

[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FERRY CHARTER REPEALED.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S. Parks to keep a ferry across the Mississippi river approved January the 26th, A. D. 1842, be and the same is hereby repealed.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.