in their average rate those now [134] charged on the Monongahala river, in the state of Pennsylvania, nor shall the water powers thus to be surrendered include the water power needed for the purposes of lockage;—nor shall the contract above contemplated be entered into unless it will secure the completion of the improvement above mentioned.

SEC. 9. May build dams and locks above Keosauqua. The said commissioner and register have the same power to build dams and locks above Keosauqua, at such points as they may deem necessary for the best interest of the improvement, as has heretofore been given by law to the board of public works; and they are hereby authorized and required to build a lock at any point above Keosauqua, provided they can get an individual or company to build the dam and abutment at the said point for the use of the water power thus created; the dam to be built according to the plans and specifications adopted for said improvement: and provided further, that said dam and lock shall be located at such point or points as will assist in carrying out the general system of said improvements, and shall be paid for from the lands granted above the Raccoon Forks.

SEC. 10. May make arrangements to secure navigation, etc. If no satisfactory arrangement can be made by which the locks and dams now under contract can be finished as specified above, the said commissioner and register may make such arrangement as to complete such portion of said improve-

ment as will secure the navigation of said river for the longest period of time in each year.

SEC. 11. Contractor's pay must come from improvement fund. In all contracts herein contemplated the individual or individuals, company or companies, so contracted with, shall look alone to the funds and lands belonging to said improvement for payment, and not to the state.

SEC. 12. Work must be done under the supervision of the officers. Such work, whether done by a company or companies or otherwise, is to be done according to such plans and specifications as are or may be adopted by the officers having the management of the improvements, and shall be under their supervision.

SEC. 13. Moneys must be paid to register. All loans or other moneys procured under the provisions of this act, must be paid to the register, or upon his order; and no creditor has any claim for money loaned, and [135] no debtor any credit for money paid, until such money has been paid to the register, or upon his order.

SEC. 14. Contracts not valid until signed and approved by governor. None of the above mentioned contracts will be valid until they are signed by the commissioner, countersigned by the register, and approved by the governor; and, subject to such approval, the commissioner may in like manner make any other arrangement of the kind and character of those above authorized, having the same object in view, and not exceeding in their general operations the authority above conferred.

SEC. 15. Sale of lands—governor approve—\$1.25 per acre. The commissioner and register also have power to dispose of any other lands which have been or may hereafter be granted for the improvement of the Des Moines river, in any mode above specified, subject to the like approval of the governor; or they may direct any portion thereof to be sold, but not for less price than one dollar and twenty-five cents per acre. Such lands or their proceeds shall be devoted to the completion of said improvement to the greatest extent practicable.

SEC. 16. Pre-emption. Any of the lands which may be occupied by actual settlement on the first day of April next, may be purchased by the occupant at any time before the first day of July next, under such rules and regulations as may be established by the commissioner and register under this act, and the laws now in force not conflicting herewith; and the same shall not be subject to be contracted away, as above provided, prior to said first day of July, 1851, except such contract, if made before that time, shall reserve to the said occupant the right to purchase as aforesaid; and said occupant shall have the right to purchase at the rate of one dollar and twenty-five cents per acre.

SEC. 17. Contracts triplicate—one to be filed with register—secretary of state—contractor. All contracts authorized by this act shall be executed in triplicate, one of which shall be filed with the register, and by him recorded in a book to be kept for that purpose, another of which is to be filed with the secretary of state, to be by him preserved, and the other to be delivered to the contractor.

SEC. 18. Triplicate receipts for land sold—purchaser—commissioner to examine, endorse and forward to secretary of state. The register is required to make out triplicate receipts for all lands purchased at his office under this act— [136] one to be filed in his office and to be recorded by him in a book to be kept for that purpose—one to be given to the purchaser; and as to the third, he shall at least once in each month or oftener if required by the commissioner, make out a full and correct statement of all lands entered at his office, by whom and when entered, and of all monies received, and, after verifying the same by affidavit, shall hand the same together with

the said third receipt, or receipts, over to the commissioner, which said **statement and receipts**, after having been examined and compared by the said commissioner with the books and papers in the office of said register, shall **be endorsed and so examined and approved** by said commissioner and by him forwarded to the secretary of state, to be by him preserved.

SEC. 19. Commissioner may discharge engineers and employ them again, or others. The commissioner has power to discharge all engineers in the employ of the state in the prosecution of said improvement, and to employ the same or others if he deems their service necessary; but it shall be and is hereby **made the absolute duty** of said commissioner, to employ no more or other engineer or engineers than are strictly necessary to the speedy and proper prosecution of said work.

SEC. 20. Salaries—commissioner \$1,000—register \$1,000. The commissioner and register shall receive, as the only compensation for their services, annual **salaries, to be paid quarterly out of any funds arising from the grant of lands mentioned in this act.** The salary of the commissioner shall be ten hundred dollars, and that of register ten hundred dollars per year.

SEC. 21. Work on canal suspended—preservation. For the present, all further work on the canal at the mouth of the Des Moines river is suspended, and it is not to be regarded as a part of the improvement mentioned in this act; but the said commissioner and register shall nevertheless place the said canal in such condition as to prevent injury to the work already done, and shall see that all the property of the state in connection therewith is properly preserved.

SEC. 22. Commissioner to remove dams and other obstructions. The commissioner is required to remove all obstructions now in said river, in the way of dams or otherwise, when the same in his judgment, are obstructions to the navigation; and he may if he deems it necessary for the best [137] interest of the improvement, remove such obstructions as exist at or near the mouth of said river.

SEC. 23. Deeds. Deeds in fee simple for all lands purchased shall be made by the register and governor in the same manner as has heretofore been provided for making like deeds by the secretary, but no fee shall be allowed therefor.

SEC. 24. Vacancy. Should a vacancy occur in either of the above offices at any time, the governor is to fill the same by appointment. The person so appointed shall qualify as those elected, and shall hold his office until the regular appointment and confirmation herein contemplated; and for good cause the governor is hereby empowered to remove either of said officers, and appoint others in their place.

SEC. 25. Commissioner and Register to make annual report to Governor. It is the duty of the commissioner and register to make an annual report of all their doings connected with their offices to the governor, on or before the first day of December in each year, and the governor shall lay the same before the general assembly whenever it may be in session.

SEC. 26. Contractor paid, dam to become property of the State. That any individual or company who may build any dam or dams, on the terms specified in the eighth section of this act shall, when the whole work below Keosauqua **shall be completed and paid for up to that point, be paid for the building of said dam, at the price agreed upon by said individual or company and the commissioner and register before such dam was built, and the whole work shall thereafter be the property of the state.**

SEC. 27. State may take improvement off contractors' hands. The state at any time may have the privilege of taking said improvement off the hands of any contractor, contractors or company herein contemplated, by the payment of all monies due them, over and above the proceeds of the sales of such lands as he or they may have received from the state in payment as above provided.

SEC. 28. Commissioner and Register to settle claim of mill owners for damages—agreed cases—suits—arbitration. The said commissioner and register have full power and authority, and it is hereby made their duty, to settle and arrange all claims and demands preferred and presented by any mill owner on said river, for damages or otherwise; but in so doing, shall take into view all of the circumstances of advantage to said mill owners as well as their delays, and to settle such controversies; have the right to make agreed [138] cases for hearing before any court of competent jurisdiction, or to make any other arrangement that they may deem expedient. Suits may be brought against the commissioner by the name of "A. B. commissioner of the public works of the state of Iowa," and such suits may be brought not only for liabilities incurred by himself but also for those for which the late board of public works might have been sued. The commissioner has power in all cases to settle with contractors or other creditors of the Des Moines river improvement fund, and to submit any controversy that may arise on those subjects to an arbitration when the same cannot be settled amicably.

SEC. 29. May contract for completion of work, etc. That if the commissioner and register can contract for the completion of the entire improvement below Keosauqua, including the canal below St. Francisville with any company or companies by pledging the entire net proceeds arising from the sale of the lands lying below the Raccoon Forks, and water rents and tolls below Keosauqua, they are hereby authorized so to do, any thing in this act to the contrary notwithstanding.

SEC. 30. Repeal. All acts and parts of acts coming in conflict with the provisions of this act are hereby repealed.

SEC. 31. Take effect. This act to take effect and be in force from and after its publication in the "Des Moines Republic" and "Keosauqua Jeffersonian."

Approved, February 5, 1851.

Published in Keosauqua Jeffersonian February 17th, and Des Moines Republic, February 13th, 1851.

[139] CHAPTER 59.

RIGHT OF WAY.

AN ACT granting the Mount Pleasant, Trenton, Deedsville and Brighton plank road and bridge company the right of way.

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

SECTION 1. Right of way. That the Mount Pleasant, Trenton, Deedsville and Brighton plank road and bridge company is hereby authorized to lay out their road, between the towns of Mount Pleasant, Trenton, Deedsville and Brighton, on such grounds as may be deemed suitable for that purpose, including any portion of the public highway; provided, the traveling on such highway is not thereby interrupted.

SEC. 2. Roadway—private property. The quantity of ground to be thus taken shall be merely a roadway, not exceeding sixty feet in breadth; and when private property is thus taken a fair equivalent must be paid therefore before the property can be appropriated by the company.

SEC. 3. Owner must apply—deed. When the proprietor of any land thus taken is legally competent to act for himself, and has received personal notice of the laying out of the road through his land, he must within ten days after receiving such notice, apply to the sheriff of the county in which the land lies for a jury to assess the amount of damages he may sustain, or he shall be held to have accepted of the largest amount of damages offered him by the company, and on the payment or tender of which sum, the company is entitled to a deed for the right of way.

SEC. 4. Minors, etc. If the proprietor of the land is a minor, or otherwise incompetent to act for himself, or if he has not been personally served with notice of the laying out of the road as aforesaid, the jury aforesaid must be called for by the company.

SEC. 5. Sheriff to summon jury. When called upon in either of the above methods, the sheriff must as soon as practicable, summon nine persons qualified to act as ordinary jurors, as between the parties, and who are not interested in a similar question, a time and place must be appointed for the meeting, and reasonable [140] notice thereof given to the parties or their agents or guardians, unless they are already acquainted with those facts.

SEC. 6. Panel. At the time appointed, if the requisite number of qualified jurors do not appear, the sheriff must complete the number; the parties then commencing with the agents of the company, shall in turn proceed to strike off one juror each, until only three remain.

SEC. 7. Parties may agree. If either party fails to strike off jurors in the manner aforesaid, the sheriff shall do the same in his place; but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. Jury assess—deed—appeal—not prevent—costs. The three jurors so selected must then proceed to examine the ground and decide upon the amount of damages that should be paid by the company for the right of way aforesaid; upon the payment of which amount, the company is entitled to a deed for the right of way: provided, that either party dissatisfied with the decision of the jury shall have the right to appeal to the district court of the county wherein said land is situated, at any time within thirty days from the making of said decision; but such appeal shall not prevent the prosecution of the work upon said road: provided, the company shall first have paid or tendered the amount adjudged by said jury; and in no case shall the company be liable for costs on an appeal, unless the appellant recover a greater amount of damages than first awarded.

SEC. 9. Purposes. The right of way acquired by virtue of this act may be retained for any of the purposes contemplated in the articles of incorporation of the company, but no other.

SEC. 10. Agent. Any of the notices aforesaid, if served on an agent of the proprietor of the land, are to have the same effect as if served upon the principal.

SEC. 11. Fees. The sheriff and jurors are entitled to the same compensation as is provided for in other cases for similar services; and all the expenses caused by the proceedings above authorized must be borne by the company.

SEC. 12. Take effect—expense of publication. This act shall be in full force from and after its publication in the "Iowa Observer" and "Iowa True Democrat," [141] papers published in Mount Pleasant. The expenses of publication to be paid by the company.

Approved, February 5, 1851.

CHAPTER 60.

SUPREME COURT.

AN ACT to amend an act to reorganize the supreme court.

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

SECTION 1. **Term to be held at Ft. Des Moines.** That there shall be a term of the supreme court holden in Fort Des Moines, in the county of Polk, in this state, on the first Monday of November, 1851, and annually thereafter.

SEC. 2. **Cases in 5th judicial district to be returned to Fort Des Moines.** That all cases of appeal or writs of error taken to the decisions of the district court in the fifth judicial district shall be returned to the supreme court at Fort Des Moines.

SEC. 3. **Act of Jan. 22, 1848, to apply.** That the provisions of an act to reorganize the supreme court, approved January 22d, 1848, shall apply to the holding of the said supreme court to be holden at Fort Des Moines, the same as if the terms herein provided for had been mentioned in said act.

SEC. 4. **Repeal.** An act to amend an act to reorganize the supreme court, approved January 22d, 1848, which amendatory act was approved January 15th, 1849, be and the same is hereby repealed.

Approved, February 5, 1851.

[142] CHAPTER 61.

CITY OF DUBUQUE.

AN ACT supplemental to an act approved January 18, 1851, amendatory to an act to incorporate and establish the city of Dubuque.

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

SECTION 1. **Tax.** That the authorities of the city of Dubuque are hereby authorized to levy and collect, on all property subject to taxation within said city, at the rate of one per cent. on the valuation thereof, to be in no case expended or applied for any other purpose than the improvement of the harbor of said city.

SEC. 2. **Extends two years.** The authority granted in the first section of this act shall be and remain in force for and during the term of two years and no longer; provided, the assessment of tax and the collection thereof shall be governed by the rules and regulations prescribed in this act, amended by the act to which this is supplemental.

SEC. 3. **City council to control.** The assessment and amounts to be collected as contemplated in this act, shall be under the control of the said city council, as to the collection of said tax, whether the same shall be collected in cash or otherwise.

SEC. 4. **Take effect.** This act shall take effect or be in force from and after its passage.

Approved, February 5, 1851.

CHAPTER 62.

CITY OF KEOSAUQUA.

AN ACT to incorporate the city of Keosauqua.

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

SECTION 1. Boundaries — incorporation — powers — government — officers. That all that part or tract of land recorded by James [143] Hall and Company, in the office of the recorder of deeds for Van Buren county, as the town of Keosauqua, the north-west quarter of section thirty-six, in township number sixty-nine north, of range ten west, of the fifth principal meridian, and also all territory lying in section thirty-five, in said township and range as lies east of the following line: commencing at a point where the section between sections thirty-five and thirty-six crosses the south-western boundary of said town of Keosauqua as surveyed by William D. McBride; thence north $32\frac{1}{4}$ " west, to a stone, making the boundary of said town of Keosauqua, and placed on the southern line of the north-east quarter of said section thirty-five; thence due north to a point on the northern line of said north-east quarter of said section thirty-five, forty rods west of the north-east corner of said section; thence east to said north-east corner of said section thirty-five, shall be and is hereby declared to be a city by the name and style of the City of Keosauqua, and the inhabitants thereof are hereby created a body corporate and politic, with perpetual succession, by the name and style of the City of Keosauqua, and as such by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, in all matters whatsoever, and also of purchasing, using, occupying and conveying real, personal and mixed estate, and may have and use a corporate seal, and may change, alter and amend the same at pleasure, and shall be competent to have, exercise and enjoy, all the rights, immunities, powers and privileges, and be subject to all duties and obligations incumbent upon and appertaining to a municipal corporation; and for the better ordering and governing said city, the exercise of the corporation powers of the same hereby and herein granted, and the administration of its fiscal, prudential and municipal concerns, with the conduct, direction and government thereof, shall be vested in a mayor and aldermen consisting of seven members, to be denominated the city council, together with such other officers as are hereinafter mentioned and provided for.

SEC. 2. Vested rights of city. That the said city of Keosauqua shall be, and hereby [144] is invested, as the lawful owner and proprietor, with all the real, personal and mixed estate, and all the rights and privileges thereof, together with all the property, funds and revenues, and all monies, debts, accounts and demands due and owing or in any wise belonging to said city, or which by or under the authority of any former act or acts have been acquired, vested in, or is, or may be owing or belonging to the city of Keosauqua, together with all rights, interests, claims and demands in favor of or against said city, may be continued, prosecuted, defended and collected, in the same manner as though this act had never been passed.

SEC. 3. Election of city officers—city council—judges—term—journal—meet and take oath of office. That the qualified electors of said city shall, on the first Monday in April, anno domini, eighteen hundred and fifty-one and annually on the same day thereafter, elect a mayor, who shall have resided in said city one year, and the qualified electors shall at the same time elect six aldermen, who shall have resided in said city one year; and the

mayor and the aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. They shall be the judges of the election returns and qualifications of their own members, and shall continue in office for the term of one year, and until their successors shall be chosen and qualified. They shall determine the rules of their proceedings and keep a journal thereof, which shall be open to the inspection and examination of every citizen, and may compel the attendance of absent members in such manner and under such penalties as they may prescribe, and they shall meet at some convenient place in said city on the second Monday in April, and after taking the oaths of office before some officer qualified to administer oaths; shall elect from their own body a president *pro tempore*.

SEC. 4. Recorder—assessor, marshal, collector, etc.—duties—fees—security. The city council, when convened on the second Monday in April, shall proceed to elect a recorder, who shall attend all meetings of the said council, and keep a record of all their proceedings; shall keep the corporate seal, and perform such other duties as the said council shall ordain and prescribe; they shall also appoint an assessor, a marshal [145] and collector, and treasurer of the said city, and such other subordinate officers as they shall think necessary and proper. The city council shall define the duties of the several officers appointed or elected by said council, subject to the provisions of this act; shall fix the nature and amount of compensation for their services, and shall require such security as they shall deem proper for the faithful discharge of their several offices.

SEC. 5. Proclamation for election—returns—record of election—vacancies by failure to elect—notice to officers elect—failing to qualify office vacated—judges and clerks. That in all elections for city officers, it shall be the duty of the mayor to issue a proclamation to the qualified voters of said city, setting forth the time of such elections, the place or places where the same shall be holden, the officer and officers to be chosen, and cause such proclamation to be posted up in three of the most public places in said city, at least ten days previous to such election. And every such election shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon, and shall in all things be conducted agreeably to the laws regulating township elections for the time being, and it shall be the duty of the judges of said elections within two days thereafter, to make and direct the returns thereof to the mayor of said city, at his office, in the same manner that election returns are required to be made by the township trustees for the time being: provided, that in all the elections for mayor the returns shall be made and directed to the president *pro tempore* of the city council, and the mayor or president *pro tempore* of the city council, as the case may be, shall within five days after such election, open the returns which shall have been made as aforesaid, and shall make an abstract of all the votes and file the same with the city recorder, who shall make a record thereof in a book to be kept by him for that purpose, and the person or persons having the highest number of votes shall be declared duly elected; but if from any cause the qualified voters or any of the respective wards, as the case may be, should fail to effect any election at the time and in the manner herein provided, the mayor shall forthwith issue his proclamation for a second or other election, which in all things shall be notified, conducted, regulated, and the returns thereof made in and by this [146] act is prescribed, and the person or persons who shall be chosen at any such second or other election shall hold their offices until the next ensuing annual election, and until their successor or successors in office shall be elected and qualified; and it shall be the duty of the mayor or president

pro tempore of the city council immediately to notify such person or persons who may be elected as aforesaid, of his or their election, by causing a written notice thereof to be served upon him or them by the city marshal; and every person so chosen or elected as aforesaid, shall within ten days after his election, cause himself to be qualified to enter upon the duties of his office, and in default thereof, the office to which he shall have been elected, shall be deemed and considered in law to be vacated; and it shall be the duty of the city council to prescribe the time and manner, and provide the place or places, of holding all elections in said city for city officers, and of making the returns thereof not herein otherwise directed, and prescribed; and the said city council shall appoint judges and clerk for all city elections.

SEC. 6. Qualification of voters—voter challenged to take oath. That each and every white male citizen above the age of twenty-one years who shall have been a resident in said city six months immediately preceding any election for city officers, shall be deemed a qualified voter of said city, and shall be entitled to vote in the same or in the ward where he may reside for mayor, aldermen and such other officers as are in and by this act directed to be chosen by the qualified voters of said city, or of their respective wards therein, and all others which by public ordinance may be required to be chosen or elected; and when any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the requisite qualifications of an elector who has previously given his vote at such election, the judge of said election shall tender to such person an oath or affirmation in the following form to wit: I, A. B. do solemnly swear or affirm (as the case may be) that I am a citizen of the United States, and that I have been a resident of this city six months immediately preceding the election; am a resident of this ward, if wards have been established, and to the best of my knowledge and belief have attained the age [147] of twenty-one years, and that I have not voted at this election.

SEC. 7. Member of council ineligible. That no member of the city council shall be eligible to any office within the gift of the city council during the year for which he may have been elected, nor shall any member of the city council be interested directly or indirectly, in the profit of any contract or job for work or services to be performed for the city.

SEC. 8. Mayor, his powers, etc.—appeal—conservator of peace—fees. That the mayor of the city of Keosauqua, who shall be elected by the provisions of this act, shall be, and is hereby invested with all the powers now granted by law to justices of the peace within this state, for the purpose of hearing, trying and determining all offences committed against the ordinances of said city, and shall have jurisdiction within said corporation over all subjects, civil and criminal, as is now or hereafter may be conferred by law upon justices of the peace within this state; and the same right of appeal or writ of certiorari from the judgment of said mayor in civil cases, shall be allowed as is now or hereafter may be authorized by law from the judgment of justices of the peace within this state; and the said mayor shall also be a conservator of the peace within the limits of said city. That the said mayor shall, as near as may be, conform to, and be governed by, the several acts in relation to justices of the peace now in force and which have heretofore been passed by the council and house of representatives of the territory, and by the general assembly of the state of Iowa. That the said mayor shall be allowed such fees for his services as are now or that hereafter may be allowed by law to justices of the peace for like services.

SEC. 9. Sign laws—preside—casting vote. That the mayor shall sign all by-laws and ordinances adopted and passed by the city council, and see that the same are published six days before they go into effect. He shall preside when present at the meetings of the city council and be denominated

president of the same, and when there is a tie, shall give the casting vote; he shall do and perform such other duties as the city council may prescribe and determine, not inconsistent with the provisions of the charter.

SEC. 10. Official oath—bond—fees—fine for neglect of duty—recorder's duty. That the recorder, marshal and collector, and treas- [148] urer, and all other officers under the government of said city shall, before entering upon the duties of their several offices, take an oath or affirmation to support the constitution of the United States, and of this state, and faithfully and impartially to perform the several duties of their offices, to which they may have been respectively elected or appointed, and when required shall give such bond to the city, with good and sufficient security, in such sum or sums, and with such conditions thereto, as the city council may from time to time direct; and in all cases not herein provided for, shall respectively be allowed and receive such fees and compensation for their services, and be liable to such fines, penalties and forfeitures, for negligence, carelessness, misconduct in office, and positive violation of duty, as the said city council shall order and determine. And it shall be the duty of said recorder to keep the seal of said city and all the records, papers and official documents thereunto belonging; he shall keep fair books wherein shall be kept the accounts of the city, attest all orders issued by the city council for payment of money, and enter the same in numerical order in a book to be kept for that purpose, and shall perform such other duties as shall be required of him by ordinance.

SEC. 11. Time and place of meeting of council—subordinate officers—powers and duties. That the city council shall provide for the times and places of holding their meetings not herein otherwise provided for, which shall at all times be open to the public. They shall provide by ordinance for the election by the qualified voters of said city, of such other city officers whose election is not herein otherwise provided for, as shall be necessary for the good government of said city, and the due exercise of its corporate powers, and which shall have been provided for by ordinance; and all city officers whose term of service is not prescribed and whose powers and duties are not defined in and by this act, shall perform such duties, exercise such powers, and continue in office for such term of time, not exceeding one year, as shall be prescribed by ordinance.

SEC. 12. Council to fill vacancies—pro tem. That whenever the office of mayor, councilman, treasurer, marshal, recorder or any other office in and by this act specified and provided for, shall become vacant by death, resignation, removal from the city or otherwise, it shall be [149] the duty of the city council, as soon as may be, to appoint some suitable person having the requisite qualifications to fill such vacancy, and the person so appointed shall continue in office during the remainder of the term for which his predecessor was elected, and in case of sickness or temporary absence of the mayor, the duties of his office during such sickness or temporary absence, shall be discharged by the president pro tempore who shall be obeyed and respected accordingly.

SEC. 13. Powers and duties of city council—fire, and violation of peace—gaming—ordinance. That the said city council shall have power, and it is hereby made their duty, to make and publish from time to time, all such ordinances as shall be necessary to secure said city and the inhabitants thereof, against injuries by fire, thieves, robbers, burglars and all other persons violating the public peace; for the suppression of gambling and riots, and indecent and disorderly conduct; for the punishment of all lewd and lascivious behavior in the streets and other public places in said city. They shall have power, from time to time to make and publish all such laws and ordinances as to them shall seem necessary to provide for the safety—preserve the health—

promote the prosperity, and improve the morals, order, comfort and convenience of said city, and the inhabitants thereof; to impose fines, forfeitures and penalties on all persons offending against the laws and ordinances of said city, and provide for the prosecution, recovery and collection thereof, and shall have power to regulate by ordinance the keeping and sale of gunpowder within the city.

SEC. 14. Fire companies—landings, wharfage, etc. That the city council shall have power to establish and organize fire companies, and provide them with proper engines and such other instruments as shall be necessary to extinguish fire and preserve the property of the inhabitants of said city from conflagration, and they shall have power to establish and constitute landing places, wharves, docks and basins, in said city, at or on any of the city property, and fix the rates of landing, wharfage and dockage of all steamboats, boats, rafts and other water crafts, and of all goods, wares, merchandise, produce and other articles that may be moored at, landed on, or taken from any landing, wharf, dock or basin belonging to said city.

[150] **SEC. 15. Council may prohibit building other than brick or stone.** That for the purpose of more effectually securing said city from the destructive ravages of fire, the said city council shall have power and authority, on the application of three-fourths of the whole number of owners and proprietors of any square or fractional square in said city, to prohibit in the most effectual manner, the erection of any building or an addition to any building before erected, more than ten feet high in such square or fractional square, except the outer walls thereof shall be composed entirely of brick or stone and mortar, and to provide for the most prompt removal of any building, or addition to any building, which may be erected contrary to the true intent and meaning of this section.

SEC. 16. Council may regulate taverns, groceries, etc.—may license or refuse—revoke. That the city council shall have power, and it is hereby made their duty, to regulate by good and wholesome laws and ordinances, all taverns, ale, beer, cider and porter shops, and places where spirituous or vinous liquors are sold in less quantities than one gallon, and all other houses of public entertainment in said city; all theatrical exhibitions and public shows, and all exhibitions of whatever name and nature, where admission is obtained on payment of money or any other reward. And the city council shall have full and exclusive power to grant or refuse license to tavern keepers, inn-holders, retailers of spiritous liquors by less quantities than one gallon, keepers of all porter, cider, beer houses and shops, and all other houses of public entertainment, showmen, keepers and managers of theatrical exhibitions, sale of goods, wares, merchandise, horses and other animals at public auction; keepers of billiard tables, ball and ten pin alleys, keepers of ferries and bridges, from said city, across the Des Moines river to the opposite shore; to exact, demand and receive such sum or sums of money as they shall think reasonable and expedient, to annex thereto such terms and conditions in regard to time and place, and other circumstances under which such license shall be acted upon, as in their opinion the peace, quiet, and good order of society and said city may require. And for the violation of said terms and conditions as aforesaid, the city council shall have power to revoke or suspend any such license whenever the good order [151] and welfare of said city may require it, in such manner as shall be provided for by ordinance.

