

SEC. 2. When to take effect. This act shall take effect and be in force from and after its [17] publication in the Iowa Capital Reporter and Iowa Standard, published in Iowa City.

Approved, January 22, 1848.

Published in the Reporter and in the Standard, February ninth eighteen hundred and forty-eight.

CHAPTER 13.

CITY OF BURLINGTON.

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. Mayor to be a justice. That the mayor of the City of Burlington shall be ex officio a justice of the peace to all intents and purposes, with jurisdiction limited to the City of Burlington, in the same manner as that of other justices is limited to their respective townships.

SEC. 2. When not disqualified. He shall not be disqualified from trying any cause for the reason that it is brought in the name or behalf, or under the ordinances of said city.

SEC. 3. New streets, etc. The mayor and aldermen of said city shall have power to change the streets, to discontinue old streets, or to lay out new ones therein, whenever the public good may require the same; but whenever, for these purposes, private property shall be taken for public use, full compensation shall be made to the owners thereof, without setting off against such compensation the enhancement in value of the adjacent property.

SEC. 4. Streets discontinued. Whenever any portion of a street shall be discontinued, the mayor and aldermen may dispose of the same for the benefit of the city.

SEC. 5. Accretions to said city. They shall also have power to sell all the accretions in front of said city, after a majority of the votes given on that subject, at any city election, shall have been given in favor of such sale.

SEC. 6. Suits, how brought. All suits and prosecutions on city ordinances shall be brought in the corporate name of the city; but the process shall run in the name of the state, as provided by the constitution.

SEC. 7. Streets and alleys, how changed. No street or alley shall be changed, altered, or vacated, or new ones laid out, until [the consent of] a majority of the property owners on the block adjoining to said street, or through which said alley passes, shall be given in writing to that effect.

SEC. 8. When to take effect. This act shall take effect from and after its publication, by [18] one insertion in each of the newspapers printed in the City of Burlington.

Approved, January 22, 1848.

CHAPTER 14.

TOWN OF PORTLAND.

AN ACT to authorize and empower the board of commissioners of the county of Van Buren, to sell and convey lots in the town of Portland, in said county.

Preamble. Whereas, The board of county commissioners of the county of Van Buren having in conformity to the provisions of an act of congress approved, May 23rd, 1844, entitled "An act for the relief of the citizens of

towns upon the lands of the United States, under certain circumstances," entered the lands upon which the town of Portland in said county of Van Buren is situated; and whereas, the title to lots in said town has not yet been fully vested in the rightful claimants thereto, as contemplated by the said act of congress above referred to, but yet remains in the hands of said county commissioners; and whereas, it is highly important to the citizens thereof that a speedy adjustment of their rights be had: Therefore,
Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Sale of town lots. That it shall be the duty of the board of county commissioners of the said county of Van Buren, or their successors in office, to proceed in the disposal of all lots or parcels of ground in said town of Portland, or in the land entered by said board as aforesaid, in such manner as they may ordain, executing deeds for the same, in conformity with the provisions of this act.

SEC. 2. In cases of dispute—appeal allowed to district court. In all cases where there shall be a dispute or contest in regard to the title to any such lot or lots, or parcels of ground in said town, the said board of commissioners shall hear the testimony relating to the same, and shall give their deed to such person or persons as may seem to be justly entitled to the same; provided, however, nothing contained in this act shall be so construed as to prevent an appeal from the decision of said board of commissioners to the district court of said county, under the same regulations as now are, or may hereafter be provided by law, for appeals from the decisions of said board in other cases.

SEC. 3. Oath, evidence, depositions. The clerk of the said board of commissioners and the members thereof shall have power to administer oaths and affirmations to [19] any witness produced to said board in all cases of contested or disputed titles to any such lot or lots, or parcels of ground in said town, or included within the land so entered by said board as aforesaid, and in all such cases depositions taken in pursuance of the laws of this state, regulating the taking of depositions to be used in the district court, may be read as evidence before said board of commissioners.

SEC. 4. Deeds, how made. All deeds to be executed under the provisions of this act shall be signed by said commissioners or a majority thereof, and attested by the clerk of said board.

SEC. 5. Sale of unclaimed lots. Any lot or lots or parcel of ground in said town, or land entered by said board as aforesaid, the right to which shall not be claimed within six months from and after the passage of this act, or the payment for which shall not be made within one month from and after the decisions of said board, or of the district court, as to right of proper ownership, said lot or lots, or parcels of ground shall be sold by said board of commissioners for the amount due thereon and all costs chargeable to said lot, according to the provisions of this act, thirty days public notice being given of such sale in some public newspaper printed in said county; and every person or persons to whom the right to purchase is conceded by the board, shall, before receiving a deed to the same, pay to the board of commissioners such portion of the purchase money as may be adjudged by the board to be due thereon, with interest on the same from the time of entry, together with all the costs accruing in determining the rightful owner; and the board shall refund to the persons who furnished the same the full amount, with interest, furnished for the purchase of the land.

SEC. 6. County not liable for costs or charges. Nothing in this act shall be construed so as to authorize a charge of any kind whatever to be made against the county, for any services performed in carrying into effect the pro-

visions of this act, nor shall the county ever be liable for any costs that may accrue in consequence of any suit, in any court whatever.

SEC. 7. When to take effect. This act shall take effect and be in force from and after its publication in the Iowa Democrat and the Des Moines Valley Whig.

Approved, January 22, 1848.

Published in the Democrat Feb. eleven, eighteen hundred forty-eight, and in the Whig Feb. —, eighteen hundred and forty-eight.

[20] CHAPTER 15.

COUNTY ORDERS.

AN ACT to repeal the act allowing the county commissioners' clerks pay for filing papers.

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

SECTION 1. Orders filed without pay. That all county orders required to be filed in the office of the clerks of the board of county commissioners, shall be filed without pay.

SEC. 2. When to take effect. All acts and parts of acts coming in conflict with this act, be and the same are hereby repealed. This act to take effect from and after its publication in the Iowa Capital Reporter and Iowa Standard, published at Iowa City.

Approved, January 22, 1848.

Published in the Reporter, February sixteenth, and in the Standard, February ninth, eighteen hundred and forty-eight.

CHAPTER 16.

SECOND JUDICIAL DISTRICT.

AN ACT to change the times of holding courts in the second judicial district of this state.

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

SECTION 1. Times and places of court. That the time of holding the courts in the several counties of the second judicial district of this state, shall be as follows, to-wit:

In the county of Cedar, on the first Mondays of April and September;

In the county of Jones, on Thursday after the first Mondays of April and September;

In the county of Buchanan, on the second Mondays in April and September;

In the county of Delaware, on Thursday after the second Mondays in April and November;

In the county of Clayton, on the third Monday in April and second Tuesday in September;