

county, who shall file the same in his office, conditioned that they will faithfully and impartially locate the seat of justice of said county of Davis agreeable to the provisions of this act, and that they have no personal interest, directly or indirectly, in the location of said seat of justice.

SEC. 4. Duty of commissioners—duty of county clerk. Said commissioners, when met and qualified as aforesaid, shall proceed to locate the seat of justice of said county, and as soon as they shall have determined, they shall give it such name as they may deem proper, and commit their proceedings to writing, which shall be signed by said commissioners and filed with the clerk of the board of county commissioners of said county, whose duty it shall be to record and keep the same on file in his office.

SEC. 5. Vote on site selected. And the site thus selected by said commissioners shall, together with Bloomfield, be submitted to the legal voters of said county on the first Monday in June next, and if the site selected as aforesaid receive a greater number of votes than Bloomfield it is hereby declared the seat of justice of said county.

[49] **SEC. 6. Compensation.** Said commissioners shall each be entitled to receive the sum of two dollars per day, while necessarily employed; and the sum of two dollars for every twenty miles of travel from their place of residence to the county seat of the said county of Davis, in the discharge of the duties enjoined by this act, which shall be paid out of the county treasury as other moneys are paid.

SEC. 7. Town to be laid out. As soon as the said seat of justice is selected, as provided for in this act, it shall be the duty of the commissioners of said county to immediately proceed and lay out a town at the point selected as aforesaid, and to sell lots, and perform all other matters necessary for the improvement of said town.

SEC. 8. Lots to be conveyed. It is hereby made the duty of the commissioners of said county to deed and convey to every person or persons (who were owners of a lot or lots in Bloomfield at the passage of this act) other lot or lots similarly situated in the new location: provided, that they first deed and convey the said lot or lots in the town of Bloomfield to the county, such conveyance not to extend to any improvements thereon.

SEC. 9. Acts repealed. All acts and parts of acts coming in conflict with this act are hereby repealed.

SEC. 10. When to take effect. This act to take effect and be in force from and after its publication in the Iowa Democrat and Des Moines Valley Whig.

Approved, January 24, 1848.

Published in the Democrat and in the Whig February eleventh, eighteen hundred forty-eight.

CHAPTER 51.

RAILROAD COMPANY.

AN ACT to authorize the "Mississippi Rapids Railroad Company" to acquire a right of way.

Preamble. Whereas, Lucius H. Langworth, Wm. W. Coriell, Caleb H. Booth, James M. Marsh, and Daniel S. Harris, did, under the provisions of an act entitled "An act to authorize general incorporations," approved, February 22d. 1847, constitute and form themselves and their associates into a body politic and

corporate, under the name of "The Mississippi Rapids Railroad Company," for the purpose of constructing a railroad from the lower or southern extremity of the Des Moines rapids of the Mississippi river, to the upper or northern extremity of the same, in the county of Lee; and whereas, the said work will be of [50] public utility; now therefore, to enable the said company to construct the said railroad—

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

SECTION 1. Company may appropriate lands—conditions—assessment of damages—oath of appraisers—appraisers report—payment of damages—possession. That if the said company shall not be able to acquire the title to the lands through which the said railroad shall be laid, by purchase or voluntary cession, it shall be lawful for the said company to appropriate so much of said land as may be necessary for its use, for the purposes contemplated by this act, on conforming with the following provisions:

1st. The directors of said company may present a petition to the judge of the district court, of the district in which the said land may be situate, setting forth by some proper description, the lands which are wanted for the construction of said railroad, or the appendages thereto, and the names of the owners thereof, if known, distinguishing with convenient certainty, if it can be done, the parcels claimed in severalty by the respective owners, and praying for an assessment of damages which the owners of said land will severally sustain by reason of the appropriation thereof by the company to its own use.