SEC. 17. Nuisances—may sell lot—redemption. That the city council shall have power, and they are hereby authorized to require and compel the abatement and removal of all nuisances within the limits of said city under such regulations as shall be prescribed by ordinance, to cause the ground therein, where water shall at any time become stagnant, to be raised, filled

up, or drained, and cause all putrid substances of either animal or vegetable, to be removed; and to effect these objects the said city council may from time [to time] give orders to proprietor or proprietors, or to his, her or their agent or agents and to the non-resident proprietors who shall have no agents therein, notice by publication in one or more of the newspapers printed in said city for the period of two weeks, of all or any ground subject at any time to be covered with stagnant water, to fill up, raise or drain such ground at their own expense, and the said city council shall designate how high such grounds shall be filled up and raised or in what manner they shall be drained and fix some reasonable time for filling up, raising or draining the same, and if such proprietor or proprietors, or agents shall neglect or refuse to fill up or drain such grounds in such manner and within such time as the said city council shall have designated and fixed, they shall cause the same to be done at the expense of the city and assess the amount of the expenses thereof, on the lot, or lots of ground so filled up, raised or drained as aforesaid and place the assessment so made as aforesaid in the hands of the city collector, who shall proceed to collect the same by the sale of such lot or lots, if not otherwise paid, in such manner and under such restrictions and regulations as may be prescribed by ordinance; provided, the proprietor or proprietors shall have the privilege and right to redeem such lot or lots within one year after such sale by paying to the purchaser or purchasers the amount by them paid, together with twenty-five per cent. interest thereon.

SEC. 18. Supervisors—prohibit animals from running at large—drays, etc. That the said city council shall have the exclusive power of appointing supervisors and other officers of streets and highways within the said city, and if collected in money [152] or labor any sum not exceeding one dollar annually as a road tax, from each and every person liable by law to pay such tax or labor, on the highways. They shall have power whenever the public convenience or safety shall require it, to prohibit hogs, cattle, horses and all animals from running at large in the streets, lanes, alleys, commons and other public places in said city, they shall have power to license and regulate all carts, wagons and drays and every description of two and four wheeled carriages which may be kept in said city for hire, and all livery stables, brokers and loan offices.

SEC. 19. Schools. That said city council shall have power whenever they deem it expedient, to provide for the establishment and support of public schools within said city; and to pass all ordinances necessary and proper for the good government of the same.

SEC. 20. Finances—publish receipts and expenditures. That all money raised, recovered, received or collected by means of any tax, license, penalty, fine, forfeiture, or otherwise made under the authority of this act, or which may belong to said city, shall be paid into the city treasury and shall not be drawn therefrom except by order or under the authority of the city council; and it shall be the duty of the city council to liquidate and settle all claims and demands against said city, and to require all officers, agents or other persons entrusted with the disbursements or expenditure of the public money to account to them therefor at such time and in such manner as they may direct, and they shall annually cause to be published for the information of the citizens, a particular statement of the receipts and expenditures of all public monies belonging to said city, and also of all debts due and owing to and from the same. And the city council shall have power to pass all such laws and ordinances as may be necessary and proper to carry into effect the powers herein and by this act granted.

SEC. 21. Laws and ordinances not to take effect until published. That every law or ordinance of said city before it shall be of any force or validity, or in any manner binding on the inhabitants thereof or others, shall be signed by the mayor and published in one or more newspapers in said city, or by posting up three written or printed notices of the same, [153] in three of the most public places in said city at least six days previous to the taking effect of the same.

SEC. 22. Grade of wharves and streets. The city council shall have exclusive power to establish and regulate the grades of wharves, streets and banks along the Des Moines river within the corporate limits of said city.

SEC. 23. Process—try offenders—costs—imprisonment—fees—criminal. And the mayor within said city shall have full power and authority, and it is hereby made his duty at such times as complaint and application shall be duly made before him, to issue all needful process for the apprehension of offenders against any of the by-laws, ordinances or regulations of said city, and to hold a court for the trial of all offenders within said city, and the same to fine, imprison, or discharge as the by-laws, ordinances and regulations of said city and the facts of the case may require, and for that purpose he is authorized and required to cause to come before him when necessary, a jury of six citizens of said city, who shall be qualified voters of said city; and all such offenders on conviction, shall be liable for the costs of prosecution and judgment shall go accordingly, and in case of acquittal the same shall be paid by the corporation having first been allowed by the city council; and shall be executed and returned by the marshal within said city, and until other provisions shall be made by the city authorities, it shall be lawful to commit all offenders against said by-laws, ordinances and regulations, on conviction, to the jail in Van Buren county, and in case where a portion or all the punishment shall be imprisonment, the keeper of said jail is hereby required to receive such person or persons, on the proper warrant of the mayor, into his custody in the same manner as in ordinary cases, and all expenses of such imprisonment, in cases where the same cannot be collected from the person or persons convicted and imprisoned, shall be paid out of the city treasury. The fees of the mayor, marshal or jurors in such cases shall be the same as are allowed by statute in similar cases for the state of Iowa. The said mayor is also hereby authorized to issue all needful process to arrest any offenders against the criminal laws of the state, and shall proceed [154] to try said person or persons by the same rules that govern justices of the peace.

SEC. 24. Marshal, his duties. The city marshal shall, within the city, in matters of criminal or civil nature arising under any law of the state, possess the same powers, perform the same duties, and receive the same compensation, as either constable in Van Buren township. He shall execute and return all process issued by the mayor under this act or any ordinance of the city.

SEC. 25. Trials, summary manner. That all trials for the violation of the by-laws, ordinances and regulations, shall be in a summary manner, and that no person shall for any offense be deprived of his or her liberty, or be fined in any sum not less than one nor more than fifty dollars unless convicted by a jury of six citizens of said city qualified to vote as aforesaid.

SEC. 26. Real and personal property—cannot sell without consent of voters. That the said city council shall have the custody, care and management of all personal, real or mixed estate, and other corporate property of said city, and all the real, personal and mixed estate, money, funds and resources which from time to time may be owned by, or of right belonging to said city, with full power to purchase, hold possess, use and occupy and

to sell and convey the same, for the use and benefit of the said city and the inhabitants thereof; provided, that the city council shall not have power to sell any real estate belonging to the said city of Keosauqua, unless the qualified voters thereof in pursuance of ten days previous notice given by order of the city council, and published in one or more of the newspapers printed in said city, setting forth the time, place and purpose of voting, and there shall be a majority of written or printed ballots given expressing their assent thereto.

SEC. 27. Tax. The city council shall have power to levy an annual tax upon all property real and personal within the limits of the said city, subject to taxation for county revenue to carry into effect the provisions of this act; provided, that no such tax shall in any one year exceed one-half of one per cent. upon the assessed value of the property upon which the same is levied.

SEC. 28. Duplicate—collector to collect and pay over—may correct. The city council shall make out a duplicate of taxes [155] in proportion to the valuation of the property of each individual in said city, on or before the first day of May in each year, to be signed by the mayor and countersigned by the recorder, which duplicate shall be delivered to the collector of said city whose duty it shall be to proceed to collect the same, within such time and in such manner as the by-laws or ordinances of the said city shall require, and to pay over the amount of such tax so collected, upon an order of the city council signed and countersigned in the same manner as provided for said duplicate; provided, that the said council shall have power on the complaint of any person aggrieved, to correct or amend any illegal or erroneous assessment before making out or delivering such duplicate to the collector.

SEC. 29. Collector may sell personal and real estate—publication. The collector shall have power to sell personal property, and for want thereof, to sell real estate for the non-payment of taxes within said city; giving the purchaser a certificate of such sale setting forth a brief description of the property so sold, and at what time he will be entitled to a deed, which certificate shall be assignable by endorsement thereon, but no real estate shall be sold for the non-payment of such taxes unless the assessment of such tax or taxes shall have been duly notified by publication for at least six consecutive weeks before the day when the said taxes are payable, in some newspaper published in said city or by notice posted for the same length of time in some public place in each ward thereof, nor unless the intended sale of such real estate shall have been notified in the same manner and for the same length of time prior to such sale.

SEC. 30. Redemption—deed. All real estate sold under or by virtue of section twenty-nine, may be redeemed by the owner thereof at any time within two years from the date of the sale thereof, by paying the amount of the taxes for which the same was sold with costs of advertising and sale and fifty per cent interest per annum upon the whole amount of such taxes and costs, but if any real estate so sold remain unredeemed at the expiration of two years from the date of the sale thereof, the collector of said city shall upon the payment of a fee of one dollar to him by the purchaser of such real estate at said sale [156] his assignee or legal representative make, execute and deliver a deed of such real estate to the said purchaser or his assignee or representative.

SEC. 31. Council may submit question to borrow money. That whenever in the opinion of the city council it is expedient to borrow money for any public purpose the question shall be submitted to the citizens of Keosauqua, the nature and object of the loan shall be stated, and a day fixed for the

electors of said city to express their wishes, the like notice shall be given as in cases of election, and the loan shall not be made unless two-thirds of all the votes polled at such election shall be given in the affirmative.

SEC. 32. Build a bridge at Keosauqua. That twenty days at least before the said city council levy the tax for the city purposes for the year 1851, they shall give notice by posting up notices in six of the most public places in said city, submitting to the voters of said city the question whether a tax shall or shall not be levied under the restrictions hereinafter provided, toward the erection of a bridge across the Des Moines river at Keosauqua, they shall specify in said notice the time and place, when and where said vote shall be taken and established all needful rules regulating the same, consistent with law.

SEC. 33. Three-fourths vote—tax levied. Should three-fourths of the voters voting at said election vote in favor of levying said tax, it shall be the duty of the said city council at the time they levy a tax for city purposes for the year 1851, to levy an additional tax upon all the real and personal estate within the incorporated limits of said city, excepting that set apart for public uses, of not more than two and a half per cent. upon the assessed value thereof, and from said vote so taken they shall be also authorized to levy a tax for the year 1852, at the time of levying the city tax for said year.

SEC. 34. Levy and collection. In making the levy they shall take the assessment returned by the proper officer as the proper basis, and the same shall be collected by the same officer and in the same manner as the city tax is required to be collected, except as herein otherwise provided, the same shall constitute a fund separate and distinct from all other means belonging to the city and shall be used exclusively for the purpose of building the bridge aforesaid.

[157] **SEC. 35. Demand—distress and sale.** The tax so levied shall be received by the city collector up to the first day of August next after its levy, and if not paid then the proper officer shall proceed to collect the same, or that remaining unpaid by distress and sale of the personal property of the owners against whom such tax is assessed, if any is to be found, and if no such personal property is found subject to such distress and sale, the proper officer shall immediately after the first day of September the next following, proceed to advertise and sell such real estate upon which said taxes remain unpaid in the same manner and with like effect as sales of real estate for tax due for city purposes are advertised and sold.

SEC. 36. Receipt—stock. The collector shall deliver to the person paying said tax, duplicate receipts, specifying the amount paid and the description of the property upon which said tax was paid, and upon the deposit of one of said receipts with the treasurer of the Keosauqua bridge company said company shall cause to be issued to such individual a certificate declaring him entitled to stock in said bridge company, to the amount of such tax and he shall accordingly so become a stockholder.

SEC. 37. Bridge money paid company proviso. Said tax hereby authorized for bridge purposes, shall be paid into the city treasury, shall be kept separate, and shall there remain subject to the order of the said bridge company at present or hereafter organized: provided, that before said tax shall be so paid over, the said company shall be recognized as such by the city council by order upon the records, and the said company shall cause a copy of their articles of incorporation to be filed with the city records.

SEC. 38. City warrants not received. City warrants shall not be received in payment of the said tax for bridge purposes and the fund so raised shall be appropriated entirely for said purpose, without any deduction for pay

of officers; but the city council shall allow the proper officers reasonable compensation for their service herein.

SEC. 39. Any person may pay tax and obtain cost. Whenever the collector is authorized to collect the tax so levied for bridge purposes, by distress, any person may voluntarily pay said tax upon any property so assessed and taxed, and he shall be entitled to receive from said collector duplicate receipts, and by filing one of the same as [158] above provided, the person so paying the tax shall be entitled to stock in said company, in the same manner as above provided; but he shall not thereby have any lien upon the property on which he shall so voluntarily pay taxes.

SEC. 40. Present officers of city to have power. That the present mayor and aldermen of the city of Keosauqua, shall have all power and authority granted in this charter to the mayor and aldermen, and the said mayor and aldermen are hereby authorized to perform all the duties prescribed in this charter from and after its passage, until their successors in office shall be elected by the citizens of Keosauqua, and qualified to fill such office.

SEC. 41. Public act. That this act shall be taken and received in all courts and by all judges, magistrates and other public officers, as a public act, and all printed copies of the same which shall be printed by, and under the authority of the senate and house of representatives of the state of Iowa, shall be admitted as good authority thereof, without any other proof whatsoever.

SEC. 42. Repeal. That all acts and parts of acts heretofore passed relative to the incorporation of said city of Keosauqua, and coming within the perview of this act, be and the same are hereby repealed.

SEC. 43. To take effect. This act shall take effect and be in force from and after its passage.

Approved, February 5, 1851.

CHAPTER 63.

DES MOINES RIVER IMPROVEMENT.

AN ACT supplemental to an act providing for the more vigorous prosecution of the Des Moines river improvement etc., approved Feb. 1st 1851.

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

SECTION 1. Secretary of board of public works to record deeds—fees. That the present secretary of the board of public works, be and he is hereby authorized, to make out and record all deeds for lands sold by the board of public works up to the [159] date of the taking effect of the act to which this is supplementary, and, that he be allowed the fee as provided by the 5th section of an act providing for the re-organization of the board of public works etc., approved January 15th, 1849.

SEC. 2. To be paid in lands—\$2 per acre—record books. That the register of the said land office allow said secretary, to enter lands to the amount of his fees for making out and recording said deeds, at the rate of two dollars per acre, and that they be delivered to the purchasers free of charge; provided, said secretary furnish the record books for said deeds free of charge to the state.

Approved. February 5th, 1851.

CHAPTER 64.

RIGHT OF WAY.

AN ACT granting the Fort Madison, West Point and Salem Plank Road Company the right of way.

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

SECTION 1. Right of way. That the Fort Madison, West Point and Salem plank road company, is hereby authorized to lay out their line of road, between the towns of Fort Madison and West Point, and between West Point and Salem, on such ground as may be deemed suitable for the purpose, including any portion of the public highways; provided, the traveling on such highways is not thereby interrupted.

SEC. 2. Road way width—private property. The quantity of ground to be thus appropriated by said company, shall be merely a roadway, not exceeding sixty-five feet in breadth, and when private property is thus taken, a fair equivalent must be paid therefor, before the property can be appropriated by such company.

SEC. 3. Damages—manner of obtaining—deed. Where the proprietor of any land thus taken is legally competent to act for himself, and has received personal notice of the laying out said road through his land, and declines to receive the amount tendered him by said company, he shall within ten days after receiving such notice apply to the sheriff of the county in which the land lies, for a jury to assess the [160] amount of damages he may sustain; or he shall be held to have accepted the largest amount of damages so tendered him by said company, and on which tender the company shall be entitled to a deed for such right of way.

SEC. 4. Minors, etc. In case the proprietor is a minor or otherwise incompetent to act for himself, or if he has not been personally served with notice of the laying out of the road as aforesaid, the jury aforesaid must be called for the company.

SEC. 5. Sheriff must summon—notice of time and place of meeting. When called upon in either of the above cases, the sheriff must as soon as practicable summons nine persons qualified as jurors in ordinary cases, and who shall not be interested in a like question. A time and place convenient for the parties must be designated by the sheriff for the meeting, and reasonable notice thereof given to the parties or their agents or guardians, unless already acquainted with the facts.

SEC. 6. Panel. At the time appointed, if the requisite number of qualified jurors do not appear, the sheriff must complete the number when the parties (commencing with the agent of the company) shall in turn strike off one juror each until only three remain.

SEC. 7. Parties may agree. If either party fails to strike off jurors in the manner aforesaid, the sheriff shall do the same in his place, but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. Jury to assess—deed—appeal—not prevent work. The three jurors so selected shall then proceed to examine the ground and decide upon the amount of damages that should be paid by the company for the right of way aforesaid upon the payment of which amount is entitled to a deed for such **right of way**; provided, that either party dissatisfied with the decision of the jury shall have the right of appeal to the district court of the proper county, at any time within thirty days from the making of said decision,

but such appeal shall not prevent the promotion of the work on said road; provided, further, the said company shall first have paid or tendered, the amount adjudged by said jury, and in no case when the appeal shall be taken by the owner, his agent or guardian shall the company be liable for costs unless [161] such appellant recover a larger amount of damages than was first awarded.

SEC. 9. **Purposes.** The right of way acquired by this act may be retained for any of the purposes contemplated in the articles of incorporation of said company, but for no other.

SEC. 10. **Agent.** Any of the notices aforesaid if served on an known agent of the proprietor of the land are to have the same effect as if served on the principal.

SEC. 11. **Fees—paid by company.** The sheriff and jurors are entitled to the same compensation as is provided for in similar cases for like service; and all the expenses caused by the proceedings above authorized must be paid by the company.

SEC. 12. **Take effect.** This act shall take effect and be in full force from and after its publication in the Iowa Statesman at Fort Madison and the Iowa True Democrat at Mount Pleasant, Henry county. The costs of said publication to be paid by said company.

Approved, February 5th, 1851.

CHAPTER 65.

RIGHT OF WAY.

AN ACT granting the Port Louisa, Wapello and Virginia Grove Plank Road and Bridge Company the right of way.

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

SECTION 1. **Right of way—bridge the Iowa river—must not obstruct.** That the Port Louisa, Wapello and Virginia Grove plank road and bridge company, is hereby authorized to lay out and construct a plank road from Port Louisa in Louisa county, through Wapello to Virginia Grove in said county, on such ground as may be deemed suitable for that purpose including any portion of the public highway; provided, the traveling on such highway is not thereby interrupted; and erect a bridge across the Iowa river at Wapello; provided, said bridge is so erected as not to interrupt materially the navigation of said Iowa river.

SEC. 2. **Width—private property.** The quantity of ground to be thus taken shall not [162] exceed sixty feet in width, and when private property is thus taken a fair equivalent must be paid therefor, before the property can be appropriated by the company.

SEC. 3. **Damages how obtained.** When the proprietor of any land thus taken is legally competent to act for himself and has received personal notice of the laying out of the road through his land, he must within ten days after receiving such notice, apply to the sheriff of said county for a jury to assess the amount of damages he may sustain, or he shall be held to have accepted of the largest amount of damages offered, and on the payment or tender of which sum the company is entitled to a deed for the right of way.

SEC. 4. **Minors, etc.** If the proprietor of the land is a minor or otherwise incompetent to act for himself, or if he has not been personally served with notice of the laying out of the road as aforesaid, the jury aforesaid must be called for by the company.

SEC. 5. **Jury.** When called upon in either of the above methods the sheriff must as soon as practicable summons seven persons competent to act as jurors between the parties and not interested in a similar question, to meet at a suitable time and place of which time and place notice must be given to the parties or their agents or guardians unless they are already acquainted with the facts.

SEC. 6. **Panel.** At the time appointed if the requisite number of qualified jurors do not appear the sheriff must complete that number; the parties then (commencing with the agents of the company) shall in turn proceed to strike off one juror each until only three remain.

SEC. 7. **Agree.** If either party fails to strike off jurors in the manner aforesaid the sheriff shall do the same in his place; but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. **Jury assess—payment—deed—appeal—not delay.** The three jurors so elected must then proceed to examine the ground and decide upon the amount of damages that should be paid by the company for the right of way aforesaid, and upon the payment of which amount the company is entitled to a deed for the right of way: provided, that either party dissatisfied with the decision of the jury shall [163] have the right to appeal to the district court of the county wherein said land is situated at any time within thirty days from the making of said decision, but such appeal shall not prevent the prosecution of the construction of said road: provided, the company shall first have paid or tendered the amount adjudged by said jury, and in no case shall the company be liable for costs on an appeal unless the appellant recover a greater amount of damages than first awarded.

SEC. 9. **Purposes.** The right of way acquired by virtue of this act may be retained for any of the purposes contemplated in the articles of incorporation of the company, but no other.

SEC. 10. **Agent.** Any of the notices aforesaid if served on an agent of the proprietor of the land, are to have the same effect as if served upon the principal.

SEC. 11. **Fees—how paid.** The sheriff and jurors are entitled to the same compensation as is provided for in similar cases for similar services, and all the expenses caused by the proceedings above mentioned must be borne by the company.

SEC. 12. **Ground for bridge—ferry landing.** That for the purpose of erecting said bridge, said company is authorized at the place of erecting said bridge, to take additional ground to the above not to exceed six hundred feet back on, and the same distance up and down the banks of said river; provided that the land so taken shall not interfere with the landings of any authorized ferry.

SEC. 13. **Toll.** That so soon as said bridge is completed, said company is authorized to take toll for passage over the same, not to exceed the amount which ferries at the said town of Wapello are authorized now to take.

SEC. 14. **Fast driving.** That persons passing over said bridge at a faster gait than authorized by said company, shall be liable to said com-

pany in damages in accordance with notices put up in conspicuous places on said bridge.

SEC. 15. Take effect—proviso. This act shall take effect from and after its publication in the Louisa county times; provided said company pays for the publication.

Approved, February 5th, 1851.

[164] CHAPTER 66.

RIGHT OF WAY.

AN ACT to grant to the Junction Rail Road Company the right of way.

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

SECTION 1. Right of way. That there is hereby granted to the Junction Rail Road Company, and to their assigns, the right of way, one hundred feet wide, for their rail road from Dubuque, to intersect the Camanche and Council Bluffs rail road, at or near Cedar river, in Cedar county.

SEC. 2. May be obtained in writing—if owner refuse, judge to appoint three freeholders—damages—company pay to clerk—appeal. That in obtaining the right of way for their said rail road over and across the lands of individual proprietors, the said company and their representatives, may provide in the manner following, that is to say, the grant of such right of way from individual owners, resident of the county in which such land is situated, or who has agents or guardians resident as aforesaid, may be obtained in writing over their hands and seal of such proprietors, or of his agent or guardian resident as aforesaid, and neither acknowledging or recording shall be necessary to the validity of such grant; and if the owner of any land on which said road may be located, shall refuse to grant the right of way for said road through his premises, the judge of the district court of said county in which said premises may be situated, shall, on application of either party, appoint three disinterested freeholders of the county, whose duty it shall be to inspect said premises, and assess the damages, if any, which said owner will sustain by the construction of said road, and make report in writing to the clerk of said court, who shall file and preserve the same, and if said company or their representatives, shall at any time before the actual entering upon said lands for the purpose of constructing said road, pay to said clerk, for the use of said proprietor, the sum so assessed and returned to him as aforesaid, they shall thereby be fully justified in constructing and maintaining said road on and across said premises, doing no unnecessary injuries to said lands: pro- [165] vided, that either party dissatisfied with the decision of said freeholders, shall have the right to appeal to the district court wherein said lands are situated, at any time within thirty days after said decision; but such appeal shall not delay the prosecution of the work upon said road: provided, the company shall first have paid or tendered the amount adjudged by said freeholders; and in no case shall the company be liable for costs on appeal, unless the appellant recover a greater amount of damages than first awarded; but the company shall in all cases pay costs of suit previous to the appeal.

SEC. 3. Non-residents—four weeks notice in newspaper—owner not applying proceedings same as sec. two. That if upon the location of said road it shall be found to run through the lands of any non-resident proprietor, the

said company or their representative, shall give four weeks notice to each proprietor if known, and if not known, by a description of such lands, by publication in some newspaper printed in Dubuque, that said road has been located through such lands, and if such proprietor shall not apply to such district judge within thirty days thereafter, to have the damages assessed in the mode prescribed in the preceding sections, said company or their representatives, shall proceed in the same manner to have the damages assessed as in section second, subject to the same right of appeal; and upon the payment of the damages so assessed, said company thereby shall acquire all rights, privileges and immunities, mentioned in said second section.

SEC. 4. Take effect. This act to be in force from and after its publication according to law.

Approved, February 5, 1851.

[166] CHAPTER 67.

FORT MADISON.

AN ACT to amend an act, entitled "an act to incorporate and establish the town of Fort Madison, and for revising and repealing all laws, and parts of laws, heretofore enacted on the subject."

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

SECTION 1. Corporation authorized to take stock—may borrow money. That the corporate authorities of the said town of Fort Madison, be and they are hereby authorized to take stock, not exceeding ten thousand dollars, in the Fort Madison, West Point and Salem plank road, and that for such purpose the authorities aforesaid, are hereby empowered to make a loan not exceeding that amount: provided, the time for the payment of the principal of such loan shall exceed fifteen years.

SEC. 2. May issue bonds—payment of interest. For the purpose of borrowing money as prescribed in the foregoing section, the authorities aforesaid, may issue bonds to the amount aforesaid, bearing such interest as they may deem advisable, not to exceed ten per cent per annum, which interest shall be paid annually by the treasurer of said corporation, out of the dividends accruing to said corporation from the proceeds of said plank road, and the deficiency, if any existing, in the amount of the said proceeds for the payment of the interest aforesaid, shall be made up from a fund to be raised by the assessment and levy of a tax upon all property within the corporation subject to taxation in other cases, and at the same time; but the rate of such assessment shall not exceed one quarter of one per cent upon the valuation of such property for state and county purposes.

SEC. 3. Before making loan question to be submitted to a vote. Before any loan shall be made, or money borrowed, as implied in section second hereto, the authorities of said town shall give written notice for ten days, by having the same posted up in two of the most conspicuous public places in each ward of said town, that an election, to be conducted as other town elections under the charter, will be held by the qualified voters, at the usual places of holding elections in [167] each ward for the purpose of deciding by ballot whether such loan shall be made, and if a majority of all the votes cast are in favor of the loan, then the authorities shall proceed to issue and sell the bonds of the corporation as above stipulated; but if a majority of the votes cast at such election be against such loan, said authorities shall

take no further action in the premises for the term [of] three months, when they may, at their discretion, order another election for the same purpose and under the same regulations.

SEC. 4. Supervisor, the town, his powers and duties. That the supervisor, appointed by the authorities of said town, shall enter into bond with two or more sufficient sureties in an amount to be prescribed by said authorities, to the mayor and aldermen, for the faithful discharge of the duties of his appointment, and that such supervisor shall be responsible to the authorities aforesaid in the same manner that supervisors of townships are responsible; and that in the work required by him on the roads leading from said town, and within one mile from the boundaries thereof, he shall have power to call out all persons liable for two days labor on the roads, residing within one mile as aforesaid, to work on the same conjointly with those who may be required to work on said roads from within the corporation, and his receipt to any such person for such labor, shall be good against any claim on such person for his said two days labor on the roads, for the proper year for which the work was required.

SEC. 5. Remain. The duties of the supervisor of the corporation, shall remain as heretofore, except when expressly changed by this act.

SEC. 6. Prohibition. Nothing in this act, or the one to which this is amendatory, shall be construed so as to give the corporate authorities of said town any authority to lease, or to make any permanent erection of any building or buildings, in or upon either of the public squares lying within and granted to said town, nor to interfere with their right or duty to fence, grade ornament, or otherwise improve said public squares.

SEC. 7. Take effect. This act to take effect and be in force from and after its publication in the "Iowa Statesman," at the cost of the town of Fort Madison.

[168] **SEC. 8. Repeal.** All parts of the act to which this is amendatory, as conflict with the provisions of this act, are hereby repealed.

Approved, February 5, 1851.

CHAPTER 68.

DISTRICT COURT.

