

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 That all parts of said act, to which this is an amendment, which conflicts with this act are hereby repealed.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