2nd. On the presentment of such petition, the said district judge shall appoint a day for hearing the parties in interest, and shall direct such notice as he shall deem reasonable to be given, of the time and place of hearing; and if it shall appear that any of the owners of said land is a married woman, an infant, or insane, or otherwise incompetent to take care of his or her interest, it shall be the duty of said judge to appoint some discreet and reputable person to act in the premises in his or her behalf.

3rd. At the time appointed for such hearing, the said judge shall appoint three disinterested freeholders, residents of the county of Lee, for the purpose of assessing such damages, and in the order in which they are appointed, shall direct and specify what lands are proposed to be appropriated and occupied by the said company for the purposes aforesaid.

4th. Said appraisers, after being duly sworn before some officer properly authorized to administer oaths, honestly and impartially to assess such damages, if any, shall proceed by viewing said lands and by such other evidence as the parties may produce before them, to ascertain and assess the damages, if any, which each individual owner will sustain by the appropriation of his or her lands for the use of such railroad.

5th. The said appraisers shall make a report to the said judge in writing, under their hands, reciting the order for their appointment and specifying the several parcels described therein, with all necessary certainty, the names of the respective owners, if known, and if not known [51] stating the fact, and specifying also the damages, if any, which the owners of the said respective parcels will sustain by reason of the appropriation of the same for the purposes aforesaid.

6th. On payment of the damages thus assessed, together with the expenses of assessment, as the same shall be settled by the said judge, the said company shall immediately become entitled to the use of said lands for the purposes aforesaid; and the report of said appraisers shall be recorded in the office of the recorder of deeds of the county of Lee, in the same manner and with like effect as deeds are recorded, without any further proof than the certificate of

the said judge that the report is authentic. When the said report shall have been so recorded as aforesaid, the said company shall be seized and possessed of such land or real estate, and may enter upon and take possession, and use the same for the purposes herein before recited.

SEC. 2. When to take effect. This act to take effect and be in force by publication in the Keokuk Register and Iowa Statesman, weekly newspapers published in Lee county.

Approved, January 24, 1848.

Published in the Statesman February twelfth, and in the Register February —, eighteen hundred and forty-eight.

CHAPTER 52.

FIRST JUDICIAL DISTRICT.

AN ACT fixing the times and places of holding the district courts in the first judicial district.

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

SECTION 1. Times and places of court. That from and after the first day of February, 1848, the times and places of holding the district courts in the several counties of the first judicial district of this state shall be as follows:

In Louisa, on the first Monday in March and last Monday in August;

In Henry county, on the third Monday in March and second Monday in September;

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

In Des Moines county, on the first Mondays in April and October;

In the county of Lee, at Fort Madison, on the third Monday in April and first Monday in November;

[52] At the city of Keokuk, in said county of Lee, on the third Monday in February and third Monday in September; and after the year 1848, at the city of Keokuk on the first Monday in February and third Monday in September: Provided, that the authorities of the city of Keokuk shall provide, free of charge, the necessary rooms for holding court at said county, [city?]

SEC. 2. Jurisdiction in Lee county. That the said district courts in the county of Lee shall have concurrent jurisdiction in all civil causes in said county, except appeals from justices of the peace in the city of Keokuk and in the townships of Jackson, Des Moines and Montrose.

SEC. 3. Keokuk court. The district court at the city of Keokuk shall have exclusive jurisdiction in all criminal causes, and in all appeals in civil causes from justices of the peace in the said city of Keokuk and in the townships of Jackson, Des Moines, and Montrose, in said county of Lee.

SEC. 4. Madison court. The district court at Fort Madison shall have exclusive jurisdiction in all criminal causes, and in all appeals from justices of the peace, appeals, or writs of error from the judges of probate in the said county of Lee, except in criminal causes and appeals from justices of the peace in the said city of Keokuk and the townships of Jackson, Des Moines and Montrose.

SEC. 5. Clerk's office. It shall be the duty of the clerk of the district court of Lee county to keep an office at Fort Madison and at the city of Keokuk, and