AN ACT to attach certain counties to the fifth judicial district; and fixing the terms of the district courts, in the fifth and sixth judicial districts.

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

SECTION 1. Counties attached to 5th district. That the counties of Guthrie, Greene, Fox, Yell, Risley, Hardin, Wright, Humbolt, Pocahontas, Palo Alto, Kossuth, Hancock, Winnebago, Bancroft and Emmett, be, and the same are hereby added to, and made a part of, the fifth judicial district.

SEC. 2. Time of holding courts—Marion—Polk—Dallas—Madison—Warren—Monroe—Appanoose—Jasper—Boone—new counties. That the district courts shall be held in said district as follows:

In Marion county, on the first Monday in February; and the first Monday in September.

In Polk county, on the first Monday in March; and the second Monday in September.

In Dallas county, on the third Monday in September.

In Madison county, on the fourth Monday in September.

In Warren county, on the first Monday after the fourth Monday in September.

In Monroe county, on the first Monday in May; and the second Monday after the fourth Monday in September.

In Appanoose county on the second Monday in May; and the third Monday after the fourth Monday in September.

In Jasper county, on the fourth Monday in May.

In Boone county, on the first Monday in October.

In any new county organized, or to be organized in said district, at such times and places as the judge of the district shall appoint, until further provided for.

SEC. 3. Returns. All matters pending in or returnable to the terms here-[169] tofore fixed by law shall be deemed pending in and returnable to the terms hereby appointed.

SEC. 4. 6th district—Pottawattamie—Fremont—new counties. In the sixth district:

In Pottawattamie county, on the first Monday in May; and the first Monday in October.

In Fremont county, on the third Monday in May; and the third Monday in October.

In any new county, organized, or to be organized, in said sixth district; at such times, and places, as the judge of the district, shall appoint, until further provided for.

SEC. 5. Take effect. This act to take effect from and after its publication in the "Iowa Star" and "Des Moines Republic."

Approved, February 5, 1851.

Published in the "Iowa Star" Feb. 13th, and the "Des Moines Republic" February 20th, 1851.

CHAPTER 69.

SWAMP LANDS.

AN ACT in relation to the swamp lands within the state of Iowa.

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

SECTION 1. Commissioner to secure swamp lands. That the commissioner of the state land office is authorized to take such steps as he thinks necessary, in order to secure to the state, the swamp lands granted by the act of congress of the 28th of September, 1850, entitled "An act to enable the state of Arkansas and other states, to reclaim the swamp lands within their limits."

SEC. 2. Commissioner to direct county surveyor to examine, etc. For this purpose the commissioner when he has reason to believe there is any tract of swamp land within this state not reported as such by the United States surveyor, sufficient to justify a more particular examination, he shall direct the county surveyor of any county, in which said lands may be located, to make the examination, and provide the proofs necessary to secure such lands to the state, a list of which [170] shall be returned to the land commissioner, or the authority acting in that capacity, verified by affidavit, for which services the surveyor is entitled to two dollars per day for each and every

day actually employed; and for the purposes of this act, any unorganized county attached to another for election purposes in which an election precinct is organized, is declared to be a part of such organized county.

SEC. 3. Duties devolve on the governor. Previous to the election and qualification of the commissioner of the land office, the duties above prescribed shall devolve upon the governor, whose duty it shall be to procure from the surveyor general's office a list of the lands returned to that office as swamp lands, and take other steps in the premises as in his opinion are necessary to secure the best interests of this state.

SEC. 4. Compensation how paid. All compensation for services rendered, or expenses incurred, in carrying out the provisions of this act, must be made out of the proceeds of the sales of the said swamp lands.

SEC. 5. Surveyor may contract for levies, etc. Subject to the approval of the governor, the county surveyor is authorized to contract with individuals or companies for making the levies or drains necessary to reclaim any of the swamp lands of the state, by giving them a portion of the lands thus reclaimed or a portion of the proceeds thereof.

SEC. 6. Commissioner may dispose of lands. The commissioner may dispose of any of the swamp lands of the state, for such price as he may think them worth, as herein provided; for the purpose of ascertaining said value, the county surveyor and sheriff in any county in which such lands are located, may upon the direction of the commissioner, appraise such lands in such manner as the school lands are now appraised, for which they are to receive a sum not exceeding two dollars per day each, for all the time actually and necessarily expended in making examination and appraisal.

SEC. 7. Proceeds. The proceeds of the sales of such lands after paying all expenses incurred in selecting, appraising, selling and reclaiming such lands as are deemed worthy of reclaiming, shall be paid into the state treasury, subject to the disposition of the general assembly.

SEC. 8. Take effect. This act shall take effect and be in force from and [171] after its publication in the "Iowa Capital Reporter" and "Iowa City Republican."

Approved, February 5th, 1851.

Published in the "Iowa Republican" February 19th, and "Iowa Capital Reporter," Feb. 26th, 1851.

CHAPTER 70.

AGRICULTURE.

AN ACT for the encouragement of agriculture.

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

SECTION 1. Agricultural society entitled to money out of state treasury. That every incorporated county agricultural society now existing or hereafter to be organized according to law within this state, as soon as it raises an amount not less than twenty-five dollars, to be expended by such society for the encouragement of agriculture, will be entitled to a like amount out of the state treasury. But not more than fifty dollars in any one year shall be paid to the same society.

SEC. 2. File certificate. Every such society claiming the allowance aforesaid, must file in the auditor's office a certificate signed by its president and secretary specifying under the oath of one or both such officers the sum actually raised by the society, and state also the precise application of all sums, (if any) which were expended by such society for the encouragement of agricultural enterprise during the previous year.

SEC. 3. If not properly expended auditor to withhold. If such statement shows that the money previously obtained from the state treasury, (if any) was expended for the purpose herein contemplated, or if money has previously been obtained from the state treasury, the auditor shall issue his warrant for the proper amount. If the statement is incomplete he shall withhold the warrant until it is amended, and if it shows that the funds previously obtained together with an equal amount were not expended as herein contemplated, he shall withhold the warrant altogether.

Approved, February 5th, 1851.

[172] CHAPTER 71.

ROAD PETITIONERS IN JACKSON COUNTY.

AN ACT authorizing the county commissioners of Jackson county to require the petitioners to pay expenses for locating roads.

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

SECTION 1. Petitioners to give bond for payment of expenses. That hereafter the commissioners of Jackson county, are authorized, and it is hereby made their duty, to refuse to grant the location, or relocation, view, or review, of any road or roads in said county, unless the applicants will enter into bonds satisfactory to said commissioners, to pay all expenses arising therefrom.

SEC. 2. Expenses not to be paid by county. No person hereafter engaged or employed, in locating or relocating; viewing or reviewing any road or roads, in said county, shall receive any compensation for such services from the county treasury; provided, that the provisions of this act shall in no case apply to roads, the location, or relocation of which, may be authorized by the state.

SEC. 3. Take effect. This law to take effect and be in force from and after its passage.

Approved, February 5, 1851.

CHAPTER 72.

FREE NEGROES.

AN ACT to prohibit the immigration of free negroes into this state.

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

SECTION 1. Prohibited from settling in this state. That from and after the passage of this act, no free negro or mulatto, shall be permitted to settle in this state.

SEC. 2. Duty of township and county officers, etc.—constable, sheriff, etc. to arrest—justice or judge to fine and commit. It shall be the duty of all township and county officers, to notify all free negroes who may immigrate to this state, to leave the same within three days from the time of notice, and upon their failure to do so, it shall be the duty of [173] the constable of the proper township, sheriff of the county, marshal or other police officer of the town, to arrest such free negro, and take him or her before a justice of the peace or county judge, and it shall be the duty of such justice or judge to fine such free negro, the sum of two dollars, for each day he may remain in the state after such notice, and costs of such prosecution; and to commit such free negro to the jail of the county or the nearest one thereto, until such fine and costs are paid, or until he will consent to leave the state; provided, it shall be ascertained that he or she is unable to pay such fine and costs.

SEC. 3. Negroes now living in state may remain. That all free negroes now living in this state, who have complied with the laws now in force, shall be permitted to remain here, and enjoy such property as they may now possess, or may hereafter acquire.

SEC. 4. Negroes and mulatto's how determined. On the trial of any free negro under this act, the justice or judge shall determine from, and irrespective of his person, whether the person on trial comes under the denomination of free negro or mulatto.

SEC. 5. To take effect. This act to take effect, and be in force, by publication in the Iowa True Democrat, a weekly newspaper published in Mount Pleasant.

Approved, February 5th, 1851.

CHAPTER 73.

SWINE.

AN ACT to restrain swine from running at large in Jackson county.

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

SEC. 1. Poll open—vote—notice. That at the next township election in the county of Jackson, a poll shall be opened in each township in said county, to determine whether or not swine shall run at large in said county. The clerk of the board of county commissioners of said county shall be authorized, and it is hereby made his duty, to cause to be published in the paper printed [174] in said county, a notice thereof, for three consecutive weeks immediately preceding said election, and the electors at said election may vote "swine at large" or "swine not at large."

SEC. 2. Returns. The judges and clerks of the township election, shall be judges also of said election, and shall make returns of the number of said votes so polled in their respective townships, to the clerks of the board of county commissioners of said county, in the same time, and in like manner, as returns of a general election are made, and said clerk shall proceed to canvass said votes in like manner as the votes of a general election are canvassed.

SEC. 3. If majority vote swine not at large clerk to give notice—owner restrain swine—damages. If a majority of said votes so cast upon said

question shall be "swine not at large," the said clerk shall immediately cause public notice thereof to be given, by causing to be published in the aforesaid paper, a notice of said fact, for three consecutive weeks, and from and after the last publication in said paper, every owner of swine in said county shall restrain their swine from running at large in said county; and in the event of a failure so to do, shall be liable to any damages done by said swine, to be recovered by action of trespass by the party injured.

SEC. 4. Swine may be taken up—notice to constable—may sell said swine—proceeds how disposed of—constable may release. After the publication of said notice, as specified in the preceding section, any person may take possession of any swine found running at large in said county, and give notice thereof to any constable of said county, who shall have power, and it is hereby made his duty, to sell said swine at public outcry, to the highest bidder for cash, upon giving ten days notice of the time and place of sale; the proceeds of which sale, after payment of costs and charges of keeping, shall be paid into the county treasury, to be applied to the use of the county until legal proof be made to the satisfaction of the board of commissioners of said county, or to such other person or persons, as shall constitute the court doing county business, by the person or persons claiming such property to have been his or theirs, whereupon said person or persons constituting said court, doing county business, shall order said amount to be paid out of any moneys in the hands of the treasurer not otherwise appropriated: provided, that the owner, or any person for him, shall, on or before the day [175] of such sale, pay the costs and charges thus far made, the constable is hereby required to release said swine to the person making such application, upon satisfactory proof being made.

SEC. 5. Take effect. This act shall take effect and be in force from and after its publication in the *Western Democrat*: provided, the expense of said publication shall not be paid by the state.

Approved, February 5th, 1851.

Published in the "*Western Democrat*," February 19th, 1851.

CHAPTER 74.

NORMAL SCHOOLS.

AN ACT to amend an act entitled "An act to establish Normal Schools," approved January 15, 1849.

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

SECTION 1. Trustees to be appointed by superintendent of public instruction. That the boards of trustees of the normal schools not yet organized, shall be appointed by the superintendent of public instruction, and shall meet on the first Monday of April next, or as soon thereafter as practicable and perform the duties required by the third section of the act to which this is amendatory.

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

Approved, February 5th, 1851.

[176] CHAPTER 75.

JACKSON COUNTY SEAT.

AN ACT to locate the seat of justice of Jackson county.

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

SECTION 1. Vote to be taken for seat of justice at April election—majority elects—special election—third election—how conducted. That the legal voters of the county of Jackson, shall vote at the April election of 1851, for such points in said county as they may deem proper, and if, upon canvassing the votes it is ascertained that any one point has received a majority of votes over all others, then that point shall be and remain the permanent seat of justice of said county.—But if no point shall receive a majority, then a special election shall be held on the first Monday of May next in the several townships in the county, and the legal voters shall then vote for the three points which received the highest number of votes at the said April election, and if any point receive a majority of votes over the other two points, it then shall be and remain the permanent seat of justice of said county; and if no point receives a majority of the votes over the other two, then there shall be held another election on the first Monday of June following, and the vote shall be for the two points which received the highest number of votes at the said May election, and the point receiving the highest number of votes, shall be and remain the permanent seat of justice of Jackson county, said elections to be conducted and returns made as in regular elections.

SEC. 2. Repeal. All acts and parts of acts contravening the provisions of this act are hereby repealed.

SEC. 3. Take effect. This act to take effect by publication in the *Western Democrat*, (published in said Jackson county); provided, that the expense of said publication shall not be paid by the state.

Approved, February 5th, 1851.

[177] CHAPTER 76.

FARMINGTON.

AN ACT to amend an act supplemental and amendatory to an act entitled "an act to incorporate the city of Farmington, in Van Buren county, Iowa," approved January 21st, 1848.

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

SECTION 1. Road tax to be paid to city. That all road tax which may hereafter be levied upon any property in the city of Farmington, in this state, shall be paid to the proper authorities of said city, for the improvement of the streets thereof.

SEC. 2. Work to be on streets. Any person being a resident of said city subject by the laws of this state to do work upon roads and highways, shall be required to do and perform, or cause the same to be done under the direction of the proper authorities, upon the streets of said city, or public roads and highways leading thereto, as said authorities may direct.

SEC. 3. To take effect. This act to take effect and be in force from and after its passage.

Approved, February 5th, 1851.

CHAPTER 77.

SCHOOLS.

AN ACT for an act supplemental to an act to establish a system of common schools.

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

SECTION 1. Fund commissioner to be elected—term. That in each newly organized county where a school fund commissioner has not been elected, said officer shall be elected at the township election in April, 1851, and shall hold his office till his successor is elected and qualified at the regular election provided for in the act to which this is supplemental.

[178] **SEC. 2. New counties to elect—term.** In every county that may hereafter be organized, a school fund commissioner shall be elected at the time of electing other county officers, and shall hold his office till the regular election for said officer then next ensuing, and until his successor is elected and qualified.

SEC. 3. Books, papers, etc. When any school officer is superseded by election or otherwise, he shall immediately deliver to his successor all books, papers and monies, pertaining to his office, taking a receipt therefor, which shall specify the particular class of books, papers and monies, thus transferred.

SEC. 4. Unite districts. The fund commissioner is authorized to unite two or more districts, under one corporate name, with the consent of the districts concerned.

SEC. 5. Consent by a vote taken. The consent of each district thus united, must be given by a vote taken at a meeting convened for that purpose, of which due notice must be given.

SEC. 6. Powers of new district. The new district thus formed becomes responsible for the liabilities, and shall assume the control of the property, and assets of the districts, of which it is constituted.

SEC. 7. Fund commissioner to fill vacancies. Should any emergency arise by which a district may be left without officers, the fund commissioner shall appoint a president, secretary and treasurer for said district, who shall continue in office till the next regular district election thereafter.

SEC. 8. Failure to qualify create vacancy. A failure of any district officer to qualify within the time specified by law, creates a vacancy.

SEC. 9. Not to exempt tax payers. No person shall be released from the payment of a district tax by virtue of the alteration of the boundaries of school districts authorized in the act to which this is supplemental, where such alteration was made after the tax was voted, except by a vote of the district from which he is detached.

SEC. 10. Commissioners to notify secretaries of change. Whenever the boundaries of a school district are changed, the fund commissioner shall immediately notify the respective secretaries of the districts affected, of the fact in writing.

SEC. 11. Defaulter guilty of felony—punishment. Any officer charged with the sale of school lands, or management of school monies, who wilfully keeps false books, or who uses the public money which comes into his hands in [179] such a way, as to fail in paying the same over to the proper person when legally required, is guilty of felony, and shall upon conviction, be punished by imprisonment at hard labor in the penitentiary, for a term not exceeding ten years.

SEC. 12. Lands entered must be taxed. When a tax has been voted in any school district, no lands entered prior to said vote shall be exempt from the tax thus voted.

SEC. 13. Pay of commissioners out of school fund. The fund commissioners from and after the first day of April, 1851, shall receive such annual compensation for their services and contingent expenses for books, postage and stationery as may be allowed by the clerk of the district court, sheriff and prosecuting attorney and approved by the superintendent of public instruction, to be paid out of the school fund.

SEC. 14. Allowance when and how made. Such allowances shall be made in writing by the first day of October of each year, and shall be transmitted by the fund commissioner, with his annual report to the superintendent.

SEC. 15. Fiscal year. Said compensation shall be in full for services rendered for the year commencing April first, and ending March thirty-first.

SEC. 16. Limitation of taxing. No property shall be subject to taxation for district purposes more than once in any one year.

SEC. 17. To take effect—proviso. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican; provided, that nothing herein contained in reference to school districts shall become binding till the first day of April, 1851.

Approved, February 5th, 1851.

Published in the Iowa Capitol Reporter and Iowa Republican February 12th, 1851.

[180] CHAPTER 78.

RIGHT OF WAY.

AN ACT granting the Ottumwa and Libertyville Plank Road Company the right of way.

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

SECTION 1. Right of way. That the Ottumwa and Libertyville plank road company, is hereby authorized to lay out and construct their road between the towns of Ottumwa, in Wapello county, and Libertyville, in Jefferson county, on such grounds as may be by them deemed suitable for that purpose, including any portion of the public highway: provided, the traveling on such highway is not thereby interfered with.

SEC. 2. Road way width—private property. The quantity of ground to be thus taken shall be merely a road way, not exceeding sixty feet in width; and when private property is thus taken, a fair equivalent must be paid therefor, before the property can be appropriated by the company.

SEC. 3. Damages—manner of obtaining—jury—deed. When the proprietor of any lands thus taken is legally competent to act for him or herself, and has received personal notice of the laying the road through his or her land, he or she must, within ten days after receiving such notice, apply to the sheriff of the county in which the land lies, for a jury to assess the amount of damages he or she may sustain, or he or she shall be held to have accepted the largest amount of damages offered by the company, and on the payment or tender of which sum, the company is entitled to a deed for the right of way.

SEC. 4. Minors, etc. If the proprietor of the land is a minor or otherwise incapable to act for him or herself, or if he or she has not been personally served with notice of the laying out said road, the jury aforesaid must be called for by the company.

SEC. 5. Sheriff must summon—notice of time and place of meeting. When called upon in either of the above methods, the sheriff must as soon as practicable, summons nine persons qualified to act as ordinary jurors as between the parties; and who are not interested in a similar question. A time and [181] place must be appointed by the sheriff for the meeting, and reasonable notice thereof given to the parties, or their agents or guardians, unless they are already acquainted with those facts.

SEC. 6. Panel. At the time appointed, if a requisite number of qualified jurors do not appear, the sheriff must complete that number; the parties then (commencing with the agents of the company) shall in turn proceed to strike off one juror each until only three remain.

SEC. 7. Striking jury—modification. If either of the parties fail to strike off jurors in the manner aforesaid, the sheriff shall do the same in his place; but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. Parties may agree—appeal—proviso. The three jurors so selected must then proceed to examine the ground and decide upon the amount of damages that shall be paid by the company for the right of way aforesaid, upon which amount being paid, the company is entitled to a deed for the right of way: provided, that either party dissatisfied with the decision of the jury, shall have the right to appeal to the district court of the county in which said land is situated, at any time within thirty days from that on which the decision was rendered, but said appeal shall not prevent the prosecution of the work upon said road: provided, the company shall first have paid or tendered the amount adjudged by said jury; and in no case shall the company be liable for costs on an appeal unless the appellant recovers a greater amount of damages than first awarded.

SEC. 9. Jury disagreeing sheriff to summon another. If the jury cannot agree upon the amount of damages to be awarded to the proprietor of such land, the sheriff shall discharge them and cause others to be selected, in the same manner as provided for selecting the first jury, who are to proceed as above directed in the first place.

SEC. 10. Sheriff to swear jury. Before entering upon the examination and determination of the matters to be examined and determined by them, the jurors are required to take an oath to render a just and fair award of damages to the proprietor of such as aforesaid; which said oath may be administered to them by the proper sheriff.

[182] **SEC. 11. Purposes.** The right of way acquired by virtue of the provisions of this act, may be retained for any of the purposes contemplated in the articles of incorporation of the company, but no other.

SEC. 12. Agent. Any of the notices aforesaid, if served on an agent of the proprietor of the land, are to have the same effect as if served upon the principal.

SEC. 13. Fees—how paid. The sheriff and jurors are entitled to the same compensation as is provided for in other cases for like services, and all the expenses caused by the proceedings above authorized, except where appeals have been taken and resulted as above, must be borne by the company.

SEC. 14. To take effect. This act shall take effect and be in force from and after its publication in the "Des Moines Republic" and the "Des Moines Courier." The expense of said publication to be paid, however, by the company.

Approved, February 5, 1851.

CHAPTER 79.

SUPREME COURT.

AN ACT to amend an act to re-organize the supreme court, approved January 22, 1848.

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

SECTION 1. Cases from 6th judicial district to be taken to supreme court at Fort Des Moines. That all cases of appeals and writs of error, from the sixth judicial district, shall be taken to the supreme court at Fort Des Moines, in the fifth judicial district.

SEC. 2. To take effect. This act shall be in force from after its publication in the "Iowa Star" and "Des Moines Republic."

Approved, February 5, 1851.

Published in the "Iowa Star" February 13th; and "Des Moines Republic" February 20th, 1851.

[183] CHAPTER 80.

STATE ROAD.

AN ACT to locate and establish certain state roads therein named.

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

SECTION 1. Commissioners—Ft. Des Moines to Ft. Clarke. That Samuel Gray, of the county of Polk, and David Harman, and John Wright, of the county of Dallas, be, and they are hereby appointed commissioners, to locate and establish a state road, commencing at Fort Des Moines via Hickman's Mill, Bowl's Mill, and the old residence of Reuben Clark in Boone county, to Fort Clark, near the mouth of the Lizard fork of the Des Moines.

SEC. 2. Commissioners—from Garry Owen's to Cascade, also from Denson's ferry to McNaley's. Silas Conklin, William McGargil and Thomas McNaley, be, and they are hereby appointed commissioners to locate and establish a state road commencing at Garry Owen's in Jackson county, thence via. the house of Thomas McNaley to Cascade in Dubuque county, and also from Denson's ferry thence via. the house of Joseph Bamhill to intersect the aforesaid road at the house of Thomas McNaley.

SEC. 3. Commissioners—Chariton to Newton. N. B. Allison of Marion county, Jesse Richman of Jasper county, and Henry Allen of Lucas county, be and they are hereby appointed commissioners, to locate a state road from the town of Chariton in Lucas county, via. the town of Knoxville, and Red Rock in Marion county, to the town of Newton in Jasper county.

SEC. 4. Commissioners—Drakesville to Chariton Point. John Wilkinson of Davis county, John H. Zimmer of Appanoose county, and David Prather of Monroe county, be, and they are hereby appointed commissioners to lay out and establish a state road, commencing at Drakesville in Davis county, thence running westward on Fox river, and Soap Creek divide, so as to injure farms as little as possible to Unionville in Appanoose county, thence to the house of Reuben Dennis, thence the most practicable route to Chariton Point in Lucas county.

SEC. 5. Commissioners—Ft. Des Moines to Indian village—appropriation from state treasury. That William Gentry and Charles Clanton, of the county of Madison, and William W. Jones of Polk county, be, and [184] they are hereby appointed commissioners and Alfred D. Jones of the county of Madison, surveyor, to locate and establish a state road commencing at the town of Fort Des Moines in the county of Polk, running thence via. Wintersset in the county of Madison, thence to the Watawah, thence to Indian Village on the Nishnebotany river. That for the purpose of defraying the expenses of so much of said road from the west line of Madison county to Indian Village, the sum of one hundred and fifty dollars be, and the same is hereby appropriated out of any monies in the treasury not otherwise appropriated, to be paid upon the filing a certificate plat of said road in the office of secretary of state.

SEC. 6. Commissioners—Winterssett to Adel. That Jesse Casteel and J. C. Casebier, of the county of Madison, and S. K. Scovel, of Dallas county, are hereby appointed commissioners to locate a state road from Winterssett in Madison county to Adel in Dallas county.

SEC. 7. Commissioners—Chariton to Ft. Desmoines. That Parris P. Henderson, of Warren county, Uriel T. Smith, of Marion county, and Alfred D. Jones, of Madison county, be, and they are hereby appointed commissioners to locate a state road from Chariton in Lucas county, via Indianolia, in Warren county, to Fort Des Moines, in Polk county.

SEC. 8. Commissioners—Near Washington ferry to north line of Muscatine county. That Ebenezer A. Gray and Shaidlock Negus, of Cedar county, and Job Palmer of Muscatine county, are hereby appointed commissioners to locate and establish a state road commencing near Washington ferry in Cedar county, on the road from Overman's ferry to Cedar Rapids, where the road from Tipton to Iowa City intersects, thence the most practical route to the north-west corner of township seventy-nine north of three west, thence south on said township line to the north line of Muscatine county.

SEC. 9. Commissioners—Birmingham to Hillsborough. That Daniel Gross, Hugh Smith and Daniel E. Brainard of the county of Van Buren, are hereby appointed commissioners, to lay out and establish a state road from or near Birmingham in Van Buren county, to Hillsborough in Henry county.

SEC. 10. Commissioners—Centre point to Rices trading house. That James Allensworth of Linn county, John Alexander of Benton county, and David S. Pratt of Blackhawk county, are hereby appointed to locate and establish a state road from Centre Point in Linn county, on the most practicable [185] route to Marysville in Benton county, thence in north-westerly direction, via. the residence of James Virdons, to the Big Woods, via. the residence of John H. Messinger, to Rice's old trading house.

SEC. 11. Territorial from Iowa City to Oskaloosa confirmed. That the territorial road from Iowa City, to Oskaloosa the county seat of Mahaska county, located and surveyed by Daniel McFarland, surveyor, and Daniel McFarland, and James Watters commissioners, during the year one thousand eight hundred and forty-four, is hereby declared to be a public highway,

subject to all the regulations of state roads, and returns of said survey and location, made to the different counties through which said road passes and to the secretary of the territory of Iowa, by said McFarland and Waters, shall be sufficient evidence in all cases of said road, so located being a state road.

SEC. 12. Commissioners—Tools Point to Ft. Desmoines. That Thomas Mitchell and John Stroup of Polk county, and Manly Gifford of Jasper county, are hereby appointed commissioners to locate and establish a state road commencing at Tool's Point in the county of Jasper, thence via Apple Grove post office, Thompson's mill on Four Mile creek, to Fort Des Moines in Polk county.

SEC. 13. Commissioners—Independence to Cedar Falls. That Thomas W. Close, and Isaac F. Hathaway, of Buchanan county, and Andrew Mallorky, of Blackhawk county, are hereby appointed commissioners to lay out and establish a state road, from Independence in Buchanan county, to Cedar Falls in Blackhawk county.

SEC. 14. Commissioners—Washington to Farmington. That Alfred Forbes, of the county of Van Buren, John W. Creal, of the county of Lee, and Isaac K. Cochran, of the county of Henry, be, and they are hereby appointed commissioners to locate and establish a state road from Washington in Henry county, to Farmington in Van Buren county; provided, said road shall be located and established, as far as practicable, on the county line dividing the counties of Lee and Van Buren, east and west.

