

SEC. 3. Commissioners, how paid. That the commissioners, chain carriers and other hands employed to locate said road, as herein prescribed, shall receive such compensation for their services as may be allowed by the board of county commissioners of Des Moines county.

SEC. 4. Time of taking effect. This act to take effect and be in force from and after its passage.

Approved, 17th January, 1844.

CHAPTER 50.

AARON STREET, ADMINISTRATOR.

AN ACT to authorize Aaron Street, Jr., as administrator of Peter Boyer, deceased, to make a title to certain real estate in and near Salem, in Henry county.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

[69] **SECTION 1. As administrator to make certain deeds, under direction of the judge of probate—not to make deed when right to property disputed.** That Aaron Street, jr. administrator of the estate of Peter Boyer, deceased, of the town of Salem, in Henry county, is hereby empowered to make and execute good and sufficient deeds in fee simple, for such town lots in the town of Salem aforesaid, and such other tract or tracts of land in the vicinity of Salem, as was sold by said Peter Boyer before his decease, without his making deeds therefor to the respective persons now entitled to the same, under the order and direction of the judge of probate of said county: provided, that this act shall not extend to cases where there is any dispute about the rights of different persons to the title of said lots or tracts, of land.

SEC. 2. Time of taking effect. This act to be in force from and after its passage.

Approved, 17th January, 1844.

CHAPTER 51.

RACHAEL HAMILTON.

AN ACT to authorize Rachael Hamilton, administratrix of the estate of James Hamilton, deceased, to sell and convey certain real property therein named.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Authorized as administratrix to sell and convey real estate. That Rachael Hamilton, administratrix of James Hamilton, deceased, is hereby authorized, either at private or public sale, to sell and convey the following described real property, of which James Hamilton, deceased, late of Lee county, died seized, to wit: The west half of the southeast quarter of section four, the north half of the west half of the northeast quarter of section seventeen, the southeast quarter of the southwest quarter of section eight, and the south half of the west half of the southeast quarter of section eight, all in township sixty-nine north of range five west, containing two hundred acres.

SEC. 2. To execute a deed to convey the rights of the heirs of James Hamilton. That upon the sale of the property aforesaid, said Rachael Hamilton shall make and execute to the purchaser or purchasers a good and sufficient deed in fee simple for the said property, which said deed shall convey all the interest, right and title, of the heirs of said James Hamilton to the said property, to the purchaser or purchasers.

SEC. 3. Proceeds of sale to be accounted for to the judge of probate within 20 days. That the proceeds of the sale of the property aforesaid shall be accounted for to the judge of probate of the proper county by the said Rachael Hamilton, as assets of said estate, within twenty days after said sale.

[70] **SEC. 4. Time of taking effect.** This act to take effect and be in force from and after its passage.

Approved, 17th January, 1844.

CHAPTER 52.

FERRY.

AN ACT to authorize David B. Anderson and Henry C. Anderson to keep a ferry across the Mississippi river, opposite the lower end of Burlington.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Privilege of ferriage within certain limits. Duration of term 10 years; not to interfere with any existing rights enacted by the act approved 19th January, 1838. That David B. Anderson and Henry C. Anderson, their heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Mississippi river, opposite the lower end of Burlington, departing from the west bank of said river at any point below Washington street not exceeding one mile, to the east bank of the Mississippi river, in the state of Illinois, with the exclusive privilege within the above limits, for the term of ten years from and after the passage of this act: provided, that the said ferry, when so established, shall be subject to the same rules and regulations, and under the same restrictions, as other ferries are or may hereafter be by the laws of this territory fixing the rates of ferriage, and prescribing the manner in which licensed ferries shall be kept and regulated: provided further, that nothing herein contained shall be so construed as to impair, interfere with, or in any way affect, any right or rights now existing by virtue of an act entitled "An act to establish ferries across the Mississippi river, opposite the town of Burlington, in Des Moines county," approved January 19th, 1838.

SEC. 2. Right of purchase at appraisement reserved to city of Burlington; appraisers, how selected. If, at any time after the passage of this act, the corporation of the city of Burlington desires to procure, own and control, franchises and rights hereby conferred and granted, they shall select one appraiser, the said David B. Anderson and Henry C. Anderson, their heirs and assigns, another, and those two another appraiser, who shall appraise the value of any boats, tackle, or other machinery, which may be used and required for propelling said boat at their true cash value at the time of appraisement; and upon the payment of such appraisement to David B. Anderson and Henry C. Anderson, their heirs and assigns, all the rights, privileges and franchises, granted by this act, together with the boat or boats, tackle and apparatus aforesaid, shall vest absolutely in the city of Burlington; and said ferry and fer-[71]-ry privilege and franchise shall ever after be owned and controlled by said city of Burlington.