

[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.