SEC. 15. Commissioners—Dallas county to Council Bluffs. That Thomas Cavanaugh, William D. Boon, and W. W. Miller of Dallas county, are hereby appointed commissioners to locate and establish a state road from the west line of Dallas county, commencing at the terminus of the state road laid out and established in the year 1849; thence [186] on the best and most practicable route to the village of Council Bluffs, on the Missouri river, opposite the Council Bluffs Indian agency, in Nebraska territory.

SEC. 16. Commissioners—Clark's mills to Cedar Rapids. That Porter W. Earl, of Linn county, and Cyrus Sanders and David Wray, of Johnson county, are hereby appointed commissioners to lay out and establish a state road commencing at Ezekiel Clark's mill on the Iowa river about two miles north-west Iowa City, from thence in a north-westerly direction to Adolph Roberts' on the Iowa river; thence to Rockford on Prairie Creek in Linn county; thence on the best practicable ground to Cedar Rapids on the Cedar river in Linn county.

SEC. 17. Commissioners—Iowa county to the road from Iowa City to Overman's ferry. That William Hench of Iowa county, Cornelius Lancaster of Johnson county, and Shaidlock Negus of Cedar county, are hereby appointed commissioners to locate and establish a state road, commencing at a point on the north side of the Iowa river opposite where William Hench resides in Iowa county; thence through Johnson, Cedar and Muscatine counties, to intersect the road from Iowa City to Overman's ferry. To be laid out to the greatest advantage to the public, doing the least injury to individual property.

SEC. 18. Commissioners—Davenport to Iowa City. That A. W. Campbell, D. B. Shaw of Scott county, and Asa Gregg of the county of Muscatine, are hereby appointed commissioners to locate and establish a state road commencing at Davenport in Scott county; thence on the most practicable route to Moscow in Muscatine; thence westwardly to intersect the section line between sections eleven (11) and fourteen (14), township seventy-eight (78), north of range three (3) west; thence west on said section line, to intersect the territorial road leading from Muscatine to Iowa City.

SEC. 19. Commissioners—Washington county to county seat of Marshall county. That George Crisper, of the county of Keokuk, and Jonathan Wilson, of the county of Washington, and James F. Roberts, of Poweshiek county, are hereby appointed commissioners to lay out and establish a state road commencing at the most suitable point on the road from Washington to Wassonville, between the residence of Alexander Young, Senr. on said road and Wassonville; thence on the best route to suit the settlements to Montezuma; thence in Poweshiek [187] county; thence on the nearest and best route to the county seat of Marshall county.

SEC. 20. Commissioners—Delhi to Quasqueton. That John W. Clark and P. S. McMahan of the county of Delaware, and William Fanning of Buchanan county, are hereby appointed commissioners to lay out and establish a state road from Delhi in Delaware county, by Clark's mill to Quasqueton in Buchanan county.

SEC. 21. Commissioners—Quasqueton to county seat of Marshall. That D. S. Davis and J. Cordel of Buchanan county, and William C. Smith of Marshall county, are hereby appointed commissioners to locate and establish a state road from Quasqueton in Buchanan county, to the county seat of Marshall county.

SEC. 22. Commissioners—County seat of Marshall to Ft. Des Moines. That Ephraim Straight of Polk County, A. S. Prouty of Jasper county, and A. J. Smith of Marshall county, are hereby appointed commissioners to locate and establish a state road from the county seat of Marshall county, to Fort Des Moines in Polk county.

SEC. 23. Commissioners—Cedar Falls to county seat of Marshall. That John Barrack, Edwin Brown and David S. Pratt of the county of Blackhawk, are hereby appointed commissioners to locate and establish a state road from Cedar Falls in Blackhawk county, to the county seat of Marshall county.

SEC. 24. Commissioners—From suspension bridge. That George Bumgardner, Andrew B. Phillips of Muscatine county and Jesse Berry of Johnson county, are hereby appointed commissioners to locate and establish a state road from the suspension bridge over Cedar river in Muscatine county; thence north-west to intersect the road leading from Muscatine to Iowa city, near the county line between the counties of Johnson and Muscatine, and that the counties of Johnson and Muscatine shall pay equally in defraying the expenses of said road.

SEC. 25. Commissioners—Cedar Rapids to Fort Clarke. That William Williams of Muscatine county, Isaac Cook of Linn county, and John Royal of Benton county, are hereby appointed commissioners to locate and establish a state road from Cedar Rapids in Linn county, via Fremont in Benton county, to Fort Clarke on the Des Moines river.

SEC. 26. Commissioners—Road through Abington. That James G. Thompson, David Smith and David Mawry of the county of Jefferson, are hereby appointed commissioners to re-locate so much of the state road leading from Fairfield to Oskaloosa, as passes through the town of [188] Abington in said county, commencing in the original survey of said road near the house of William Jaques; thence north-westwardly with the present traveled road to the south-east end of Main street of said town of Abington; thence with the middle of said street through said town, and in the same direction until it intersects said original survey north-west of said town.

SEC. 27. Commissioners—Quasqueton to north line of state. That Malcomb McBane of Buchanan county and Harman H. Singer and Johnson J. Walton of Clayton county, are hereby appointed commissioners to locate and establish a state road from Quasqueton in Buchanan county, to the north

boundary of the state of Iowa, via Elkador and Clidesdale in Clayton county, Hardin in Allamakee county, and Dekotah in the county of Winneshiek, to the north line of the state.

SEC. 28. Commissioners—Guttenberg to Louisville. That George G. Borden and Michael Uriel of Clayton county and Charles Sawyer of Fayette county, are hereby appointed commissioners to locate and establish a state road from Guttenberg in Clayton county to Louisville in Winneshiek county, via Elkador Clayton county and Claremont in Fayette county.

SEC. 29. Roads in Jefferson county declared legal. That so much of the road laid out, by virtue of an act entitled an act "to establish a territorial road from the north part of Washington county to the Missouri line," approved January 9th, 1841, between Fairfield in Jefferson county, and Iowaville in Van Buren county, as lies in Jefferson county; and so much of the road laid out by virtue of an act entitled "an act to re-locate a part of a territorial road in Jefferson county;" approved February 12th, 1842, between Brighton in Washington county and Fairfield in Jefferson county, as lies in Jefferson county, be and the same are hereby declared legal roads.

Records of said roads—evidence, etc. The original plats of said roads which are now on file in the clerk's office in Jefferson county, or the records of said roads as recorded in the book of recording surveys of roads in Jefferson county, shall be received in all courts of justice as sufficient evidence that said roads mentioned in the preceding section are duly established by law.

SEC. 30. Commissioners—Bloomfield to the Missouri river—appropriation. That S. S. Carpenter of the county of Davis, George [189] W. Perkins of the county of Appanoose, and O. M. Kellogg of the county of Decatur, are hereby appointed commissioners to locate and establish a state road from Bloomfield in Davis county; thence to Centerville in Appanoose county, (crossing the Chariton river at the bridge); thence on the most practicable route, via county seats of Wayne county and Decatur county, through the counties of Ringgold, Taylor and Page, near the centres thereof, to the county seat of Fremont county; thence to a point on the Missouri river, opposite old Fort Kearney, and that for paying the expenses of laying out and establishing the aforesaid road through the counties of Ringgold, Taylor and Page, the sum of one hundred and sixty dollars is hereby appropriated out of any monies in the state treasury not otherwise appropriated, to be paid to the persons thereto entitled, upon bills rendered and certified to by the commissioners aforesaid to the auditor of state; provided, said payments are not to exceed the amount of the bills rendered or the said sum of one hundred and sixty dollars.

SEC. 31. Commissioners—Camanche to Anamosa. That Ira B. Ryan of Jones county and James Walrod and Jacob Lepper of Clinton county, are hereby appointed commissioners to locate and establish a state road commencing at Camanche in Clinton county, via Center Grove and Bloomfield in Clinton county, on the nearest and most practicable route to Anamosa in Jones county.

SEC. 32. Commissioners—Anamosa to Garnavillo. That George Brown of Jones county, R. Hogg of Delaware county and Samuel Murdock of Clayton county, are hereby appointed commissioners to locate and establish a state road from Anamosa in Jones county, by T. J. Peaks in Jones county, through Delhi in Delaware county, to Garnavillo in Clayton county.

SEC. 33. Commissioners—Unionville to Garden Grove. That P. M. Jauney of Van Buren county and Dempsey Stanly and Daniel P. Sparks of Appanoose county, are hereby appointed commissioners to locate and establish a state

road from Unionville in Appanoose county, on the best and most practicable route to Garden Grove in Decatur county; provided, that if the said Daniel P. Sparks acts as surveyor of said road, he shall be entitled to the fees of a county surveyor.

[190] **SEC. 34. Commissioners—Council Bluffs to Indian Town—proviso.** That O. N. Tyson, William Lane and William H. Look, of Pottawattamie county, are hereby appointed commissioners to locate and establish a state road from Council Bluffs, via Kaneshville, Silver creek, to Indian town, on the east Nishnebotany river where the road from Ottumwa crosses said stream: provided, that if the said Tyson shall act as surveyor in locating said road, he shall receive the fees of surveyor only.

SEC. 35. Commissioners—Independence to McCounts. That Edward Brewer, of Buchanan county, Henry Baker, of Delaware county, and Henry Mounbrey, of Dubuque county, are hereby appointed commissioners to locate and establish a state road, commencing at Independence, in Buchanan county, thence via Coffins Grove, the residence of Doct. Aerer, in Delaware county, and Dyersville, in Dubuque county; thence to intersect the road from Dubuque to Delhi, near the residence of Elias M'Counts, in Delaware county.

SEC. 36. Commissioners—Muscatine to Scott county. That Benjamin Nye, Isaac Spencer and Elijah Sells, of Muscatine county, are hereby appointed commissioners to locate and establish a state road from Muscatine, in Muscatine county, so as to suit the convenience of the inhabitants, and without injury to the farms, to the county line of Scott county, near the present road leading to Davenport.

SEC. 37. Commissioners—Ft. Des Moines to Booneville. That Noah Stags, of Dallas county, John W. Rush, of Polk county, and Silas Barnes of Madison county, are hereby appointed commissioners to locate and establish a state road, commencing on the east bank of the Des Moines river, opposite court avenue in Fort Des Moines, and from thence on the most suitable ground for a road on the east side of the Des Moines river, via Polk city, in Polk county, Bell Point and Booneville, in Boone county.

SEC. 38. Commissioners—Section 16 in Lee county to Plymouth. That Absalom Anderson, Stephen Cook and Micajah Pool, of the county of Lee, are hereby appointed commissioners to lay out and establish a state road from the south-west corner of section sixteen, of Franklin township, in Lee county, to Plymouth, in Van Buren county.

SEC. 39. Commissioners—Paint Rock to Fort Atkinson. That William M. Morrison and Theodore M. Sancerer, of the county of Allamakee, and John L. Carson, of the county of Winneshiek, are hereby appointed commissioners to locate and establish a state road from Paint Rock, in Allamakee county, to Fort Atkinson, in Winneshiek county.

[191] **SEC. 40. State roads changed.** That so much of the state road running from Fairfield, in Jefferson county, to Keokuk, in Lee county, and so much of the state road running from Glasgow, in Jefferson county, to Keokuk, in Lee county, as lies between Gideon Huttles and Charleston, in Lee county, be and the same is hereby changed so as to run on the road leading from Salem, in Henry county, to Charleston, in Lee county.

SEC. 41. Commissioners—Keokuk county to Duncan's lower mills. That Matthew Crowder and Daniel Nelson, of the county of Mahaska, and Lewis Gregory, of the county of Keokuk, are hereby appointed commissioners to locate and establish a state road, commencing at the west end of Jonas Mauary's lane, in Keokuk county, at a point on the state road leading from Iowa City to Oskaloosa; thence west to Cox's Mills; thence to Dunkins lower mills, on the south fork of Skunk river.

SEC. 42. **Commissioners—Lower Big Woods to intersect a road from Monona to McGregor's Landing.** That Wesley Tebbetts, of Bremer county, Ansel Rudsill, of Clayton county, and George W. Neff, of Fayette county, are hereby appointed commissioners to locate and establish a state road from lower Big Woods, in Bremer county, via Centerville, West Union and Claremont, in Fayette county, to intersect the road from Monona to M'Gregor's landing, in Clayton county.

SEC. 43. **Commissioners—Ottumwa to Well's mills.** That William J. Taylor and Jonathan F. Stratten, of Appanoose county, and Richard Fisher of Wapello county, are hereby appointed commissioners to locate and establish a state road, commencing at Ottumwa, in Wapello county, thence via Philip Smith's, on Soap creek, William J. Taylor's in Appanoose county, to Wells' mills, on Chariton river.

SEC. 44. **Commissioners—Round Grove to Tipton.** That Abraham Kizer, of Scott county, N. J. Hawley and Alonzo Shaw, of Cedar county, are hereby appointed commissioners to locate and establish a state road from Round Grove, in Scott county, on the nearest and best route to Tipton, in Cedar county.

SEC. 45. **Commissioners—Marengo to Ft. Clark.** That Samuel C. Trowbridge, of Johnson county, Andrew D. Stephens, of Benton county, and C. C. Slocum, of Iowa county, are hereby appointed commissioners to locate and establish a state road from Marengo, in Iowa county, on the nearest and best route, to Fort Clark, on the Des Moines river.

[192] SEC. 46. **Commissioners—Cedar Falls to Ft. Clark.** That Samuel Davis, Benjamin Knapp and David Parker, are hereby appointed commissioners to locate and establish a state road from Cedar Falls, in Blackhawk county, to Fort Clark, on the Des Moines river.

SEC. 47. **Commissioners—Iowaville to Keokuk county.** That John W. Culbertson, Andrew Collins and Nathan Harris, of the county of Jefferson, are hereby appointed commissioners to locate and establish a state road, commencing at Iowaville, in Van Buren county, thence by the nearest and most practicable route through the western end of Jefferson county, to the south line of Keokuk county, at the point where a state road formerly laid out from Iowaville to Lancaster crosses the same.

SEC. 48. **Commissioners—Missouri line to Charles Fords on Sioux river.** That A. J. Singleton, of Fremont county, and Doct. Robert M'Gavern, and Oliver N. Tyson, of Pottawattamie county, are hereby appointed commissioners to locate and establish a state road, commencing at the southern boundary of the state of Iowa, where said boundary is intersected in Fremont county, by the state road leading from St. Joseph, in Missouri, thence to Council Bluffs; thence to Kaneshville; thence to the bridge on the Boyer river, near the rocky ford; thence to Charles Fords on Sioux river.

SEC. 49. **Commissioners—Independence to Mullen's.** That Charles Mullen, James Verdin and William Pumell, of Blackhawk county, are hereby appointed commissioners to locate and establish a state road from Independence, in Buchanan county, to intersect the road leading from Cedar Rapids, in Linn county, to Cedar Falls, in Blackhawk county, at or near the residence of Charles Mullen, in Blackhawk county.

SEC. 50. **Commissioners—Duncans mill to James Douglass'.** That James Douglass, of Johnson county, and Joel Long, of Keokuk county, and Richard Quinton, of Mahaska county, are hereby appointed commissioners to locate and establish a state road, commencing at Dunken's lower mills, four miles north-east from Oskaloosa, thence the nearest and best route to Indian-

opolis; thence on the nearest practicable route to intersect the Iowa City road at or near the residence of James Douglass, twelve miles west of Iowa City.

SEC. 51. Commissioners—Lancaster to Fairfield. That Jonathan Dyer, of Jefferson county, and Robert Blacker and Benjamin F. Chartain, of Keokuk county, are hereby appointed commissioners to lay out and establish a [193] state road from Lancaster, in Keokuk county, to Fairfield, in Jefferson county, by or near Martins ford, on Skunk river.

SEC. 52. Commissioners—Cedar Rapids to Talbotts mill. That Joseph Greene, of Linn county, William Grunter, of Iowa county, and John Talbott, of Poweshiek county, are hereby appointed commissioners to locate and establish a state road upon the nearest, best, and most practicable route from Cedar Rapids, in Linn county, to Talbotts mills, in Poweshiek county.

SEC. 53. Commissioners—Waughs to Oscaloosa. That Henry H. Williams, Matthew P. Crowder and Ebenezer Johnson, are hereby appointed commissioners to locate and establish a state road, commencing at William Waughs, in Keokuk county, thence on the nearest and best route via Fremont, to Oscaloosa, in Mahaska county.

SEC. 54. Commissioners—McGregor's to Ft. Clarke. That John Rose of Boone county, Francis Rodgers of Winneshiek county, and Leonard B. Rodgers of Allamakee county, be, and they are hereby appointed commissioners, to survey and locate a state road, commencing at McGregor's in the county of Clayton, and running to Fort Clarke on the Des Moines river, by way of Monona in the county of Clayton, and Louisville in the county of Winneshiek.

SEC. 55. Commissioners—Delhi to Marion. That John W. Penn and Chester Cousins of Delaware county, and Nathaniel Chapman of Linn county are hereby appointed commissioners to locate and establish a state road from Delhi in Delaware county, to Marion in Linn county.

SEC. 56. Commissioners—14 mile post to Thorn's mills. That John Grace of Scott county, George W. Parker of Clinton county, and Ira B. Ryan of Jones county, are hereby appointed commissioners to locate and establish a state road from the fourteen mile post on the Davenport and Marion road, by way of Thorn's mills, to Anamoosa in Jones county.

SEC. 57. Part of state road established. That so much of the survey for the proposed state road by virtue of "an act to establish a state road from Delhi in Delaware county to Independence in Buchanan county, approved Dec. 23d, 1848," as is west of the south fork of the Maquoketa river, be and the same is hereby declared a state road.

SEC. 58. Commissioners—Anamosa to Bellview. That John J. Tomlinson, Andrew Obergafelt of Jackson county, and Joshua Randall of Jones county, are hereby appointed commissioners to locate and establish a state road [194] from Anamosa in Jones county, by the way of Canton in Jackson county, to Bellview in Jackson county.

SEC. 59. Commissioners—Cascade to Maquoketa. That Peter Taylor of Jones county, and M. Daimond and Mr. Burtleston of Jackson county, are hereby appointed commissioners to locate and establish a state road from Cascade in Dubuque county, by the way of Canton in Jackson county, to Maquoketa in Jackson county.

SEC. 60. Time for commissioners to meet—at first point named—assistance—duties—proviso. That the commissioners appointed (to locate and establish each respective road) or a majority of them, shall meet on the first Monday in April 1851, or within nine months thereafter, at the first point named on each proposed road, or at some other point if agreed upon,

and taking to their assistance a surveyor, the necessary chainmen and markers and after having been qualified, shall proceed to the discharge of their duties according to law; provided, that in case any of said commissioners should act as surveyor in laying out any of said roads, they shall be entitled to receive for their services such per diem as is allowed by law to county surveyors and nothing more.

SEC. 61. **Pay.** The commissioners not otherwise herein provided for shall be paid according to law.

SEC. 62. **To take effect.** This act to be in force from and after its publication.

Approved, February 5, 1851.

CHAPTER 81.

NEW COUNTIES.

AN ACT supplemental to an act to establish new counties and define their boundaries.

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

SECTION 1. **Guthrie county—boundaries.** That the following shall be the boundaries of the county of Guthrie, to-wit: beginning at the north-west corner of township eighty-one north, of range twenty-nine, west: thence west on the township line dividing townships eighty-one and eighty-two, to the north-west corner of township [195] eighty-one north, range thirty-three, west: thence south to the south-west corner of township seventy-eight, range thirty-three west: thence east on the township lines between townships seventy-seven and seventy-eight, to the south-west corner of township seventy-eight, range twenty-nine west: thence north to the place of beginning.

SEC. 2. **Repeal.** All acts and parts of acts conflicting with this act are hereby repealed.

Approved, February 5, 1851.

CHAPTER 82.

MOUNT PLEASANT.

AN ACT for the incorporation of the town of Mount Pleasant in Henry county.

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

SECTION 1. **Boundaries—incorporation.** That all that tract of land lying in township seventy-one north, range six west, in the county of Henry, which is comprised of the town plat of Mount Pleasant, together with all additions that may hereafter be made and recorded thereto, be and the same is hereby constituted a town corporate and shall be known by the name and title of "the town of Mount Pleasant."

SEC. 2. **Election—quorum.** That the qualified voters for members of the general assembly, who have resided within the limits of said corporation for twenty days immediately preceding any such election shall meet

at some suitable place within said corporation on the first Monday in April next, and annually thereafter, and then and there proceed to elect by ballot a mayor and four councilmen, and a recorder, who shall hold their offices for one year and until their successors shall be elected and qualified; the mayor and any two of the councilmen shall be a board for the transaction of business, but a less number may adjourn from time [to time]; provided, that in case of [196] the death or absence of the mayor, the councilmen may choose a mayor pro tem. from their own body.

SEC. 3. Judges of election—polls opened—notice. At the first election to be held under this act there shall be chosen by the electors present three judges and a clerk of said election who shall each take an oath or affirmation faithfully to discharge the duties required of them by this act; and at all subsequent elections the councilmen or any two of them shall be judges, and the recorder clerk of election. At all elections holden under this act the polls shall be opened between the hours of 9 and 10 o'clock in the forenoon and closed at five in the afternoon of the same day and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall give notice to the persons elected of their election. And it shall be the duty of the recorder at each annual election to give at least five days notice thereof by posting up notices at three of the most public places in said town or causing the same to be published in some weekly newspaper printed in said county.

SEC. 4. Meeting of the board—mayor to preside—record. The regular meetings of said mayor and councilmen shall be held on the first Monday in each month (except the April meeting which shall be held on the second Monday in April) and the board may provide by ordinance for calling special meetings. At all meetings the mayor if present shall preside (and in his absence the mayor pro tem.) The recorder shall keep a correct record of all the proceedings of the board, and may under his hand and seal appoint a deputy for whose acts he shall be responsible.

SEC. 5. Corporate powers. The mayor, councilmen and inhabitants of said town shall be a body corporate and politic with perpetual succession, to be known and distinguished by the name of "the town of Mount Pleasant," and shall be capable in law in their corporate name to acquire property real and personal for the use of said town and sell and convey the same; may have a common seal which they may alter at pleasure; may sue and be sued, defend and be defended in any court of competent jurisdiction; and when any suit shall be commenced against said corporation the first process shall be by summons which [197] shall be served by an attested copy to be left with the recorder.

SEC. 6. Oath of office. The officers elected under this act shall each take an oath or affirmation to support the constitution of the United States and the constitution of the state of Iowa, and faithfully to discharge the duties of their respective offices.

SEC. 7. Ordinances. The mayor and councilmen shall have power to make and establish ordinances for the government of said town and to alter, repeal or re-enact the same; to provide for the election of a treasurer, assessor, a marshal and other subordinate officers, necessary for the good government and well being of the town, to prescribe their duties, declare their qualifications and period of service, fix their fees and compensation, and require them to take an oath or affirmation faithfully to discharge the duties of their respective offices, and may require of them security for the performance of their official duties. Said mayor and councilmen shall also have power to affix such reasonable fines, penalties and forfeitures as they may deem proper to violations of the ordinances, and to provide for the

disposition of the same; provided also, that no ordinance of said corporation shall have any effect until the same shall have been published in a weekly newspaper, published in said county or (if there be no such newspaper,) by written notices posted up in three of the most public places in said town; and provided further, that nothing done under the provisions of this section shall be incompatible with the laws of this state.

SEC. 8. Receipts and expenditures. The mayor and councilmen shall at the expiration of each six months cause to be made out and published a correct statement of the receipts and expenditures of the preceding six months.

SEC. 9. Tax. The mayor and councilmen shall have power to levy by ordinance a tax on all real and personal estate within the limits of said corporation, not exceeding one-half of one per centum in any one year, but such ordinance shall have no force or effect, until the same be submitted to the legal voters of said town at an election specified and called for that purpose by the same ordinance, (of which two weeks notice shall be given by publication of the ordinance as provided in section 7,) and receive a majority of the votes cast at said election.

SEC. 10. Manner of conducting election. The election provided for in the preceding section shall be conducted so far as practicable in the same manner as the regular elections and the vote shall be taken "for the tax" or "against the tax."

SEC. 11. Lanes and walks—private property—nuisances. The mayor and councilmen shall have power by ordinance to regulate and improve the lanes and alleys and determine the width of side walks, provided, that no property shall be taken from any individual until such individual shall be paid therefor; the value thereof to be ascertained by twelve disinterested freeholders to be summoned by the marshal for that purpose and duly sworn, previous notice thereof being given to the owner. They shall also have power to remove all nuisances and obstructions from the streets and commons and all other places within said town, and to provide for the removal of the same.

SEC. 12. Road district—overseer—duties. The streets, lanes and alleys of said town shall constitute one road district, the overseer of which shall be appointed by the mayor and councilmen and shall hold his office for one year. Said overseer shall perform the same duties as are or may be imposed by the laws of this state upon the overseer or supervisor of roads and highways, but shall make his report to the mayor and councilmen and the road tax and labor of said district shall be laid out and expended within said district under the direction of the mayor and councilmen.

SEC. 13. Fees. The fees of the officers shall be fixed by ordinance, but the mayor and councilmen shall receive no compensation unless the same shall be voted by the electors of the corporation.

SEC. 14. Tax—duplicates. It shall be the duty of the mayor and councilmen on or before the first day of May in each year to cause to be made out a duplicate of taxes charging each individual therein the amount of tax in proportion to the real and personal estate of such individual within said town, which duplicate shall be signed by the mayor and recorder and delivered to the marshal whose duty it shall be to collect the same within such time and such manner as the ordinances shall direct.

[199] **SEC. 15. Collection of taxes and sale of real estate—redemption—deed.** The said marshal shall have power to sell personal estate and for want thereof to sell real estate for the nonpayment of taxes within said corporation, giving the purchaser of such real estate a certificate of such sale setting forth a brief description of the property so sold, the time of sale,

and the amount of the purchase money, which certificate shall be assignable by endorsement thereon, but no real estate shall be sold for the non-payment of taxes, unless the assessment of such tax or taxes and the time of such sale shall have been duly notified by publication for at least four consecutive weeks in the manner provided for publication of ordinances in section 7. Said taxes shall be deemed to be due on the first day of September in each year. Any real estate sold under this section may be redeemed at any time within two years from the date of the sale thereof by paying the amount for which the same was sold with twenty-five per cent per annum interest upon the same, which payment may be made to the recorder as the agent for the purchaser. If any real estate so sold remain unredeemed at the expiration of two years from the date of the sale, the marshal shall upon the payment of his legal fees, make, execute and deliver to the purchaser his assignee or legal representative a deed for such real estate. The mayor and councilmen may within thirty days after the assessment of taxes make such change therein as may be applied for by any one who may deem the valuation of his property unjust.

SEC. 16. To take effect. This act to take effect and be in force from and after its passage, and to be published but not at the expense of the state in the Iowa Observer.

Approved, February 5th, 1851.

[200] CHAPTER 83.

JOSEPH W. FOSTER.

AN ACT to legalize the appointment of Joseph W. Foster.

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

SECTION 1. Appointment and acts legalized. That the appointment of Joseph W. Foster, as school fund commissioner of Fayette county, and his acts as such, are hereby recognized and made valid and binding in law.

SEC. 2. Take effect. This act shall take effect from and after its passage.

Approved, February 5, 1851.

CHAPTER 84.

APPORTIONMENT.

AN ACT to re-apportion the state, and define the boundaries of senatorial and representative districts therein.

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

SECTION 1. Lee county. That the county of Lee shall have three (3) senators and six (6) representatives.

SEC. 2. Des Moines. That the county of Des Moines shall have two (2) senators and four (4) representatives.

SEC. 3. Van Buren. That the county of Van Buren shall have two (2) senators and four (4) representatives.

SEC. 4. Jefferson. That the county of Jefferson shall have two (2) senators and three (3) representatives.

SEC. 5. Henry. That the county of Henry shall have one (1) senator and three (3) representatives.

SEC. 6. Wapello—Wapello, etc.—Monroe, etc. That the county of Wapello shall have one (1) senator and two (2) representatives, and that the counties of Wapello, Monroe, Lucas and Clarke shall have one (1) senator and one (1) representative jointly, and that the counties of Monroe, Lucas and Clarke shall have one (1) representative jointly.

[201] **SEC. 7. Davis, Appanoose, etc.** That the county of Davis shall have one (1) senator and two (2) representatives, and the counties of Davis, Appanoose, Wayne and Decatur shall have one (1) senator and one (1) representative jointly; and the counties of Appanoose, Wayne and Decatur shall have one representative jointly.

SEC. 8. Pottawattamie, Mills, etc. That the county of Pottawattamie shall have one (1) senator and one (1) representative. And the counties of Mills, Montgomery, Adams, Union, Ringgold, Taylor, Page and Fremont, shall have one (1) senator and one (1) representative jointly; and the counties of Pottawattamie, Mills, Fremont, Page, Taylor, Ringgold, Union, Adams, Montgomery, Cass, Adair, Audubon, Shelby, Harrison, Monona, Crawford, Carroll, Sac, Ida, Waukawa, Plymouth, Cherokee, Buena Vista, Sioux, O'Brien, Clay, Dickinson, Okeola and Buncombe shall have one representative jointly.

SEC. 9. Louisa and Washington. That the counties of Louisa and Washington shall have two (2) representatives each and one (1) senator jointly.

SEC. 10. Keokuk and Mahaska. That the counties of Keokuk and Mahaska shall have one (1) senator, and one (1) representative each and one (1) representative jointly.

SEC. 11. Marion, etc. That the counties of Marion, Warren and Madison shall have one (1) senator and three (3) representatives.

SEC. 12. Scott. That the county of Scott shall have one (1) senator and two (2) representatives.

SEC. 13. Muscatine. That the county of Muscatine shall have one (1) senator and two (2) representatives.

SEC. 14. Cedar and Clinton. That the counties of Cedar and Clinton shall have one (1) representative each, and one (1) senator jointly.

SEC. 15. Johnson, Iowa, etc. That the county of Johnson shall have one (1) representative; and the counties of Johnson, Iowa and Poweshiek one (1) representative, and the counties of Johnson, Iowa and Poweshiek shall have one (1) senator jointly.

SEC. 16. Jasper, Polk, etc. That the counties of Jasper, Polk, Dallas, Guthrie, Green, Boone, Story, Marshall, Hardin, Risley, Yell, Fox, Pocahontas, Humbolt, Wright, Franklin, Cerro Gorda, Hancock, Kossuth, Palo Alto, Emmett, Bancroft, Winnebago and Worth shall have one (1) senator and three (3) representatives.

SEC. 17. Jackson and Jones. That the county of Jackson shall have one (1) senator [202] and two (2) representatives, and the county of Jones one (1) representative, and the counties of Jackson and Jones one (1) senator jointly.

SEC. 18. Linn, etc. That the counties of Linn, Benton and Tama shall have one (1) senator and two (2) representatives.

SEC. 19. Dubuque, etc.—Clayton, etc. That the counties of Dubuque, Delaware, Buchanan, Blackhawk, Grundy, Butler and Bremer shall have four (4) representatives, and the counties of Clayton, Fayette, Allamakee, Winne-

shiek, Howard, Mitchell, Floyd and Chickasaw shall have two (2) representatives, and the counties of Dubuque, Delaware, Buchanan, Blackhawk, Grundy, Butler, Bremer, Clayton, Fayette, Allamakee, Winneshiek, Howard, Mitchell, Floyd and Chickasaw shall have three (3) senators jointly.

Approved, February 5th, 1851.

CHAPTER 85.

RIGHT OF WAY.

AN ACT to grant the right of way to the Dubuque and Keokuk rail road company, south.

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

SECTION 1. Right of way granted. That there be and is hereby granted to the Dubuque and Keokuk railroad company south, and their successors and assigns, the right of way for a rail road from Iowa City in Johnson county via Washington and Brighton, in Washington county, Fairfield, in Jefferson county, Salem in Henry county, West Point and Montrose to Keokuk, in Lee county, embracing a strip of land one hundred feet wide through section sixteen, and other lands which may be owned by the State of Iowa, over which said road may be located and constructed.

SEC. 2. Manner of obtaining right of way—sheriff to summon freeholders.—Proceed to assess the damages.—Report.—Appeal. And be it further enacted, that in obtaining the right of way for their said rail road, over and across the lands of individual proprietors, the said company and their assigns [203] may proceed in the manner following, that is to say, the grant of such right of way from individual owners, resident of the county in which the land is situated, or who have agents or guardians resident as aforesaid, may be obtained in writing, over the hand and seal of such proprietor, or of his or her agent or guardian resident as aforesaid, and neither acknowledgment or recording shall be necessary to the validity of such grant; and if the owner of any land over which said road may be located, shall refuse to grant the right of way for said road through his or her premises, notice may be given by either party to the sheriff of the county in which said lands may be situated, whose duty it shall be, within ten days thereafter, to summon eighteen freeholders of his county, and who are not interested in a like question, to appear on the premises; and he shall give the parties notice of the time and place of the meeting; when so assembled if the said freeholders so summoned do not all appear, the sheriff shall summon others to make up the the number; the parties shall then proceed, commencing with the company, to alternately strike off the names so returned, until but six of said freeholders are left, who after being sworn, shall proceed to inspect the premises, and assess the damages, if any which such owner will sustain by the construction of said road, and make report thereof to the clerk of the district court for said county, and the same shall be filed by him; and if the company shall, at any time before they actually enter upon said lands for the purposes of constructing said road, pay to said clerk or proprietor the sum so assessed, they shall be fully authorized to construct and maintain said road over and across said premises, doing no unnecessary injury to said lands: provided, that either party dissatisfied with the decision of said freeholders, shall have the right of appeal to the district court of the county

wherein said lands are situated at any time within thirty days after said decision; but such appeal shall not delay the prosecution of work upon said road: provided, the company shall first have paid or tendered the amount adjudged by said freeholders; and in no case shall the company be liable for costs on appeal unless the appellant recover a greater amount of damages [204] than first awarded. But the company shall in all cases pay costs made previously to an appeal.

SEC. 3. Non-residents.—Notice, etc.—Proceedings same as sec. 2. And be it further enacted, That if upon the location of said road, it shall be found to run through the lands of any non-resident proprietor, the said company or their assigns, shall give five weeks notice to each proprietor if known, and if not, by a description of such lands by publication in some newspaper printed in the city of Keokuk or Iowa City, that said road has been located through his or her lands, and if such proprietors shall not apply to such district judge within thirty days thereafter, to have their damages assessed, in the mode prescribed in the preceding section, said company or their assigns, shall provide in the same manner to have the damages assessed; and upon the payment of the damages so assessed, the company thereby shall acquire all rights, privileges and immunities in said third section mentioned.

Approved, February 5, 1851.

CHAPTER 86.

B. S. BRYAN.

AN ACT to authorize Benjamin S. Bryan, a minor, to sell and convey a lot in the town of Cedar Rapids.

Preamble. Whereas, Benjamin S. Bryan a minor, holds and is possessed of a lot in the town of Cedar Rapids, known as lot No. (7) seven in block (31) thirty-one, as designated in the recorded plat of said town, and whereas the said Bryan desires to sell and convey said lot, and it is desirable and important that such sale and conveyance should be legal and valid. Therefore

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

SECTION 1. B. S. Bryan authorized to sell lot—Legalized. That the said Benjamin S. Bryan, a minor as aforesaid, is hereby authorized to sell and convey the said lot in the town of Cedar Rapids, known as lot (7) seven in block (31) thirty-one, as designated in the recorded plat of said town and the said sale and conveyance be and are hereby declared [205] good and valid in law, to the same extent as if the said Bryan was of legal age.

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

Approved, February 5th, 1851.

CHAPTER 87.

PENITENTIARY.

AN ACT to provide for the completion of the penitentiary.

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

SECTION 1. Completion of Penitentiary. That the inspectors of the Penitentiary are hereby directed, as fast as the funds at their disposal will permit, to provide for completing the exterior wall and roof of the Penitentiary, constructing the requisite number of cells, and such other appendages of the establishment as they may think expedient.

SEC. 2. Appropriations. To furnish the means necessary for this purpose, sufficient amount, not exceeding ten thousand dollars, be and the same is hereby appropriated out of the state treasury, from time to time, as fast as required.

SEC. 3. How drawn. The money hereby appropriated must remain in the state treasury until needed. It shall be drawn out on an auditors warrant, founded on an order of the inspectors, or any two of them.

SEC. 4. Report. The inspectors must report to the governor, showing the condition of the work, and the amounts expended; and they shall, at the same time, forward a particular statement of their accounts, showing the items of expenditures, which shall be filed in the office of auditor of state.

SEC. 5. Take effect. This act shall be in force from and after its publication in the "Iowa Capital Reporter."

Approved, February 5th, 1851.

Published in the Iowa Capital Reporter February 26th, 1851.

[206] CHAPTER 88.

BELLEVUE.

AN ACT to incorporate the town of Bellevue, in Jackson county.

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

SECTION 1. Boundaries.—Incorporated.—Name and style.—Powers. That all that portion of the State of Iowa heretofore embraced within the corporate limits of the town of Bellevue, as surveyed and laid out by the commissioners appointed in pursuance of an act of congress to lay off the towns of Burlington, Fort Madison, Dubuque, etc., viz: fractional section eighteen, in township eighty-six, north of range No. 5 east of the 5th principal meridian, shall be, and hereby is declared to be a corporate town, and the inhabitants thereof shall be and hereby are created a body corporate and politic, with perpetual succession, by the name and style of the "president and trustees of the town of Bellevue," and as such by that name shall be capable in law of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, in all matters whatsoever of law and equity, and also of purchasing, using, occupying, enjoying and conveying real, personal

and mixed estate, and may have and use a corporate seal, and may change, alter and renew the same at pleasure, and shall be competent to have, exercise and enjoy, all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent and appertaining to a body corporate and politic, and for the better ordering and governing said corporate body, the exercise of the corporate powers of the same hereby and herein granted, and the administration of its fiscal, prudential and corporate concerns, with the conduct, direction and government thereof, shall be vested in five trustees to be chosen as hereinafter provided, together with such other officers as are hereinafter mentioned and provided for.

SEC. 2. Corporate authorities, their powers, duty and liabilities. That the said president and trustees of the town of Bellevue, shall be and are hereby invested as the lawful [207] owner and proprietor, with all the real, personal and mixed estate, and all the rights and privileges thereof, together with all the property, revenues and funds, and all the moneys, debts, accounts and demands, due and owing or in anywise belonging to the president and trustees of the town of Bellevue, or which by or under the authorities of any former act or acts, have been acquired, vested in, or is, or may be owing or belonging to the president and trustees of the town of Bellevue, and all rights, interests, claims and demands, in favor of or against the president and trustees of the town of Bellevue, may be continued, prosecuted, defended and collected in the same manner as though this act had never been passed.

SEC. 3. Election of trustees—president—quorum.—judges of election, etc. term—powers and duties. That the qualified electors of said town shall, on the first Monday in May, A. D. 1851, and annually on the same day thereafter, elect five trustees, who shall have the qualification of electors, and reside within the corporate limits of said town, who, when assembled together and qualified, shall choose a president out of their own body, who shall as aforesaid, constitute the president and trustees of the town of Bellevue, a majority of whom shall be necessary to constitute a quorum for the transaction of business; they shall be judges of the election returns and qualification of their own members, and shall continue in office for the term of one year and until their successors shall be chosen and qualified. They shall determine the rules of their proceedings, and keep a record thereof, which shall be open to the inspection of every citizen; and may compel the attendance of absent members in such manner and under such penalties as they may prescribe, and they shall meet in some convenient place in said town on the first Monday in every month: Provided, The president or any two of the trustees may call a special meeting of the board whenever in his or their opinion the same may be deemed necessary, specifying in a written notice for said meeting, the time and object thereof. They may employ a clerk whose duty it shall be to make a correct record of all the proceedings and doings of said board of trustees: provided, that a failure to elect on said day shall not forfeit the [208] charter, but an election may be held on any subsequent day pursuant to notice in manner heretofore provided.

SEC. 4. Treasurer and marshal—bonds. That there shall be elected by the qualified electors of said town, on the first Monday in May, A. D. 1851, and annually on the same day thereafter, a treasurer and a marshal, who shall hold their respective offices for the term of one year, and until their successors are duly elected and qualified. They shall perform such other duties, and exercise such powers as may be lawfully required of them by the regulations and ordinances of the said town. They shall severally give bonds made payable to the president and trustees of said town, and their

successors in office, with good and sufficient securities in such sum as may be by the president and trustees, be deemed advisable, and a clause shall be inserted therein, that if at any time additional security be required the same shall be given; the condition of such bonds shall be that the said treasurer or marshal shall safely keep and pay over to its proper account all money coming into their hands by virtue of their said offices, and shall faithfully discharge the duties thereof.

SEC. 5. Notice of elections—polls—oath of office—vacancy. That in all elections for town officers, it shall be the duty of the president and trustees of said town, to issue or cause to be issued notice thereof, setting forth the time of such election, the place where the same shall be holden, the officer or officers to be chosen, and cause such notice to be posted up in three of the most public places in the town at least ten days previous to such election; and at all such elections the president or two of the trustees, shall sit as judges, and the town clerk, or in his absence, some one of the trustees *pro tempore*, shall sit as clerk; and at all such elections the polls shall be opened at 12 o'clock, M., and close at 4 o'clock P. M., of the same day, and at the close of the polls the vote shall be counted, and a statement thereof proclaimed at the door of the house in which the election was held, and the persons elected shall within ten days thereafter, take an oath to support the constitution and laws of the United States and of this state, and an oath of office, a certificate of which shall be deposited with the clerk, and by him placed on file and preserved. It shall be the duty of the president and trustees [209] to prescribe the time and manner, and provide the place of holding all elections in said town, and making returns thereof not otherwise herein directed and prescribed. Should the office of trustee, treasurer or marshal become vacant by failing to qualify or in any other manner, it shall be the duty of the president and trustees to fill the same by appointment until the next annual election.

SEC. 6. Qualification of voters. That each and every white male citizen who shall have resided in the town of Bellevue, for six months next preceding any election for officers, or for any other purposes and is a qualified voter for state and county officers, shall be deemed a qualified voter at such town election, and when any person shall present himself to give his vote and either of the judges shall suspect such person does not possess the requisite qualification of an elector, or if his vote shall be challenged by any elector who has previously given his vote at such election, the judges of such election shall administer to such person an oath that will test his qualification as a voter.

SEC. 7. Ineligible to office or contract. That no member of the board of trustees shall be eligible to any office within the gift of said board during the year for which he may have been elected, nor shall any member of said board be interested directly or indirectly in the profits of any contract or job for work or services to be performed for the said town.

SEC. 8. Duty of president. That it shall be the duty of the president of said board to be vigilant and active at all times, in causing the laws and ordinances of said town to be duly executed, he shall sign all by-laws and ordinances adopted and passed by the board of trustees, and see that the same are published six days before they go into effect. He shall preside when present at the meetings of said board and be denominated the president of the same and when there is a tie he shall give the casting vote; he shall do and perform such other duties as the said board of trustees may prescribe and determine, not inconsistent with the provisions of this act.

SEC. 9. Duty of treasurer, marshal, etc.—liabilities. That the treasurer and marshal and all other officers under the government of said town, shall before entering upon the duties of their respective offices, take a similar oath to that herein before prescribed for trustees. The said treasur-[210] rer, marshal and other officers shall respectively be allowed such fees and compensation for their services, and be liable to such fines, penalties and forfeitures, for negligence, carelessness, misconduct in office and positive violation of duty, as the board of trustees shall order and determine.

SEC. 10. Ordinances made and published. That the said president and trustees shall have power and it is made their duty, to make out and publish from time to time, all such ordinances as shall be necessary to secure said town, and the inhabitants thereof, against injuries by fire thieves, robbers, burglars and all persons violating the public peace; for the suppression of riots, and gambling and indecent, and disorderly conduct, for the punishment of all lewd and lascivious behavior, in the streets and other public places in said town, they shall have power from time to time to make and publish all such laws and ordinances as to them shall seem necessary to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort, and convenience of the said town, and the inhabitants thereof, to prevent and compel the abatement and removal of nuisances within the limits of said town, to impose fines, forfeitures and penalties on all persons offending against the laws and ordinances of said town, and to provide for the prosecution, recovery and collection thereof, and shall have power to regulate by ordinance the keeping and sale of gunpowder in said town.

SEC. 11. President and trustees to make ordinances to regulate and license groceries, exhibitions, etc., or may prohibit the same—may revoke. That the president and trustees of said town, shall have power and it is hereby made their duty to regulate by good and wholesome laws and ordinances, ale, beer, and porter shops, and places where spirituous liquors are sold in less quantities than one gallon, and all other houses of public entertainment in said town, all theatrical exhibitions and public shows, and all exhibitions of whatever nature or name, to which admission is obtained by payment of money or any other reward, and to impose reasonable fines and penalties for the violation of any such laws or ordinances, and said town shall have full and exclusive power to grant or refuse license to keepers of ale, beer and porter shops, retailers of spirituous liquors in less quantities than one gallon, and all other houses of public entertainment, showmen and mana-[211]gers of theatrical exhibitions and other exhibitions for money or other reward, dealers in goods, wares and merchandise—auctioners for sale of goods, wares and merchandise, horses and other animals at public auction, keepers of billiard tables, ball and ten pin alleys and in granting any such license it shall be lawful for said town to exact, demand and receive such sum or sums of money as they shall think reasonable and expedient. to annex thereto such terms and conditions in regard to time, place and other circumstances under which said license shall be acted upon, as in their opinion the peace, and quiet and good order of society in said town may require.—For the violation of said terms and conditions the said town shall have power to revoke or suspend any such license whenever the good order and welfare of said town may require it, in such manner as shall be provided by ordinance. Said town shall have power to establish and regulate markets; to regulate and license all carts, wagons and drays and every description of two and four wheeled carriages that may be kept in said town for hire, and all livery stables.

SEC. 12. May appoint supervisors—may tax—may prohibit animals from running at large. That the president and trustees shall have the exclusive power of appointing supervisors and other officers of the streets and highways within the said town, and if, collected in money or labor, any sum not exceeding one dollar annually as a road tax from each and every person liable by law to pay such tax or labor on the highways. They shall have the power whenever the public convenience or safety requires it to prohibit hogs, cattle, horses and all other animals from running at large in the streets, alleys, commons and other public places of said town.

SEC. 13. Money must be paid into town treasury—how disbursed. That all moneys raised, recovered, received or collected by means of any tax, license, penalty, fine forfeiture or otherwise under the authority of this act, or which may belong to said town, shall be paid into the town treasury, and shall not be drawn therefrom, except by order, or under the authority of the president and trustees of said town, and it shall be the duty of the president and trustees of said town to liquidate and settle all claims and demands against said town, and to require all officers, agents or other persons entrusted with the disbursement or expenditures of the public money [212] to account to them therefor, at such time and in such manner as they may direct; and they shall annually publish for the information of the citizens a particular statement of the receipts and expenditures of all the public moneys belonging to said town, and also of all debts due and owing to and from the same, and the said president and trustees shall have power to pass all such laws and ordinances as may be necessary and proper to carry into effect the powers herein and by this act granted.

SEC. 14. Ordinances, etc., signed and published. That the by-laws and ordinances of said town shall be signed by the president of the board and published in a newspaper in the county, or posted up in some public place in said town six days before the taking effect thereof, and the certificate of the clerk of the board upon the town records shall be evidence not only of the enacting and signing of said by-laws and ordinance, but of the proper publication of the same having been made.

SEC. 15. Justice of the peace, powers and duties—try offenders—jury—fine and imprisonment—costs—process—imprisonment in jail of Jackson county—fees. Any justice of the peace residing within the said town shall have full power and authority, and it is hereby made their respective duties, at such time as complaint and application shall be duly made before either of them, to issue all needful process for the apprehension of offenders against any of the by-laws or ordinances or regulations of said town, and to hold a court for the trial of all offenders within said town, and the same to fine, imprison or discharge as the by-laws, ordinances and regulations of said town and the facts of the case may require, and for that purpose they and each of them are authorized and required, upon demand of either plaintiff or defendant to cause six citizens of said town to be duly summoned and empanelled as a jury, who after hearing the evidence in the case if guilty shall fix the fine and determine the time of imprisonment where discretion is allowed by the laws or ordinances and where no discretion is allowed their verdict shall be "guilty" or "not guilty," and all such offenders, upon conviction shall be liable for the costs of prosecution and judgment shall go accordingly, and in cases of acquittal the same shall be paid by the corporation, having first been allowed by the board of trustees of said town. And all process in behalf of said town shall run [213] in the name of the "state of Iowa for the use of the president and trustees of the town of Bellevue," and shall otherwise conform to the requisitions and provisions that may be made by said town, and shall be executed and returned by the marshal

or any constable residing in said town. And until other provisions shall be made by the said town authorities it shall be lawful to commit all offenders against said by-laws, ordinances and regulations on conviction to the jail or place of confinement used by the county of Jackson, Iowa, and in case where a portion or all of the punishment shall be by imprisonment the keeper of said jail is hereby required to receive such person or persons, on the proper warrant of the justice of the peace into his custody, in the same manner as in ordinary cases, and all expenses of such imprisonment, in cases where the same cannot be collected from the person or persons convicted and imprisoned shall be paid out of said town treasury. The fees of the justice of the peace, marshal, constable or jurors, in such cases shall be the same as are allowed by the statute in similar cases for the state of Iowa, provided, that nothing in this section shall be construed so as to prohibit either party the right of an appeal from the decision of said justice of the peace or the jury as is allowed by the statute in other cases.

SEC. 16. Trial summary—limitation. That all trials for the violation of the by-laws, ordinances and regulations shall be in a summary manner, and that no person shall be deprived of his liberty for the violation of any of the by-laws, ordinances and regulations more than twenty-four hours for any one offence or be fined in any sum greater than twenty dollars unless convicted by a jury as aforesaid.

SEC. 17. Borrowing of money. That whenever in the opinion of the trustees of said town it is expedient to borrow money for any public purpose, the question shall be submitted to the citizens of the town of Bellevue, the nature and object of the loan shall be stated, and a day fixed for the electors of said town to express their wishes, the like notice shall be given as in cases of elections, and the loan shall not be made unless two-thirds of the votes polled at such election shall be given in favor thereof.

SEC. 18. Meetings of board. That the president and trustees of the town of Bellevue [214] shall provide for the times and places of holding their meetings, not herein otherwise provided for, which shall at all times be open to the public, and during the sickness or temporary absence of the president the duties shall be discharged by a president "pro tempore," who shall be obeyed and respected accordingly.

SEC. 19. Revenue— $\frac{1}{4}$ per cent—duplicate—equalize. That for the purpose of raising a revenue for town purposes, the president and trustees shall have power to levy, assess and collect taxes, on the real and personal property therein; provided, the amount of taxes shall not in any one year exceed the sum of twenty-five cents on the hundred dollars of the value thereof; which value shall be ascertained by an assessor appointed by the board for that purpose. A duplicate of the assessment roll shall be made out and signed by the clerk of said town and delivered to the collector of said town. At the next regular meeting of the board, after the assessment roll shall have been returned for any year the board shall have power to equalize any injudicious assessment on the complaint of any person aggrieved.

SEC. 20. Marshal collect—distress and sale—pay over—manner of selling real and personal property—deed—redemption. That the town marshal shall be the collector of any tax assessed, and he is hereby authorized and required, by distress and sale of personal property, as constables, on execution, to collect and pay over said tax to the treasurer of said town within three months after receiving the duplicate thereof, and the treasurers receipt shall be his voucher. The collector shall make personal demand of every resident charged with tax, and before sale of property for delinquent tax, he shall give ten days written notice of such sale, posted up in three of the most public places in the said town, that if the tax on any lot or piece of land, to dis-

charge which no personal property can be found, shall remain unpaid three months after the expiration of the time allowed the collector for the collection of taxes, then the town marshal shall give thirty days notice, by publication, or by posting up written notices in three of the most public places in said town, that he will at the next term of the district court, for Jackson county, Iowa, apply for judgment and order of sale against said lots and pieces of land for the amount of taxes unpaid, and shall take in all other respects the same steps as are [215] prescribed by law to be taken by the county collector for the collection of delinquent county taxes, except that notice of sale, &c., may be given either by publication in the nearest newspaper or written notice as above; the lots or pieces of land shall be sold in like manner, and the same consequences as though sold for delinquent county taxes, except as herein otherwise provided. And if for any cause they shall not then be sold at the proper time, they may be sold the following or any subsequent year, in the same manner, and with the same consequences as is above contemplated; and upon such sale being made as aforesaid, the marshal shall give a certificate of purchase to the purchaser thereof, and at the expiration of two years from said sale, shall execute his deed for the land or lots thus sold to said purchaser: provided, said land or town lots may be redeemed in the meantime by the owner thereof paying the taxes and costs thereon, with interest at the rate of fifty per cent.

SEC. 21. Judgment in the dist. court how obtained—docket entry. And it is hereby made the duty of the clerk of the district court of Jackson county, upon the application of the town marshal for judgment against said town lots or pieces of land for delinquent taxes, to receive and record the report of said marshal, together with the certificate of publication of notice, in the same book kept for like purposes for delinquent county taxes, and shall also enter in such book all judgments, orders, and other proceedings of the court in relation thereto, and shall keep and preserve the same as a part of the record of the court, and the said clerk shall place the said report and certificate of said marshal on the common law docket for the term, in the following form to-wit:

State of Iowa, for the use of the president	}	Suit for taxes.
and trustees of the town of Bellevue,		
against		
John Roe, et al.		

SEC. 22. Court to hear defense render judgment etc.—order of sale. And it shall be the duty of said court, upon calling the common law docket for said term, if any defense be offered by any of the owners of said town lots or pieces of land so reported, or by any person having a claim or interest therein, to hear and determine the same in a summary way, without pleadings; and if no defense be made the said court [216] shall pronounce and render judgment upon said town lots or pieces of land for amount of taxes, interest and costs, and shall thereupon direct the clerk of said court to make out and issue a similar order for the sale of the same, as that in like cases for the sale of land for delinquent county taxes.

SEC. 23. Public act—repeal. That this act shall be taken and received in all courts by all judges, magistrates and other public officers, as a public act, and all printed copies of the same, which shall be printed by or under the authority of the senate and house of representatives shall be admitted as good authority thereof without any other proof whatsoever. That all acts and parts of acts heretofore passed relative to the incorporation of said town of Bellevue, be and the same are hereby repealed.

Approved, February 5, 1851.

CHAPTER 89.

APPROPRIATION.

AN ACT making appropriations for the support of the state government for the fiscal years of 1851 and 1852.

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

SECTION 1. Appropriation for support of state government. That the following sums of money be, and the same are appropriated to defray the expenses of the state government for the fiscal years of eighteen hundred and fifty-one and eighteen hundred and fifty-two to be paid out of any moneys not otherwise appropriated, as follows:

Sec. 2. Salary of governor. For the salary of governor of the state, two thousand dollars.

Contingent expenses. For contingent expenses of the governor's office six hundred dollars.

Salary of secretary. For salary of secretary of state, one thousand dollars.

Contingent expenses. For contingent expenses of secretary's office, four hundred dollars.

Salary of auditor. For salary of auditor of state, one thousand two hundred dollars.

Contingent expenses. For contingent expenses of auditor's office, four hundred dollars.

[217] **Salary of treasurer.** For salary of treasurer of state eight hundred dollars.

Contingent expenses. For contingent expenses of treasurer's office, four hundred dollars.

Salary of superintendent of public instruction. For salary of superintendent of public instruction, two thousand and four hundred dollars.

Contingent expenses. For contingent expenses of superintendent's office, five hundred dollars.

Salary of supreme judges. For salary of the judges of the supreme court, six thousand dollars.

Contingent expenses of supreme court. For contingent expenses of supreme court, one thousand dollars.

Salary of district judges. For salary of the judges of the district court, twelve thousand dollars.

Salary of librarian. For salary of librarian, three hundred dollars.

Contingent expenses. For contingent expenses of librarian's office, one hundred and twenty-five dollars.

General contingent fund. For general contingent fund, two thousand dollars.

SEC. 3. Officers to report to general assembly how paid. That the governor, secretary, auditor, treasurer, superintendent of public instruction and librarian are required to report each the several items of expenditures they may pay out of the contingent fund to the general assembly.

Approved, February 5, 1851.

CHAPTER 90.

BRIDGE.

AN ACT respecting the bridge across English river on the military road.

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

SECTION 1. Bridge released to Washington county—repair—revert to the state. That all title and interest of the state of Iowa, in the bridge across English river on the military road in Washington county, is hereby released to said Washington county, and the board of commissioners of said county (or their successors in authority) are hereby authorized to repair the bridge, and erect gates thereon, and receive toll from persons passing over the same, at a rate not exceeding the rate now [218] authorized for ferrying across Skunk river in Washington county; provided, however, that if at any time the state of Iowa shall refund to the said county the amount expended by them in repairing said bridge, then said bridge, and all rights hereby granted shall revert to said state of Iowa.

SEC. 2. To take effect. This act to take effect from and after its passage.

Approved, February 5, 1851.

CHAPTER 91.

GENERAL APPROPRIATIONS.

AN ACT to provide for the compensation of members, officers and printers of the general assembly and for other purposes.

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

SECTION 1. Appropriation. That the following sums are hereby appropriated out of any moneys in the hands of the treasurer of state, for the following purposes, viz:

SEC. 2. Pay and mileage of members of house representatives. For pay and mileage of members of the house of representatives for the term of fifty days, four thousand six hundred and thirty-six dollars.

SEC. 3. Pay of the chief clerk. To C. C. Rockwell for services as chief clerk two hundred and eighty-eight dollars.

Assistant clerk. To J. Smith Hooton for services as assistant clerk, two hundred and eighty-eight dollars.

Enrolling clerk. To J. B. Bowen for services as enrolling clerk ninety-six dollars.

Messenger. To L. D. Kent for services as messenger one hundred and thirty-two dollars.

Sergeant at arms. To John Fitzpatrick for services as sergeant-at-arms one hundred and thirty-two dollars.

Fireman, etc. To Thomas S. Green for services as fireman and amount paid for chopping wood one hundred and sixty-five dollars.

Speaker extra pay. To George Temple for extra pay as speaker of the house of representatives one hundred and thirty-two dollars.

C. C. Rockwell superintending printing journals, etc. To C. C. Rockwell for indexing, superintending the print- [219] ing and distributing seven hundred copies of the journal of the house of representatives four hundred dollars.

Stratton, J. F. To J. F. Stratton for surveying and platting road from Ottumwa to Trader's Point on the Missouri river, one hundred and twenty dollars.

Clark, Jno. To John Clark road viewer, fifty-seven dollars.

Webb, Jno. To John Webb road viewer, fifty-seven dollars.

Baker, J. G. To John G. Baker road viewer, fifty-seven dollars.

Townsend, W. To William S. Townsend road viewer, fifty-seven dollars.

Allen, Henry. To Henry Allen chainman, fifty-seven dollars.

Finorta, Jas. To James Finorta chainman fifty-seven dollars.

King J. To Johnson King marker, fifty-seven dollars.

Judson, L. To Lewis Judson flagman, fifty-seven dollars.

Judson, Wm. To William Judson cook, fifty-seven dollars.

McMain, Jno. To John McMain wagoner, fifty-seven dollars.

Harbour, R. R. To R. R. Harbour two days speaker pro tem, four dollars,

Chief clerk pro tem. To John Bell jr. chief clerk pro tem 2 days, eight dollars.

Assistant clerk pro tem. To James W. Woods assistant clerk two days, eight dollars.

Fireman pro tem. To Samuel Knauss fireman pro tem two days, four dollars.

Messenger pro tem. To G. W. David messenger pro tem two days, four dollars.

Sergeant at arms pro tem. To R. T. Dibble sergeant-at-arms two days, four dollars.

Greenwalt. To Thomas Greenwalt fireman one day, two dollars.

Stout. To John Stout assistant messenger and fireman twenty-five dollars.

Committee to examine accounts penitentiary. To Adolphus Salmon and Smith Hamil for expenses as committee to examine the accounts of the warden of the penitentiary, and for justices and witnesses fees in the same, thirty-six dollars and eighty cents.

Publishing proclamation of governor. To Street and Warden for publishing the governor's proclamation, three dollars.

F. Guardian. To the Frontier Guardian office for publishing governor's proclamation for special election, three dollars.

Needham & Co. To Needham and McNeely for publishing governor's proclamation for special election, three dollars.

Doyle & Co. To Doyle and Halsey for publishing governor's proclamation for special election, three dollars.

C. Bates. To Curtis Bates for publishing governor's proclamation for special election, three dollars.

[220] **Spalding & Phelps.** To Spalding and Phelps for publishing the governor's proclamation for special election, three dollars.

Baker & Johnson. To Baker and Johnson for publishing the governor's proclamation for special election, three dollars.

Drown & Pope. To Drown and Pope for publishing the governor's proclamation, three dollars.

H. W. Fyffe. To H. W. Fyffe as per bill rendered, three dollars and fifty-five cents.

John Powell. To John Powell for lamps &c. as per bill rendered, eight dollars and eighty-eight cents.

W. H. Holmes. To W. H. Holmes & Co. for stationary, eight dollars and four cents.

C. A. Robbins. To Charles A. Robbins for lantern, one dollar and fifty cents.

R. Spaulding. To R. Spaulding for ledger for auditor's office, eight dollars.

F. Habberstrah for wood. To Ferdinand Habberstrah for wood furnished for state house this session, three hundred dollars.

J. Robinson. To James Robinson for goods, one dollar and fifty cents.

M. Greenwood. To Miles Greenwood for material furnished for state house twenty dollars and twenty-five cents.

S. Workman. Samuel Workman for stationery &c., four hundred and seventy dollars and ninety-two cents.

C. C. Rockwell. To C. C. Rockwell for thermometer furnished senate at the last session of the Iowa legislature, two dollars.

J. F. Abrams. To J. F. Abrams for stationery, forty dollars.

J. P. Bradshaw. To J. P. Bradshaw for paper, three dollars.

Hall & Co. To Hall and Conkey for stationery, two dollars.

C. A. Robbins. To Charles A. Robbins for seals furnished new counties, seventy-five dollars.

C. Swan. To Charles J. Swan for freight on stationery, two dollars.

Patterson's stationery. To L. B. and O. A. Patterson for stationery &c., as per bill rendered, three hundred and eighteen dollars and fifty-five cents.

C. A. Robbins, lamps, etc. To Charles A. Robbins for lamps and stationery, three hundred and twenty-nine dollars and seventy-five cents.

W. H. Holmes, stationary. To W. H. Holmes & Co., for stationery furnished the general assembly, forty-two dollars and eighty-seven cents.

W. Hamilton for plats. To Wm. W. Hamilton for furnishing selecting agent with plats, lists, etc., for selecting school lands, ninety dollars.

[221] **B. Henn for plats.** To B. Henn for plats furnished selecting agent, eleven dollars.

G. D. Temple for plats. To George D. Temple for plats furnished selecting agent, ten dollars.

C. Nealley for plats. To Charles Nealley for plats furnished the selecting agent, thirty-two dollars.

Dr. Bowen for plats. To Doctor Bowen for plats furnished the selecting agent, four dollars.

R. Brown. To Robert Brown for contingent expenses in selecting school land, seven dollars.

Garner trans. for house. To W. W. Garner for transcribing papers for the use of the house of representatives, two dollars.

E. C. Cole's son assistant messenger. To E. C. Cole's son for services as assistant messenger twenty-three days, twenty-three dollars.

Paste. To E. C. Cole for paste, three dollars.

A. Isinsee chopping wood. To Augustus Isinsee for chopping wood, etc., fifty-seven dollars.

Wm. Pattee for printing. To William Pattee for printing for the state, forty-four dollars.

Palmer & Paul newspapers. To Palmer and Paul for newspapers furnished house of representatives, three hundred and ninety-one dollars and fifty cents.

S. M. Ballard newspapers. To S. M. Ballard for do. one hundred and twenty dollars and seventy-five cents.

Hawkeye. To Burlington Hawkeye for do. six dollars.

Telegraph. To Weekly Telegraph for do. eight dollars and twenty-five cents.

Dispatch. To Keokuk Despatch for do. eight dollars and twenty-five cents.

Whig and Register. To Whig and Register for do. three dollars.

True Democrat. To Iowa True Democrat for do. seventy-five cents.

Statesman. To Iowa Statesman for do. three dollars and seventy-five cents.

Republic. To Des Moines Republic for do. seventy-five cents.

N. W. Democrat. To North Western Democrat for do. eight dollars and twenty-five cents.

Express. To Miners Express for do. fifteen dollars.

Star. To Iowa Star for do. three dollars.

[222] **State Gazette.** To Iowa State Gazette for do. eleven dollars and twenty-five cents.

Ft. Des Moines Gazette. To Fort Des Moines Gazette for do. seventy-five cents.

Davenport Gazette. To Davenport Gazette for do. nine dollars and seventy-five cents.

Banner. To Democratic Banner for do. one dollar and fifty cents.

Sentinel. To Iowa Sentinel for do. seventy-five cents.

Courier. To Des Moines Courier for do. one dollar and fifty cents.

Democratic Enquirer. To Democratic Enquirer for do. four dollars and fifty cents.

Tribune. To Dubuque Tribune for do. seventy-five cents.

Telegraph. To Tri-Weekly Telegraph for do. four dollars and fifty cents.

J. P. Bradshaw, postage. That J. P. Bradshaw be and he is hereby allowed the sum of one thousand and sixty dollars and sixty-eight cents for postage on letters, papers, reports, bills and documents sent and received by the members of the general assembly, from December 3rd, 1850, to February 4th, 1851.

SEC. 4. Pay and mileage of delegates. For pay and mileage of the delegates from Pottawattamie and Fremont counties, five hundred and twenty-eight dollars.

SEC. 5. Fireman of senate. To Peter Conboy as fireman pro tem. at the second general assembly, four dollars.

Extra clerk. To L. B. Patterson for two days services as clerk of the house at \$4 per day, eight dollars.

SEC. 6. Extra clerk. To George S. Hampton, as enrolling clerk in the house of representatives, three days, twelve dollars.

SEC. 7. Pay and mileage of members of senate. For per diem and mileage of the members of the senate, two thousand five hundred and twenty-six dollars.

Pay of officers of senate. For the per diem of the secretaries, sergeant-at-arms, messenger and fireman of the senate, eleven hundred and eighty-eight dollars.

Extra pay of president. For extra pay to the president of the senate, one hundred and thirty-two dollars.

Fireman in committee rooms. For S. J. Dunham, fireman and messenger in the committee rooms and fireman pro tem. of the senate, one hundred and twenty-two dollars.

Palmer and Paul newspapers. To Palmer and Paul for newspapers furnished the senate present session, one hundred and ninety-one dollars and twenty-five cents.

[223] **S. M. Ballard, do.** To S. M. Ballard for newspapers for the senate, ninety-three dollars and seventy-five cents.

Attorney in case Iowa vs. Mo. To Charles Mason as attorney and counsellor in the southern boundary case one thousand dollars.

T. Ewing, do. To Thomas Ewing as attorney in the above named case five hundred dollars.

Penitentiary. For defraying the expenses in settling the affairs of the penitentiary, one thousand dollars or so much as may be necessary for that purpose.

M. B. Root. To M. B. Root for preparing and lettering stone for the Washington monument, one hundred and eleven dollars and twenty cents.

C. Gayman. To Charles Gaymon for chairs, one hundred and six dollars and fifty cents.

A. Hart. To Anson Hart for stoves, stove pipe, spittoons, water buckets, etc., one hundred and sixteen dollars and ninety-five cents.

J. Boblitz. To Jacob Boblitz for making desks for secretaries, clerks and house of representatives one hundred and sixty-six dollars.

Binding carpets, etc. To A. L. Fales for altering and binding carpets, making covers for desks, washing windows, walls, paint and floors of the two houses, fifty dollars.

P. Roberts. To Peter Roberts for turning desk legs, twenty dollars and fifty-two cents.

F. Sanxay. To F. Sanxay for stoves, inkstands and hardware for desks, ninety-six dollars and twenty-one cents.

E. Clark. To E. Clark for lumber and locks for desks nine dollars and eighty-five cents.

H. Basterdes. To H. Basterdes for dyeing curtains for the two houses nine dollars and fifty cents.

Publishing charter Ft. Madison. To the trustees of the Iowa Freeman for publishing the charter of the town of Fort Madison, sixty-one dollars.

P. B. Bradley. To P. B. Bradley, secretary of the senate, for indexing and superintending the printing and distributing the journal, three hundred and fifty dollars.

Fees pro tem. To G. G. Wright for services as president pro tem. of the senate, the sum of four dollars.

[224] **C. A. Robbins.** To C. A. Robbins for one lamp for the senate, one dollar and fifty cents.

P. Conboy. To Peter Conboy for chopping wood, twenty-five dollars.

J. R. Johnson. To Jos. R. Johnson, late jailer of Johnson county, for keeping prisoners in the year 1843, twenty-one dollars.

To pay state house debts. For paying the debts incurred on the state house over and above the appropriation of the 15th of January, 1849, the sum of three thousand five hundred and thirty-two dollars and thirty-nine cents.

Wm. Stricklin. To William Stricklin for expenses in defending himself against the authorities of the state of Missouri, the sum of fifty dollars.

Gower and Holt. To Gower and Holt for merchandise furnished for use of the state house in the year 1850, two hundred and sixty-one dollars and forty-two cents.

J. H. Bonney. To Josiah H. Bonney for services as clerk in taking depositions in the southern boundary case, eighteen dollars and fifty-nine cents.

J. M. Whitaker. To John M. Whitaker for postage, stationary and clerk hire, in connection with the university lands, twelve dollars.

S. J. Dunham. To S. J. Dunham for cutting wood for committee rooms, twenty dollars.

State library. That for the purpose of increasing the state library, the sum of five hundred dollars is appropriated, which amount shall be expended in procuring books and maps, by the governor, or under his direction.

H. Nowlin. To Hardin Nowlin for two days services as enrolling secretary pro tem of the senate, eight dollars.

J. J. Stout. To John J. Stout for two days as messenger pro tem of the senate, four dollars.

C. A. Robbins. To C. A. Robbins for stationary, two dollars.

A. Hart. To Anson Hart as assistant clerk, fifteen dollars.

C. Bates. To Curtis Bates for three copies of the Iowa Star, two dollars and twenty-five cents.

L. P. Sherman. To L. P. Sherman two copies of Gazette, one dollar and fifty cents.

La Cossitt. To H. D. La Cossitt for eight copies of the Enquirer, six dollars.

Approved, February 5, 1851.

[225] CHAPTER 92.

SUPPLEMENT TO APPROPRIATION BILL.

AN ACT supplemental to an act making appropriations for the payment of members, officers and printers of the General Assembly, and for other purposes.

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

SECTION 1. For Postage. That J. P. Bradshaw be and he is hereby allowed the sum of thirty dollars for postage of members of the general assembly not yet provided for, to be accounted for to the auditor of state.

SEC. 2. Extra pay to members house of representatives. To pay for members of the house of representatives, as per diem, for sixteen days, the extra time over and above the fifty days, six hundred and twenty-four dollars.

SEC. 3. Commissioners on boundary line. For pay to H. B. Hendershott and Wm. S. Minor, as commissioners, including all expenses for hands, stationery, etc., in establishing the boundary line between the state of Missouri and state of Iowa, in pursuance of the decree of the supreme court of the United States, three thousand five hundred and fourteen dollars and seventy-six cents.

Approved, February 5, 1851.

CHAPTER 93.

STATE HOUSE.

AN ACT making appropriation to the state house at Iowa City.

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

SECTION 1. Appropriation to complete the state house. That there be, and there is hereby appropriated towards the completion of the state house at Iowa City, the sum of two thousand five hundred dollars out of any money in the treasury not otherwise appropriated.

SEC. 2. Wm. Pattee superintendent. The said appropriation shall be expended under the superintendence of William Pattee, who shall be allowed the sum of two hundred dollars as a compensation therefor.

[226] **SEC. 3. His duty—stairs—central hall—fence.** It shall be the duty of said superintendent, to have built in a permanent and workmanlike manner, according to the original plan, the stairs necessary for said building; have finished the central hall leading to the cupola, and to have the public square enclosed with a substantial fence, and the grounds properly graded, and take such other measures as may be necessary to secure and preserve the building; provided, that the superintendent shall in no case expend more money than is by this act appropriated or incur a greater liability.

SEC. 4. Contracts to be let to the lowest bidder. It shall be the duty of said superintendent in making contracts for work or materials, to let the same to the lowest responsible bidder, taking into consideration the character of the work, and qualification of bidders.

SEC. 5. To take charge of property. It shall be the duty of said superintendent to take charge of and safely keep all the public property at the capitol belonging to the state.

Approved, February 5th, 1851.

CHAPTER 94.

BINDING CODE.

AN ACT fixing the price of binding the revised code.

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

SECTION 1. Allowance to state printer for binding. That the state printer be, and he hereby is allowed the sum of seventy-three cents per copy, for pressing, folding, stitching and binding the revised code, passed at the present session of the general assembly, out of any money in the treasury not otherwise appropriated.

SEC. 2. Draw fifty per cent. That at any time during the progress of the binding of said code, the secretary of state shall, if required by the state printer, issue a certificate specifying the amount of work done, together with its estimated value as hereinbefore fixed, whereupon the auditor of state shall issue his warrant [227] upon the state treasury for fifty per centum of the amount so specified, in favor of the state printer.

Approved, February 5th, 1851.

CHAPTER 95.

NEW COUNTIES.

AN ACT to enable the counties of Bremer, Butler and Grundy to become attached, (until organized,) to Blackhawk county, and to attach said county to Buchanan county, until said organization.

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

SECTION 1. If the county of Blackhawk becomes organized Bremer, etc., attached. That in case the county of Blackhawk becomes organized before the next session of the general assembly, that the counties of Bremer, Grundy and Butler, shall then become attached to the county of Blackhawk for judicial, elective and revenue purposes, without any further action.

SEC. 2. Until organized attached to Buchanan. That until said proposed organization of Blackhawk county, said counties of Blackhawk, Bremer, Butler and Grundy are, and shall be attached to Buchanan county, for judicial, elective and revenue purposes.

SEC. 3. Repeal. That all acts and parts of acts contravening the provisions of this act be and the same are hereby repealed.

SEC. 4. To take effect. This act shall take effect and be in force from and after its passage.

Approved, February 5th, 1851.

CHAPTER 96.

SALINE LANDS.

AN ACT to dispose of the saline lands belonging to the State, and to appropriate the proceeds thereof.

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

SECTION 1. May be sold by consent of congress. That as soon as the congress of the United States [228] consent thereto, the saline lands belonging to the state may be sold, and the proceeds thereof appropriated in the manner herein provided.

SEC. 2. Who shall sell. The sales shall be made by the same officer as though the lands formed a portion of those set apart for the improvement of the Des Moines river, except as herein otherwise declared.

SEC. 3. Pre-emption. Any head of a family or single person, over the age of twenty-one years, who is an actual resident upon such lands at the

time he makes his application, is entitled to a pre-emption: provided, he applies therefor before the first day of July next, or if he makes his application after that time and before the land is actually sold to another.

SEC. 4. Rules. The rules as to pre-emption rights, and the manner of proving up the same, shall in other respects be the same as those heretofore in force in relation to pre-emptions on the Des Moines river lands.

SEC. 5. Proceeds of sale. The proceeds of the sales of said lands constitute a fund for founding and supporting a lunatic asylum and the other object herein specified. The amount realized therefrom must be invested, and the interest only can be used: provided, that the commissioners of the lunatic asylum may if they deem the best interests of the institution and the wants of the state demand it, in the first instance use eight thousand dollars of the principal of the fund to assist in the building and furnishing of said asylum: and provided also, that five thousand dollars of the principal is hereby placed at the disposal of the superintendent of public instruction, for the use of the college of physicians and surgeons at Keokuk, to be paid over as he may from time to time deem advisable.

SEC. 6. Private entry. After the first day of July next, the lands may be sold by private entry in the usual manner; but where there are two or more applicants for the same tract, and where no preference can be claimed by either in consequence of a right of pre-emption as hereinbefore provided for, the lands must be sold to the highest bidder.

SEC. 7. Land may be sold on partial credit. The sale of all lands authorized by this act, shall be on a partial credit and the option of the purchaser, but not less than one fourth of the purchase money shall be paid in [229] ready cash, the remainder must draw interest at the rate of ten per cent per annum.

SEC. 8. Governed by school law—forfeit. If made on a partial credit, contracts must be executed in the same manner as by the law then in force is prescribed in case of school lands sold on a credit. The interest on such contracts must be payable at such times as are fixed in the contracts, and the payments must be made to the treasurer of the county in which the land lies who shall receipt therefor. If not paid promptly when due the rate of interest shall be doubled, and if not paid within six months after due, the contract and the amount already paid thereon will be forfeited, and the land may be sold anew.

SEC. 9. Waste—forfeiture. Any person who wilfully commits waste upon the lands purchased on a partial credit as above contemplated, forfeits the money paid and all claims upon the land, which may be resold accordingly.

SEC. 10. How expended. The proceeds herein appropriated, are to be paid over on the order of the commissioners to carry out the general object contemplated; and the amount of the principal not herein disposed of, is to be invested under the direction of said commissioners, upon bond and mortgage of real estate of the clear unincumbered value of at least twice the value of the sums thus respectively secured.

SEC. 11. Commissioners may sell interest of the state—superintendent public instruction do same with school fund. Where land has thus been sold on a partial credit, the commissioners are authorized to convert into ready money the interest of the state in the unpaid balances due on such sales, by transferring that interest to any one who will advance the money thereon. And the superintendent of public instruction may, if he thinks it can safely be done, direct the investment of any portion of the school fund in this manner, but the interest of the state aforesaid must not be thus disposed of

for less than its par value, nor will the state be in any way responsible for any loss sustained by the person purchasing its interest in the unpaid balances as aforesaid.

SEC. 12. **Take effect.** This act shall take effect from and after its publication in the Iowa Capital Reporter.

Approved, February 5, 1851.

Published in the Iowa Capital Reporter February 26, 1851.

[230] CHAPTER 97.

RELIEF OF THE POOR.

AN ACT to repeal an act entitled "An act to repeal an act entitled an act for the relief of the poor."

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

SECTION 1. **Repeal—revival.** That an act to repeal an act entitled "an act for the relief of the poor," approved January 12th, 1849, be and the same is hereby repealed, and that the act entitled "an act for the relief of the poor," approved February 25th, 1847, is hereby revived.

SEC. 2. **Take effect—expense, Lee.** This act shall take effect and be in force from and after its publication in the "Iowa Statesman" and "Keokuk Dispatch" at the expense of the county of Lee.

Approved, February 5th, 1851.

Published in the Iowa Statesman and Keokuk Dispatch Feb. 15th, 1851.

CHAPTER 98.

PRINTING THE REVISED CODE.

AN ACT relative to printing the revised code.

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

SECTION 1. **Edition 5,000 [6,000] to be printed.** There shall be printed and published in the manner hereinafter provided, an edition of six thousand copies of the revised code, and no other acts shall be published therewith except as herein directed.

SEC. 2. **Papers to be printed with code.** The following papers shall be printed and bound with the code; the declaration of independence; the articles of the confederation; the ordinances of seventeen hundred and eighty-seven relative to the north-west territory; the constitution of the United States; the act establishing the territory of Michigan; the act establishing the territory of Wisconsin and extending the laws of Michigan over the same; the act to divide the territory of Wisconsin and to establish the territorial government of Iowa and the amendments to the same; the constitution of Iowa; the acts of congress relative to the admission of Iowa into the union (and the ordinance of the convention of Iowa); the first and fifth sections of the act to provide for appointing commissioners to draft, revise and prepare

a code of laws; the existing acts of congress relative to the naturalization of foreigners; the acts of congress relative to the authentication of statutes, records &c; and this act.

SEC. 3. Manner of printing code. The edition of the code hereby authorized shall be printed on good book paper, the body of the work in small pica type set solid, with marginal notes and index in brevier type, with the subjects at the head of the pages and the part, title or chapter at the head of the margin, and shall be published in one volume of royal octavo size full bound in sheep and lettered "Code of Iowa 1851."

SEC. 4. Wm. G. Woodward to superintend printing, etc. William G. Woodward be and he is hereby appointed to superintend the order of publication of the code, to prepare brief marginal notes and a full and complete index, to arrange and properly number in a convenient and suitable manner the several divisions and subdivisions from the beginning throughout, to examine and correct the proof sheets, and cause all clerical, typical and grammatical and errors of punctuation to be corrected.

SEC. 5. Secretary of state to furnish manuscript—500 copies to be delivered first of June—to distribute by first of July—code to take effect 1st July. The secretary of state is directed to furnish the above persons with manuscript of the code for the purpose above mentioned, and the state printer is required to deliver five hundred copies printed and bound as herein directed, to the secretary of state by the first day of June next, and they shall be distributed and published by the first day of July next, in the manner provided in the next section, and the code shall take effect on the first day of July next.

SEC. 6. Publication how made—For use of existing officers—after election use of new officers. The above publication shall be made by depositing in each organized county with the board of commissioners or county clerk five copies, which shall be for the use of the existing officers of the county until an election takes place under the code, and then for the use of the county judge, the clerk of the district court, the treasurer, the supervisor of roads, and the school fund commissioners, each one.

SEC. 7. Code to be presumed to take effect unless—Copies not distributed—secretary to make certificate stating when—take effect on that day—evidence—certificate to be published—evidence of certificate. The code shall be presumed to have taken effect on [232] the first day of July next, unless the contrary appear as herein provided. In case the copies of the code are not in fact distributed to all the organized counties by the first day of July, the secretary of state shall make, sign and file in his office a certificate stating on what day they were deposited in the last county, and it shall take effect on the day after the day on which they are so deposited. The said certificate, or a copy thereof under the hand of the secretary and the seal of the state shall be evidence of the fact therein stated; and immediately after filing it in his office the secretary shall publish a copy thereof for four weeks successively in six different newspapers, two of them being published at the seat of government, (if such there be,) which publication shall be prima facie evidence of the existence of such a certificate.

SEC. 8. Work not to cease. The work of printing and binding the said edition shall not cease but the remainder shall be completed as soon as practicable, and be disposed of as follows:

How remainder are to be disposed of. The secretary shall deliver or transmit to the governor two copies, to the auditor, treasurer, superintendent of public instruction, commissioner of the state land office and each of the judges of the supreme and district courts one copy each, and retain one in his own office, deposit twenty-copies in the state library, and transmit to the secretary of

state of the United States five copies and to the executive of each of the United States two copies.

SEC. 9. 3000 to be divided among organized counties—how—clerk to sell—township one copy free. Of the remainder of the edition the secretary shall divide three thousand copies, among the several organized counties in proportion to their population, but giving to no county less than twenty copies, and as soon as practicable transmit to the county clerk of each county the number of copies to which his county is entitled, which the clerk is required to sell at two dollars and fifty cents a copy, and pay to the treasurer of his county the amount received by him for them, on or before the first day of December in each year, and the treasurer shall pay the same into the state treasury at the time of making his next return, but the township trustees of each township, shall be entitled to one copy free of charge for the use of their respective townships.

[233] **SEC. 10. Report of clerk—auditor state and secretary.** The county clerk shall also, on or before the first day of December each year make out in writing, under oath, a statement of the number of copies sold by him and not before accounted for and the number remaining on hand and the amount paid to the county treasurer, and transmit such statement to the auditor of state, [who shall charge the county treasurer with such amount, and the secretary of state] shall certify to the auditor the number of copies transmitted to each county clerk, and the auditor shall charge such clerk therewith, and subsequently credit him with such as may be sold or otherwise lawfully disposed of.

SEC. 11. Clerk to deliver to successor. When the county clerk goes out of office having any of such copies remaining, he shall deliver them to his successor taking his receipt therefor, which shall be his sufficient discharge therefor.

County officers to hand over. And every county officer on receiving a copy shall give his receipt therefor, and shall pass the copy to his successor or deliver it in to the county clerk for the use of subsequent officers, and each shall be liable therefor on his official bond.

SEC. 12. Remainder to be deposited in the office of secretary to be apportioned hereafter. The remainder of the edition of the code, shall be deposited in the office of the secretary of state, and he may in like manner apportion and deliver them to any counties hereafter organized.

Secretary may sell. The secretary may also sell them at the rate above named, after setting apart one thousand copies for subsequent distribution, he paying the proceeds into the state treasury.

SEC. 13. Wm. G. Woodward's pay. When the whole work is in print the said Wm. G. Woodward will be entitled to receive the sum of four hundred dollars from any money in the treasury not otherwise appropriated.

SEC. 14. Take effect. This act shall take effect from its publication in the Iowa Capital Reporter and the Iowa Republican.

Approved, February 5, 1851.

Published in the Iowa Capital Reporter and Iowa Republican, February 13th, 1851

JOINT RESOLUTIONS.

[235] RESOLUTION NO.1.

DES MOINES RIVER GRANT.

JOINT RESOLUTION requesting our senators and representatives in congress to use their exertions to procure the passage of a law refunding money or granting lands to the state of Iowa.

Resolved by the General Assembly of the State of Iowa,

Refunding money. That our senators in congress be instructed, and our representatives requested, to use their best exertions to procure the passage of a law of congress, refunding to this state, such sums of money with interest, as have been received by the general government for lands included within the "Des Moines river grant," which have been sold by the United States subsequent to the 8th day of August 1846, or their equivalent in other lands at one dollar and twenty-five cents per acre.

Resolved,

Secretary's duty. That the secretary of state be required to forward one copy of these resolutions to each of our senators and representatives in congress.

Approved, Dec. 14th, 1850.

RESOLUTION NO. 2.

HASKELL'S ACCOUNTS.

JOINT RESOLUTION relative to the report and accounts of A. H. Haskell Esq. late superintendent of the penitentiary, deceased.

Resolved by the General Assembly of the State of Iowa,

T. H. Benton to investigate account. That Hon. Thomas H. Benton, Jr. be appointed on the part of the general assembly, to investigate the reports and accounts of A. H. Haskell Esq. late superintendent of the Iowa penitentiary, dec'd, with the legal representatives of said decedant, and make report thereof to the general assembly.

Approved, Dec. 14th, 1850.

RESOLUTION NO. 3.

MILITARY ROAD.

JOINT RESOLUTION relative to a military road from Council Bluffs Indian sub-agency, to Sacramento City.

Whereas, the growing importance of the western states imperiously demands the establishment of a military road from Council Bluffs Indian sub-agency to Sacramento City: therefore,

Resolved by the General Assembly of the State of Iowa,

Military road—duty of secretary. That our senators in congress be instructed, and our representatives be requested, to use their influence to procure the speedy location and opening of said road, and that the secretary of state be requested to forward a copy of this resolution to each of our senators and representatives in congress.

Approved, December 21, 1850.

RESOLUTION NO. 4.

JAMES M'INTOSH.

JOINT RESOLUTION for the payment of the claims of James M'Intosh.

Resolved by the General Assembly of the State of Iowa,

Allowance. That the auditor of state be, and he is hereby authorized, to audit and allow to James M'Intosh the amount of fifty-seven dollars and fifty cents, for binding twenty-three volumes of the manuscript laws of Iowa.

Approved, December 21, 1850.

[237] RESOLUTION NO. 5.

MILITARY ROAD.

JOINT RESOLUTION requesting our senators and representatives in congress, to use their influence to procure the extension of the United States Military Road from Agency City, in Wapello county, to a point opposite to Council Bluffs, on the Missouri river.

Resolved by the General Assembly of the State of Iowa,

For the extension of a military road—duty of secretary. That our senators and representatives in congress, be requested to use their influence to procure the extension of the United States military road, from its present termination at Agency City in Wapello county, to a point opposite to Council Bluffs on the Missouri river. And that the secretary of state be requested to forward a copy of this resolution to each of our senators and representatives in congress.

Approved, December 21st, 1850.

RESOLUTION NO. 6.

INDIAN TITLES.

JOINT RESOLUTION in relation to the purchase of Indian titles in Nebraska territory.

Whereas, the west and northwest portions of this state are fast settling with industrious and enterprising citizens, particularly that portion in the vicinity of Council Bluffs, and,

Whereas, the Otoe, Omaha, and Pawnee Indians in Nebraska territory are a great annoyance to said inhabitants, and,

Whereas, mutual benefits would result from the removal of said tribes of Indians: therefore,

Resolved by the General Assembly of the State of Iowa,

Requesting the extinguishment of Indian titles in Nebraska territory—duty of secretary. That our senators in congress be instructed, and our representatives be requested to use their influence to have the general government purchase the country belonging to said Indians, and to make arrangement for their removal, and that the [238] secretary of state be requested to forward a copy of this resolution to each of our senators and representatives in congress.

Approved, December 21, 1851.

RESOLUTION NO. 7.

SOLAR COMPASS.

JOINT RESOLUTION authorizing H. B. Hendershott to dispose of a solar compass belonging to the state of Iowa.

Be it resolved by the General Assembly of the State of Iowa,

That H. B. Hendershott, of Ottumwa, Wapello county, be and he is hereby authorized to sell a "solar compass" now in his possession, belonging to the state of Iowa, and pay the money received by him for said compass, to the treasurer of the state of Iowa: provided always, said compass shall not be sold for a less sum than one hundred and fifty dollars.

Approved, January 4, 1851.

RESOLUTION NO. 8.

RAPIDS.

JOINT RESOLUTION for an appropriation for the improvement of the Des Moines and Rock River Rapids in the Mississippi river.

Resolved by the General Assembly of the State of Iowa,

Asking an appropriation to improve the rapids. That our senators in congress be instructed, and our representatives requested, to use their influence to procure an appropriation in money, or lands, sufficient to improve the channel of the Des Moines and Rock rivers rapids, in the Mississippi river.

Duty of secretary. Resolved that the secretary of state be authorized to forward one copy of the aforesaid resolution to the president of [239] the United States senate, one copy to the speaker of the house of representatives, and one copy to each of our senators and representatives in congress.

Approved, January 4th, 1851.

RESOLUTION NO. 9.

BRIDGES.

JOINT RESOLUTION instructing our senators and requesting our representatives in congress, to procure for the state of Iowa, a donation of lands to be appropriated to aid in building bridges across the rivers of Turkey, Maquoketa, Wapsipinicon and Cedar, in the counties of Clayton, Delaware, Buchanan and Blackhawk. Whereas, the occupation by the Winnebago Indians until recently, of a vast tract of country drained by said river, has prevented the general government from bestowing a proportionate share of patronage upon the interior country on the north; and owing to the rapid settlement of said country, and the inability of the present settlers to bridge said streams without some assistance, therefore,

Resolved by the General Assembly of the State of Iowa,

Asking lands to build bridges. That our senators in congress be instructed and our representatives be requested, to use their influence to procure for the state of Iowa, a donation of lands to be appropriated to aid in building the following bridges across the rivers of Turkey, Maquoketa, Wapsipinicon and Cedar, and applied as follows: Two sections for the north fork of Maquoketa at Rockville, two sections for the south fork at some point to be designated by the county commissioners of Delaware county. For the Wapsipinicon eight sections, four of which to be expended at Quasqueton, and four at Independence. Six sections for Cedar at the Rapids in or near town ninety, north; and ten sections for Turkey river, to be applied in equal portions at Millville, Peck's ford, Elkport and Elcador in the county of Clayton, in all twenty-eight sections. Said lands to be selected by the county commissioners or their successors in office of the respective counties in which said bridges are proposed to be built.

Resolved,

Duty of secretary. That the secretary of state be requested to forward a copy of the foregoing to each of our senators and representatives in congress.

Approved, January 9th, 1851.

RESOLUTION NO. 10.

ACTUAL SETTLERS.

JOINT RESOLUTION asking a donation of land to actual settlers.

Whereas, the preservation of the public liberty, and the perpetuity of our happy form of government, are dependent in a great degree upon the virtue and intelligence which are found among the independent freeholders of the country; and

Whereas, a great number of the able bodied inhabitants of the United States are destitute of a permanent home, and of the ready means of procuring a sufficiency of land upon which to obtain a certain livelihood for themselves and families; and

Whereas, it should be the policy of the national government to encourage, by every suitable means, the early settlement and cultivation of her extensive public domain, and thereby to promote the industry and comfort of the landless multitude within her borders. Therefore,

Resolved by the General Assembly of the State of Iowa,

Lands for actual settlers. That our senators and representatives in congress, be requested to use their efforts to procure the passage of an act granting to each landless head of a family who desires the same, a reasonable quantity of the public lands, upon such conditions as to improvement and occupancy, as in their judgment will secure a comfortable homestead for the use of said family.

Resolved,

That the secretary of state be requested to forward a copy of the foregoing to our delegates in congress.

Approved, January 9th, 1851.

[241] RESOLUTION NO. 11.

GREENE'S REPORTS.

JOINT RESOLUTION in relation to Greene's reports.

Resolved by the General Assembly of the State of Iowa,

Governor to subscribe for 250 copies at \$5 per copy—auditor to issue warrant. That the governor be, and he is hereby authorized to subscribe for, and take, two hundred and fifty additional copies of the present volume of G. Greene's reports, at five dollars per copy, and that the auditor of the state issue his warrant for the same.

Resolved, further,

District court in each county one copy. That the secretary of the state furnish the district court of each county in this state, with one copy of said reports, to be deposited with the clerk of the district court in each county, to be kept by him for the use of the said court.

Resolved, further,

Secretary to deposit 100 copies in his office. That the secretary of state deposit one hundred copies of said reports so taken as aforesaid in his office, there to be kept and in no instance to be parted with until further orders of the general assembly.

Resolved, further,

Remainder deposited with librarian—exchange. That after the disposition and deposit as aforesaid, the remaining copies of said reports so taken as aforesaid, shall be deposited with the state librarian whose duty it shall be to exchange them to the best advantage for other law books for the use of the state library.

Approved, January 13th, 1851.

RESOLUTION NO. 12.

MAIL FACILITIES.

JOINT RESOLUTION for mail facilities.

Resolved by the General Assembly of the State of Iowa.

Weekly mail. That our senators in congress be instructed and our representatives be requested to exert their influence in procuring the transportation of the mail (on the route recently established [242] from Muscatine by the way of Tipton, Pioneer Grove and Anamosa to Prairie Duchein) in two horse coaches not less than once a week.

Resolved,

Duty of secretary. That the secretary of state be requested to forward a copy of the foregoing resolutions to each of our senators and representatives in congress, and also one to the post master general.

Approved, January 15th, 1851.

RESOLUTION NO. 13.

LAND OFFICE.

JOINT RESOLUTION for establishing a land office at Fort Desmoines.

Resolved by the General Assembly of the State of Iowa,

Asking for land office. That our senators and representatives in congress be requested to continue to use their influence for the passage of a law establishing a land office at Fort Desmoines in Polk county Iowa.

Resolved,

Duty of secretary. That the secretary of state be requested to forward a copy of the foregoing resolution to each of our senators and representatives in congress.

Approved, January 18th, 1851.

RESOLUTION NO. 14.

FORT ATKINSON.

JOINT RESOLUTION to procure for the state of Iowa a donation of Fort Atkinson, and the land attached thereto.

Be it resolved by the General Assembly of the State of Iowa,

Ft. Atkinson asked for a normal school, etc. That our senators be instructed, and our representatives in congress be requested to use their influence to procure for the state of Iowa a donation of Fort Atkinson, in the county [243] of Winneshiek, together with the lands reserved for the use of said fort, to be appropriated to the occupancy and use of a normal, manual labor, and military institute, under the direction and control of the general assembly of Iowa.

And be it further resolved,

Duty of secretary. That the secretary of state be required to forward a copy of these resolutions to our senators and representatives in congress.

Approved, January 21, 1851.

RESOLUTION NO. 15.

FOR SURVEYING LANDS.

JOINT RESOLUTION relative to procuring an appropriation from congress.

Whereas, the unsurveyed portion of the western portion of the state of Iowa, lying south of the first correction line, is fast settling up with an industrious people, and at this time contains a population of twenty thousand souls mostly engaged in agricultural pursuits: therefore,

Be it resolved by the General Assembly of the State of Iowa,

Asking appropriation for surveying. That our senators be instructed, and our representatives in congress be requested, to use their influence to procure an appropriation from the general government, to defray the expenses of surveying said portion of our state, and to take such other action as will tend to secure the early survey of said territory.

Resolved,

Duty of secretary. That the secretary of state be requested to forward a copy of this preamble and resolution to each of our senators and representatives in congress.

Approved, January 22d, 1851.

[244] RESOLUTION NO. 16.

COMPROMISE MEASURES.

PREAMBLE AND RESOLUTIONS in reference to the compromise measures passed by the congress of the United States.

Whereas, the congress of the United States at its last session adopted a series of acts known as the compromise measures, and whereas there has been manifested throughout portions of the north and south a disposition to set a portion of said acts at defiance, and thereby declare open resistance to the power of the government and its laws: and whereas, in view of our duty to the government and for the purpose of showing to all portions of the Union our firm and unyielding devotion to its cause and its institutions, we deem it proper to make some public demonstration of our views and feelings: therefore,

Resolved,

Constitution of U. S. must be obeyed. That in the opinion of this general assembly "the constitution of the United States is a compact, a fundamental treaty," and that in order to our continued prosperity and happiness, that constitution and the laws of the land must be respected and obeyed.

Resolved,

Will not countenance "higher law" doctrine. That we will give no countenance or aid to those north or south, who set up "their own rule of conduct," in opposition to, and as being higher than the constitution, and while we would give the largest latitude to thought, speech and action; yet such an avowal we regard as meriting unmixed condemnation, its inevitable tendency being hazardous to that Union which we hereby declare ourselves bound to maintain by any and all means in our power.

Resolved,

Duty of good citizens. That whatever may be the opinions of individuals as to the policy or details of said compromise measures, yet it is the duty of every good citizen to conform to their requisitions and carry them out in good faith, seeking their modification or repeal if such should be necessary, in the manner contemplated by the constitution and laws.

Resolved,

Constitution our guide. That the constitution should be our guide, "and in questions of doubt we should look for its interpretation to [245] the judicial decisions of the tribunal which was established to expound it and to the usages of the government, sanctioned by the acquiescence of the country;" that "all its provisions are equally binding," that it is the will of the people expressed in the most solemn form," that no pretence of utility, no honest conviction even of what might be expedient can justify "the assumption of any power not granted" or the violation of its provisions, and that we deem it our first duty not to "invade its requirements or nullify its commands."

Resolved,

Duty of secretary. That the secretary of state is hereby directed to forward a copy of these resolutions to the governors of each state and territory and to each of our senators and representatives in congress.

Approved, January 23d, 1851.

RESOLUTION NO. 17.

PENSION.

JOINT RESOLUTION relative to the pension of Silas Messenger.

Resolved,

Pension for Silas Messenger. That our senators be instructed and our representatives requested to use their influence in the congress of the United States, and before the proper departments, to procure a pension for Silas Messenger, of the county of Buchanan, and we do hereby most earnestly recommend his application to the early and favorable consideration of the government.

Resolved,

Secretary forward. That a copy of this resolution be forwarded to each of our senators and representatives by the secretary of state.

Approved, January, 23d, 1851.

[246] RESOLUTION NO. 18.

LIBRARIAN.

JOINT RESOLUTION for the appointment of a Librarian.

Resolved by the General Assembly of the State of Iowa,

I. Kister appointed librarian. That Israel Kister be and he is hereby appointed librarian who shall hold his office for the term of two years and until his successor is appointed and qualified.

Approved, January 24th, 1851.

RESOLUTION NO. 19.

SALINE LANDS.

JOINT RESOLUTION respecting saline lands.

Resolved by the General Assembly of the State of Iowa,

For the sale of saline lands. That our senators in congress be instructed and our representatives requested, to urge the passage of a law by congress authorizing the general assembly of said state to sell and dispose of the saline lands belonging to said state, pursuant to act of congress, approved March 3d, 1845, in such manner and at such price not less than one and one-fourth dollar per acre, as said general assembly may see fit.

Resolved,

Secretary forward. That the secretary of state be requested to forward a copy of the above resolution to each of our senators and representatives in congress.

Approved, January 24th, 1851.

[247] RESOLUTION NO. 20.

PENITENTIARY.

JOINT RESOLUTION relating to the accounts of the Iowa Penitentiary.

Resolved by the General Assembly of the State of Iowa,

Appoint commissioner — duty—settle—accounts—reports—compensation—proviso—perjury—notice—oath of commissioner. That the governor be authorized to appoint a commissioner, whose duty it shall be to settle with all persons having claims against, or unsettled accounts with, the Iowa penitentiary, including those of John W. Cobick, lessee and keeper, and appointed under the act of the general assembly, approved January 17th, 1846, as also the books of A. H. Haskell late superintendent, deceased, and John Scott, Esq., his successor, which said commissioner shall have power to send for persons, and papers, and to administer oaths, and shall state the amounts when a balance appears either way, and report to the governor within six months from the date of his appointment, and if approved by him said report shall be filed in the office of the auditor of state, which officer shall issue his warrant in favour of each person entitled to the balance reported by said commissioners; such commissioners to be entitled to two dollars per day for service actually rendered while engaged in the duties aforesaid; provided, that any person who wilfully swears falsely in reference to any account before said commissioner, shall be deemed guilty of perjury and liable to be punished accordingly, and provided further, that said commissioner shall immediately after his appointment give notice for three weeks in the papers published at Fort Madison Lee county and the Capital Reporter at Iowa City, notifying all persons having claims against said penitentiary, to state, and present the same, to said commissioner within thirty days, and if such claims are not presented within the time aforesaid, they shall be forever barred, and the state be discharged from any further liability for the same; provided further, that the commissioner before entering upon the duties of his office shall take and subscribe an oath for the faithful and impartial discharge of his duties, which oath shall be filed in the office of the secretary of state.

Approved, February 4th, 1851.

[248] RESOLUTION No. 21.

PRINTING CONSTITUTION IN GERMAN.

JOINT RESOLUTION relative to printing the constitution of the state of Iowa in the German language.

Preamble. Whereas the German population of the state of Iowa constitute a large and respectable portion of her most valuable citizens, and whereas the greater part of said Germans are unacquainted with the English language, in consequence of which they are unable to make themselves acquainted with the constitution of our state. Therefore,

Resolved by the General Assembly of the State of Iowa,

Ed. of N. W. Democrat to print constitution in German—secretary to distribute. That the editor of the North-Western Democrat, be, and he is hereby authorized to translate into the German language and print five thousand copies of the constitution of the state of Iowa; and deliver the same to the secretary of state, whose duty it shall be to distribute them in each county

of the state, according to the number of inhabitants the respective counties contain, making the last census the standard; provided, said translation and printing shall not exceed seventy-five dollars over and above the amount the same number of copies would cost in English.

Approved, February 4th, 1851.

RESOLUTION No. 22.

LANDS TO BUILD BRIDGES.

JOINT RESOLUTION asking a grant of land.

Resolved by the General Assembly of the State of Iowa,

Asking for lands to build bridges. That our senators in congress be instructed, and our representatives requested, to use their best exertions to procure from that body, a grant of thirty-two sections of the public lands, to aid in bridging the principal streams, on a post route, com- [249] mencing at Dover in Davis county running via Bloomfield the county seat of Davis county, and via the county seat of Appanoose, Wayne, Decatur, Ringgold, Taylor, Page and Fremont counties, to Fort Kearney on the Missouri river, four sections to be selected in each of the several counties above named.

Resolved,

Duty of secretary. That the secretary of state be requested to forward a copy of the above resolution to each of our senators and representatives in Congress.

Approved, February 4th, 1851.

RESOLUTION No. 23.

SUPERINTENDENT OF PENITENTIARY.

JOINT RESOLUTION for the appointment of a superintendent of the state penitentiary.

Be it resolved by the General Assembly of the State of Iowa,

G. Grigsby appointed sup't penitentiary. That George Grigsby, be and he is hereby appointed superintendent of the penitentiary for the state of Iowa, at Fort Madison, to hold his office from the fifteenth day of February 1851, and until his successor in office is appointed and qualified.

Approved, February 4th, 1851.

RESOLUTION No. 24.

STATE UNIVERSITY.

JOINT RESOLUTION appointing trustees to the branch of the state university at Fairfield.

Resolved by the General Assembly of the State of Iowa,

Appointed trustee for the branch of the state university. That Barnet Ristine, Christian W. Slagle and Charles Negus, be [250] and they are hereby appointed trustees to fill the vacancies occasioned by the expiration of the terms of the trustees of the branch of the state university at Fairfield, in Jefferson county.

Approved, February 5, 1851.

RESOLUTION No. 25.

PENITENTIARY.

JOINT RESOLUTION relative to the accounts of J. W. Cohick.

Resolved by the General Assembly of the State of Iowa,

Governor to collect balance found due by comr's. That the governor be authorized to proceed to collect, without delay, all balances which may be found due the state on settlement by the commissioner to be appointed by him to settle the accounts of J. W. Cohick, lessee of the penitentiary, as also all accounts relative to said penitentiary.

Approved, February 5, 1851.

RESOLUTION No. 26.

DISTRIBUTION OF LAWS.

JOINT RESOLUTION relative to the distribution of the laws.

Resolved by the General Assembly of the State of Iowa,

Each member 1 copy. That each member of the general assembly receive one copy of the laws passed at the present session.

Approved, February 5, 1851.

[251] RESOLUTION No. 27.

SCHOOL LAWS.

JOINT RESOLUTION authorizing the superintendent of public instruction to compile the school laws.

Resolved by the General Assembly of the State of Iowa,

Laws to be copied—pub. in code. That all laws now in force in relation to common schools, the university and school lands, be compiled and arranged under the direction of the superintendent of public instruction, and as so compiled and arranged, that the same shall be printed and published in their appropriate places in the revised code.

Approved, February 5, 1851.

RESOLUTION No. 28.

MAIL FACILITIES.

JOINT RESOLUTION asking an increase of mail facilities.

Resolved by the General Assembly of the State of Iowa,

Mail routes. That our senators be instructed and our representatives in congress be requested to use their influence to procure the passage of an act of congress securing to the people of the state of Iowa the following named mail routes.

1. **Colesburgh to West Union.** From Colesburgh in Delaware county by way of Sodomilla, Strawberry Point, Lightsville and Centreville to West Union in Fayette county.

2. **Guttenberg to Louisville.** From Guttenberg, in Clayton county by way of Elkador, Claremont and Elrodian to Louisville, in Winneshiek county.

3. **Monona to Ft. Clarke.** From Monona, in Clayton county by way of Louisville, in Winneshiek county, to Fort Clark on the Des Moines river.

4. **McGregor to Hardin.** From McGregor, in Clayton county by way of Tom Corwin, Point Rock Prairie, Columbus, Launing and Union Prairie to Hardin, in Alamakee county.

[252] 5. **Hardin to Decorah.** From Hardin, in Alamakee county, by way of Fullers, to Decorah, in Winneshiek county.

6. **Garnavillo to Clayton.** From Garnavillo, to Clayton in Clayton county.

7. **Monona to W. Union.** From Monona, in Clayton county, by way of Claremont to West Union, in Fayette county.

8. **Muscatine to Montezuma.** From Muscatine City, in Muscatine county, by way of Yatton and Richmond, to Wassonville in Washington county; thence via Deep Creek to Montezuma, in Poweshiek county.

9. **Sabula to Anamosa.** From Sabula, by way of Spragueville, Maquoketa, Bear Creek, in Jackson county and Knight's settlement in Jones county, to Anamosa, in Jones county.

10. **Centreville to Chariton.** From Centreville, in Appanoose county, to Chariton in Lucas county.

11. **Albia to Centreville.** From Albia, in Monroe county, to Centreville, in Appanoose county.
12. **Canton to C. Bluffs.** From Canton, in Lucas county, to Council Bluffs, on the Missouri river.
13. **Lancaster to Albia.** From Lancaster, in Keokuk county to Albia, in Monroe county.
14. **Keokuk to Oskaloosa.** From Keokuk, in Lee county, by way of Charleston, Primrose, Birmingham, Fairfield, Libertyville, Agency City, Dahlonga and Kirkville, to Oskaloosa, in Mahaska county.
15. **Union Mills to Montezuma.** From Union Mills, in Mahaska county, to Montezuma, in Poweshiek county.
16. **Columbus City to Pedee.** From Columbus City, in Louisa county, by way of Samuel Nichols, West Liberty to Pedee, in Cedar county.
17. **Salem to Mt. Pleasant.** From Salem, in Henry county, to Mount Pleasant in Henry county.
18. **Quasqueton to Ft. Desmoines.** From Quasqueton, in Buchanan county, to Fort Desmoines, in Polk county by way of the county seat of Marshall county.
19. **Cedar Falls to Ft. Clarke.** From Cedar Falls, in Blackhawk county, to Fort Clark, on the Desmoines river.
20. **Independence to Big Woods.** From Independence, in Buchanan county, to the Rice trading house, in the Upper Big Woods of Cedar river.
21. **Albany, Ill. to Anamoosea.** From Albany, in the state of Illinois, by way of Camanche, Centre Grove and Bloomfield to Anamosa, in Jones county, Iowa.
- [253] 22. **Centreville to county seat of Fremont.** From Centreville, in Appanoose county, by way of the county seats of Wayne county, Decatur county, Ringgold county, Taylor county, Page county and Fremont county.
23. **Lancaster to Sugar Grove.** From Lancaster, in Keokuk county, by way of Indianapolis, in Mahaska county, to Montezuma, in Poweshiek county, to Timber creek and the county seat of Marshall county, by the way of Sugar grove in the county of Poweshiek.
24. **Davenport to Iowa City.** From Davenport, by way of Blue Grass, in Scott county, Center Grove, in Muscatine county, John Bordston, Rochester, Pedee, in Cedar county, to Iowa City in Johnson county.
25. **Sabula to Pioneer Grove.** From Sabula, in Jackson county, by way of Elk river and Ozhiah Hunters, in Clinton county, and Center grove, Dewitt and Onion Grove, to Pioneer Grove, in Cedar county.
26. **Cassville to Millville.** From Cassville, in Grant county, Wisconsin, to Millville, in Clayton county, Iowa.
27. **Decorah to St. Paul, Min. ter.** From Decorah, in Winneshiek county, Iowa, to St. Paul, in Minnesota territory.
28. **Sodomillo to Elkador.** From Sodomillo, by way of Cox creek, to Elkader, in Clayton county.
29. **Centreville to county seat of Marshall.** From Centerville, in Fayette county, by way of Cedar Falls, in Blackhawk county, to the county seat of Marshall county.
30. **Rochester to Mason's grove.** From Rochester, in Cedar county, to Mount Vernon, in Linn county, by way of Woodbridge and Mason's Grove.
31. **Delhi to Colesburgh.** From Delhi, in Delaware county, to Colesburgh, in same county.

32. **Delhi to Fayetteville.** From Delhi, in Delaware county, by the way of Akers mill, Turners mill, to Fayetteville, in Fayette county.
33. **Bentonsport to Keosauqua.** From Bentonsport, in Van Buren county, by way of south Bentonport, to Keosauqua, in said county.
34. **Ft. Desmoines to Athens, Mo.** From Fort Des Moines, by way of Wintersett, to Council Bluffs, and from Wintersett, in Madison county, to Athens, in Grundy county, Missouri.
35. **Port Byron, Ill. to LeClaire.** From Port Byron, in Illinois, to LeClaire, in Scott county, Iowa.
36. **Knoxville to Wintersett.** From Knoxville, in Marion county, via Indianola, to Wintersett, in Madison county.
- [254] 37. **Bloomfield to Wellsville.** From Bloomfield, in Davis county, to Wells' mill, in Appanoose county.
38. **Delhi to Marion.** From Delhi, in Delaware county, to Marion, in Linn county.
39. **Knoxville to Red Rock.** From Knoxville, in Marion county, to Red Rock, in said county.
40. **Kanesville to Big Grove.** From Kanesville, in Pottawattamie county, to the Big Grove, in Crawford county.
41. **Dodgeville to New London.** From Dodgeville, in Des Moines county, to New London, in Henry county, via Pleasant Grove, in Des Moines county.
42. **Ottumwa to Memphis, Mo.** From Ottumwa, in Wapello county, via Bloomfield, in Davis county, to Memphis, in Scotland county, Missouri.
43. **Keokuk to Farmington.** From Keokuk to Farmington, via Des Moines river.
44. **Toolsboro to Wapello.** From Toolsboro, in Louisa county, to Wapello, via Florence, in said county.
45. **Salem to Farmington.** From Salem, in Henry county, to Farmington, in Van Buren county.
46. **Keosauqua to Birmingham.** From Keosauqua to Birmingham, in Van Buren county.

Resolved,

Secretary to forward. That the secretary of state be required to forward a copy of these resolutions to our senators and representatives in congress.

Approved, February 5, 1851.

RESOLUTION No. 29.

LAWS.

JOINT RESOLUTION providing for the publication of the general and local laws of the present session.

Resolved by the General Assembly of the State of Iowa.

Not to be printed—how disposed of. That three thousand copies of all laws passed at the present session of the general assembly, except the "revised code," be published under the superintendence of the secretary of state; and that one thousand copies of said laws be deposited in the office of the

secretary of state, to be hereafter distributed among counties hereafter organized, and that the balance be [255] distributed among the several organized counties of the state according to population: provided, that each organized county shall be entitled to twenty copies; and that the secretary of state be allowed the sum of three hundred dollars for superintending the printing, indexing and distributing said laws among the counties of the state.

Approved, February 5, 1851.

RESOLUTION No. 30.

DISTRIBUTION OF CODE.

JOINT RESOLUTION to pay for the distribution of the revised code.

Resolved by the General Assembly of the State of Iowa,

Pay for distributing code. That the secretary of state be allowed the sum of four hundred dollars for distributing the revised code, and the auditor is hereby authorized and required to audit and allow the same.

Approved, February 5, 1851.

RESOLUTION No. 31.

FUND COMMISSIONERS.

JOINT RESOLUTION requiring the school fund commissioners to report yearly to the superintendent of public instruction, &c.

Resolved by the General Assembly of the State of Iowa,

Report 1st day of November. That the several school fund commissioners in this state shall report annually on the first day of November in each and every year, to the superintendent of public instruction, in such manner as he may direct, and

Resolved, further,

That the superintendent of public instruction shall report biennially to the general assembly of this state on the first day of the session thereof.

Approved, February 5, 1851.

[256] RESOLUTION No. 32.

STATE LANDS.

JOINT RESOLUTION authorizing the governor to protect school, university, saline and swamp lands, against waste.

Resolved by the General Assembly of the State of Iowa,

Governor to protect. That the governor is hereby authorized and empowered to institute such regulations as he may think proper, for the protection of school, university, saline and swamp lands, which have been selected in the unorganized counties against waste.

Approved, February 5th, 1851.

RESOLUTION No. 33.

UNIVERSITY OF IOWA.

JOINT RESOLUTION appointing trustees for the university of Iowa.

Resolved by the General Assembly of the State of Iowa.

Trustees. That George W. M'Cleary, E. C. Lyon, Anson Hart, James H. Gower and G. D. Palmer be and they hereby are appointed trustees to fill the vacancies which have occurred in the board of trustees of the university of Iowa by the expiration of the terms of certain members thereof, and the vacancy occasioned by the resignation of A. H. Palmer, formerly a member of the above board.

Approved, February 5th, 1851.

RESOLUTION No. 34.

MAIL FACILITIES.

Resolved by the General Assembly of the State of Iowa,

That our senators be instructed and our representatives be requested to use their influence to procure additional mail facilities in the state of Iowa as follows:

1. **Routes recommended.** From Anamosa to Iowa City via Ivanhoe: in post coaches, three times a week.
2. On route 4657 from Burlington to Des Moines county, to Keosauqua in Van Buren county, via Parrish, Lowell, East Grove, Salem, Hillsborough, Utica and Union: in two horse post coaches, three times a week.
3. From Ottumwa in Wapello county to Albia in Monroe county, in place of the present weekly mail from Eddyville to Albia: the mail to be carried semi-weekly.
4. From Dubuque to Elkador in Clayton county in two horse coaches, twice a week on the usual route, via Tivoli, Newwine, Colesburg, Elkport and Commerceville.
5. From Fort Des Moines in four horse post coaches, three times a week, to Council Bluffs, via Winterset, Wahtawah, Indian Town and Kaneshville.
6. From Elkador to Garnaville in Clayton county: twice a week on horseback.
7. From Farmersburg to Monona in Clayton county: twice a week on horseback.
8. From Oskaloosa in Mahaska county to Brighton in Washington county on route 4689, twice a week.
9. From Dubuque in Dubuque county to M'Gregor in Clayton county, twice a week in two horse post coaches, via Pinoak, Millville, Guttenberg and Farmersburg and Garnaville.

Approved, February 5th, 1851.

RESOLUTION No. 35.

CLARISSA HASKELL.

PREAMBLE AND JOINT RESOLUTION making an appropriation for the benefit of Clarissa Haskell, widow of the late A. H. Haskell.

Whereas, by the death of A. H. Haskell, superintendent of the penitentiary, the state has lost a faithful public ser- [258] vant, one who was ever prompt in the discharge of important and responsible duties of the station he filled, faithful and ever judicious in the management of the funds intrusted to his care.

And whereas, the salary allowed the said Haskell was totally inadequate to support his family, and far from a fair compensation for the services rendered the state in the discharge of his official trust, and whereas, by his untimely death his family are deprived of the benefit of his salary until the expiration of his term of office: therefore,

Be it resolved by the General Assembly of the State of Iowa,

\$300 appropriated. That the sum of three hundred dollars be, and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, to and for the use of Clarissa Haskell, wife of A. H. Haskell, late warden of the state penitentiary.

Auditor to audit. And be it further resolved, that the auditor is hereby required to audit and allow the said sum to Clarissa Haskell, or her order, at any time when the same shall be by her demanded.

Approved, February 5, 1851.

RESOLUTION No. 36.

SOUTHERN BOUNDARY DIFFICULTY.

PREAMBLE AND RESOLUTION on the subject of procuring from the United States a compensation for services and expenses in defending a portion of the territory of the U. S. against the unlawful claim to the exercise of authority, by the state of Missouri.

Whereas, in the winter of 1839, an attempt was made by the state of Missouri to exercise authority over a portion of the territory of the United States situated within the boundaries and forming part of the territory of Iowa.

And whereas, the marshal of the U. S. within and for the territory, acting under the authority of the general government and in pursuance to advice of the governor and district attorney of the U. S. for Iowa, and influenced by a proper regard for his duty as such officer, called out an armed [259] force to preserve the peace, to protect the territory of the U. S. and to resist the exercises of authority by Missouri beyond her state limits.

And whereas, many of the citizens of the U. S. residing in the said territory under a due sense of duty and obligation to their government and in obedience to a call made upon them by government officers, at much individual expense and difficulty repaired to the place of attempted aggression, and whereas, by the judgment of the supreme court of the United States pronounced at its December session 1848, the attempted exercise of authority by Missouri over said territory was decided unlawful, thus verifying the legality

and propriety of the resistance above specified and thus justifying the praiseworthy and patriotic efforts on the part of those engaged, to repel the said assumption by the state of Missouri. Therefore,

Resolved by the General Assembly of the State of Iowa,

That our senators and representatives in congress be requested to again urge upon the consideration of a liberal and just government, the justice of the claims of citizens of the U. S. residing in this state to compensation for said service and expenses and to ask that an appropriation be made to pay the same with interest out of the treasury of the United States.

Resolved,

That the secretary of Iowa be and he hereby is instructed to forward a copy of this preamble and these resolutions to each of our senators and representatives in congress.

Approved, February 4, 1851.

[260] MEMORIAL NO. 1.

HUNGARIAN PATRIOTS.

A MEMORIAL to congress asking a donation of land to the Hungarian Patriots who have settled in Decatur county, Iowa.

To the Honorable Senate and House of Representatives of the United States,

Your memorialists the general assembly of the state of Iowa, deeply and earnestly sympathizing with those Hungarian patriots whose gallant but unsuccessful efforts in the cause of liberty and national independence have exiled them from their native land, desirous that their exertions in a cause so patriotic and just, should be acknowledged and appreciated, and that at the same time, and by the same act a home should be secured to these brave and worthy men, where they can enjoy that liberty for which they have exposed their lives and sacrificed their fortunes, respectfully urge upon congress that a grant be made to Gov. Ujzhazy and his gallant associates of the land upon which they have settled in the county of Decatur in this state in accordance with their petition heretofore presented to congress.

Resolved,

That our senators be instructed and our representatives be requested to exert their influence to secure the donation of land asked for in this memorial.

Resolved,

That the secretary of state be requested to forward a copy of the foregoing memorial and these resolutions to each of our senators and representatives in congress.

Approved, January 14th, 1851.

[261] MEMORIAL NO. 2.

MILITARY ROAD.

A MEMORIAL to congress for the location and construction of a military road from the Mississippi river to Fort Clark, on the Des Moines river, and from there to the Council Bluffs, on the Missouri river.

Your memorialists, the general assembly of the state of Iowa, would respectfully and earnestly request your honorable body to locate and construct a military road from the city of Dubuque, on the Mississippi river, to Fort Clark, on the Des Moines river, and from thence to Council Bluffs, on the Missouri river, opposite the Council Bluff Indian Agency, in Nebraska territory.

The improvement of such a road would not only essentially accommodate the intercourse, trade, and agricultural interests of this state, but would be of vast importance to the general government in the transportation of government stores from one garrison to another.

Your memorialists would respectfully represent that Dubuque is the first important point on the west side of the Mississippi after leaving the frontier garrisons on the upper Mississippi river, and its proximity to the great northern lakes, render it peculiarly adapted as a suitable point from which to transport troops, provisions and munitions of war.

Resolved,

That the secretary of state be requested to forward one copy of this memorial to each of our senators and representatives in congress.

Approved, January 14th, 1851.

[262] MEMORIAL NO. 3.

ASKING LANDS TO BRIDGE STREAMS.

A MEMORIAL AND JOINT RESOLUTION asking a donation of land to bridge the principal streams on the state road from Ottumwa to Council Bluffs.

Your memorialist the general assembly of the state of Iowa, respectfully represent, that the great thoroughfare from the Desmoines river through the south-western portion of the state to Council Bluffs crosses several rivers in the unsettled country and that the public good requires said rivers to be bridged. Therefore,

Resolved by the General Assembly of the State of Iowa,

That our senators be instructed and our representatives be requested to use their influence to procure from the general government a donation of twelve sections of land to bridge Grand river and the two Nodawas.

Resolved, that the secretary of state transmit a copy of this memorial and joint resolution to each of our members of congress.

Approved, January 4th, 1851.

MEMORIAL NO. 4.

DONATION OF LANDS FOR RAILROADS.

MEMORIAL to congress for a donation of land to aid in the construction of a rail road from Dubuque, by the way of the great bend in the St. Peters river to Red river, and an additional donation of land or money sufficient to build a bridge across the Mississippi river at Dubuque.

To the Honorable Senate and House of Representatives of the United States,

Your memorialists the general assembly of the state of Iowa, desirous of encouraging agriculture and facilitating commerce with our sister states and territories and with foreign countries, and more especially to afford a market for northern Iowa and Minnesota territory,

[263] Respectfully represent to your honorable body that in order to continue and complete the plan of the central rail road from south to north, so energetically commenced by the late congress by the passage of the Mobile and Dubuque rail road bill, and the passage through the senate a bill to continue the same to Red river by the great bend in the St. Peters river.

Would respectfully urge the importance of this great undertaking and that there should be connected by a bridge across the Mississippi river at Dubuque. Your memorialists are not unmindful of the great magnitude of the work, they have given the subject due consideration and are prepared to say that the river at Dubuque has been carefully examined by competent men, and a thorough examination demonstrates the practicability of the enterprise. Your memorialists cannot remain indifferent to this proposed highway, while we are deeply interested in the many improvements of our country, we cannot disguise the fact that a central thoroughfare connecting the Gulf of Mexico and Atlantic Ocean on the south by the way of Red river, Lake Winnipeg and Hudson Bay on the north is the concentration of an enterprise worthy of the highest consideration of the national government. We need not remind you that a great portion of the country from Dubuque to Red river is healthy, well timbered and susceptible of cultivation, and that improvement would add greatly to the settlement and sale of the public domain, this wise and liberal policy of the general government in heretofore granting a share of her domain for the improvement of the balance and the benefit of settlers, has induced many of our eastern and southern friends to expect a like patronage and many of them are preparing to emigrate to our country with that expectation. It is not the west alone that is interested in this improvement but all are looking to the general government for liberal donations of lands for the purpose of carrying out these great national objects in which the north, the south, the east and west are equally interested.

Your memorialists therefore respectfully ask an appropriation of land for the construction of said railroad from Dubuque to Red river by way of the great bend equal to five sec- [264] tions for each mile of said road to be located in alternate sections five miles on each side of said road on lands adjacent thereto, and an additional appropriation of land or money sufficient to build a bridge across the Mississippi river at Dubuque, with such restrictions and conditions in regard to the transportation of mails, troops and munitions of war as your honorable body may deem fit, they are looking to the great valley of Cedar with her vast bodies of timber, rich soil and water power, the valleys of St. Peters and Red river as their future homes.

Resolved, that the secretary of state be requested to forward one copy of this memorial to each of our senators and representatives and one copy to the Hon. S. A. Douglass.

Approved, January 28th, 1851.

MEMORIAL NO. 5.

MEMORIAL to congress for a grant of land in aid of the construction of the Burlington and Fort Desmoines rail road.

To the Senate and House of Representatives of the United States.

Your memorialists, the general assembly of the state of Iowa, respectfully represent to your honorable body that an energetic effort is now being made to secure the construction of a rail road from Burlington to Fort Des Moines in this state, with a branch to Keosauqua in Van Buren county. That the proposed road will pass through the most wealthy and populous portions of the state, and over a route eminently adapted to the advantageous construction of a work of this character. That Burlington is unsurpassed in population, wealth and enterprise by any town in the state, and is moreover on one of the great natural lines of projected rail road communication between the east and the west, and which there are many reasons to suppose will be found on examination to be the most feasible and advantageous route of all, as it passes through a more wealthy and populous country than any other of the contemplated routes through [265] this state, with fewer streams to be crossed and without encountering any of those difficulties which would tend to increase the length of the road.

Your memorialists therefore ask such a donation of land lying within the state as may be deemed right and proper to aid in the construction of this work so important to the interests of the country, which will be so convenient and useful to the general government, but which the unaided resources of our people are at this time unable to accomplish.

Resolved by the General Assembly of the State of Iowa.

That a copy of the foregoing memorial be forwarded to our senators and representatives in Congress with the usual instructions and requests to use their influence and most earnest exertions to secure the object therein contemplated.

Approved, February 4th, 1851.

MEMORIAL NO. 6.

MILITARY ROAD.

MEMORIAL to congress for the location and construction of military road from the Mississippi river to Fort Clark on the Desmoines river.

Your memorialist, the general assembly of the state of Iowa, would respectfully represent and request your honorable body to locate and construct a military road from Muscatine on the Mississippi river by way of Iowa City and Marengo, on the Iowa river, to Fort Clark on the Desmoines river.

The construction of such a road would materially advance the agricultural interest and trade in that portion of the state through which such road would pass, and more especially ease and facilitate the transportation of military stores, munitions of war, etc., from this point on the Mississippi river to Fort Clark.

Your memorialist would further present that the town of Muscatine is the nearest point on the Mississippi river below the city of Du Buque, which can be approached from Fort [266] Clark, and for all government stores, munitions and troops necessary to be transported from any point on the lower Mississippi, would in the opinion of your memorialist find this the nearest and cheapest route to Fort Clark.

Resolved,

That the secretary of state be requested to forward one copy of this memorial to each of our senators and representatives in congress.

Approved, February 4th, 1851.



RECEIPTS AND EXPENDITURES.

A STATEMENT of the receipts into the state treasury, since the 30th day of November, 1848, from taxes, pedlar's licenses, and interest from delinquents:

From the County of Allamakee.....	\$ 22 00
From the County of Appanoose.....	163 63
From the County of Benton.....	87 24
From the County of Boone.....	11 00
From the County of Buchanan.....	147 14
From the County of Cedar.....	2,225 05
From the County of Clayton.....	1,379 63
From the County of Clinton.....	1,092 36
From the County of Dallas.....	47 50
From the County of Davis.....	1,240 41
From the County of Delaware.....	531 73
From the County of Des Moines.....	10,538 56
From the County of Dubuque.....	5,234 39
From the County of Henry.....	4,112 48
From the County of Iowa.....	140 42
From the County of Jackson.....	2,105 01
From the County of Jasper.....	271 02
From the County of Jefferson.....	3,375 22
From the County of Johnson.....	3,125 37
From the County of Jones.....	808 96
From the County of Keokuk.....	1,153 00
From the County of Lee.....	8,002 52
From the County of Linn.....	2,393 38
From the County of Louisa.....	2,464 97
From the County of Lucas.....	14 20
From the County of Madison.....	27 83
From the County of Mahaska.....	1,746 44
From the County of Marion.....	893 37
From the County of Monroe.....	405 33
From the County of Muscatine.....	3,510 33
From the County of Polk.....	400 30
From the County of Poweshiek.....	105 59
From the County of Scott.....	3,100 65
From the County of Van Buren.....	5,615 60
[268] From the County of Wapello.....	2,908 67
From the County of Warren.....	29 80
From the County of Washington.....	2,588 05
Total amount received from taxes, &c.....	
From Clerk District Court, Jackson county, as a fine to the school fund.....	10 00
From U. S. Marshal for keeping prisoners.....	34 05

From the five per cent school fund, as a loan for five years.....	16,442 05
Balance in the Treasury on the 30th Nov. 1848.....	1,938 87
Total amount applied to disbursements in the year 1849 & 1850.....	\$90,444 12

A STATEMENT showing the amount of warrants drawn on the state treasury since the 30th day of November, 1848.

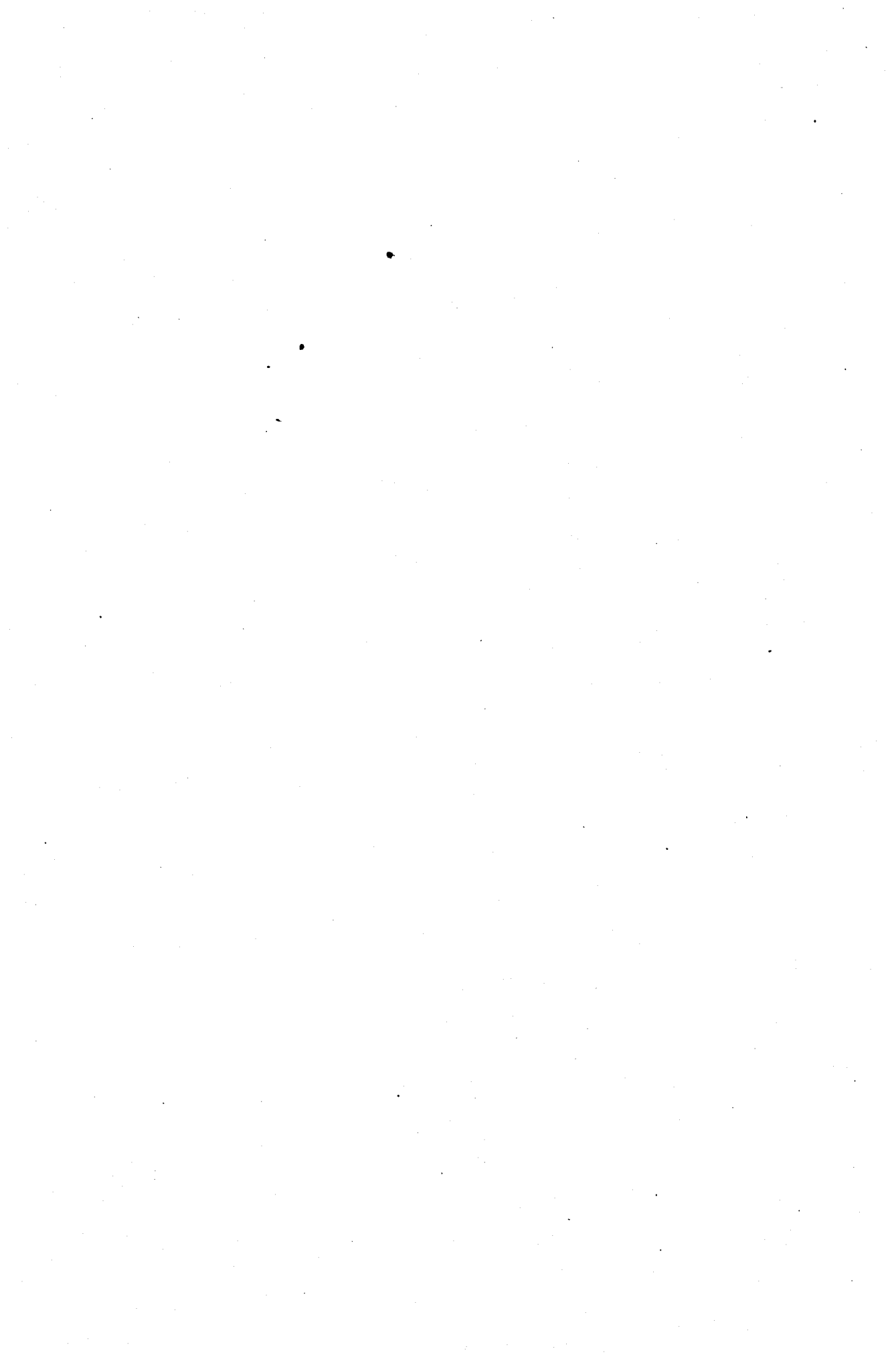
Convention of the year 1846.....	\$ 84 00
Governors' salary.....	2,000 00
Secretary's salary.....	1,000.00
Auditor's salary.....	1,200 00
Treasurer's salary.....	800 00
Salary of Superintendent of Public Instruction.....	3,300 00
Salary of Superintendent of the Penitentiary.....	700 00
Penitentiary debts.....	129 00
Supreme Court account.....	2,265 30
Salaries of Judges of the Supreme Court.....	5,958 34
Salaries of Judges of the District Court.....	10,750 00
Governor's Contingent Fund.....	300 00
Secretary's Contingent Fund.....	300 00
Auditor's Contingent Fund.....	300 00
Treasurer's Contingent Fund.....	300 00
Librarian's Contingent Fund.....	147 58
Librarian's salary.....	337 50
Penitentiary keepers salary to 16th March, 1849.....	150 00
Public Buildings.....	3,200 00
Fund for arresting fugitives from justice.....	320 37
General contingent fund.....	600 00
Interest and expenses on "State Stocks".....	10,237 41
Interest for loan School Fund.....	1,321 12
Interest paid John Brown on bonds.....	133 28
Presidential Electors.....	66 08
Per diem and mileage of the members of the General Assembly.....	5,796 00
Per diem of the officers of the General Assembly.....	1,662 00
Public Printing.....	8,027 75
Sundry accounts per appropriation act.....	1,415 70
[269] Fuel.....	200 00
Stationary.....	668 89
Indexing and distributing the Laws.....	300 00
Indexing and distributng the Journals.....	600 00
John Taylor, Monroe city commissioner.....	204 40
Abstracts of Lands in 1847.....	300 00
Postage of General Assembly.....	977 33
Selecting Salt Springs.....	200 00
Selecting University Lands.....	294 00
Selecting School Lands.....	2,399 00
Recording and platting State Roads.....	480 61
Appanaoose county, criminal case.....	265.71
Abstracts of lands from Land Offices.....	271.46
Copying and forwarding abstracts of land.....	300 00

Sword for Capt. B. S. Roberts, U. S. A.....	100 00
Prosecuting pedlars in Dubuque county.....	15 00
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Prosecuting Attorneys, per appropriation act.....	250 00
Commssioners for revising the laws.....	1,500 00
Expenses of Commssioners of Revision.....	202 50
Contingent fund of Superintendent of Public Instruction.....	300 00
Monroe City certificates redeemed.....	1,344 91
Deaf and Dumb	500 00
Blind	150 00
Reports of the Supreme Court	750 00
	<hr/>
Total	\$75,409 90
Balance applied to the redemption of Warrants previously issued, and the interest thereon	\$15,034 22
	<hr/>
	\$90,444 12

AUDITOR'S OFFICE, IOWA, }
IOWA CITY, MARCH 5, 1851. }

The above and foregoing is an accurate statement of the receipts and expenditures of the public money for the years 1849 and 1850, ending November 30th, 1850, as appears from the books of this office.

WM.PATTEE,
Auditor of State.



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SECRETARY'S OFFICE, }
Iowa City, Iowa, March 10th, 1851. }

I hereby certify, that the foregoing acts and resolutions, are truly copied from the original rolls in my office.

GEO. W. McCLEARY,
Secretary of State.