

## [47] CHAPTER 26.

## ROAD TAX, ETC.

AN ACT to amend an act to provide for levying a tax on real and personal property, for road purposes, approved, February 16, 1842.

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

**SECTION 1. Supervisor to make list of those who have not paid or worked road—treasurer, when no personal property can be had, to sell real estate to lowest bidder.** That, in case any road tax is not paid or worked out by either resident or non-resident, on or before the first day of November in each year, then the supervisor shall make out a list of delinquents, attach his certificate thereto, and deliver the same to the treasurer of the county; and the said treasurer, provided no personal property can be found out of which to make such road tax, shall proceed to sell the real estate of such delinquent upon which such road tax shall have been levied, by publishing, in the nearest newspaper, and by posting upon the court house door of the county in which such real estate shall be situated, a notice containing a description of such real estate, four weeks successively, that said real estate will be sold for the road tax levied thereon at the court house door, and that said real estate will be sold on the day to be therein specified, between the hours of 10 o'clock, a. m., and 4 o'clock, p. m., to the purchaser who will bid for the least quantity to be taken off of the northeast corner of the land so sold, for the said tax and expenses of sale.

**SEC. 2. Treasurer to deed property.** That said treasurer is hereby authorized and required to make to such purchaser, in his name as treasurer of his proper county, a deed conveying the real estate so sold in fee simple.

**SEC. 3. Redeemable in two years, with 50 per centum interest.** That the owner of said real estate may redeem the said estate so sold, by paying to such purchaser, or the treasurer of the county, for the purchaser or his assigns, the sum bid for said land, with fifty per centum per annum, at any time within two years after such sale.

[48] **SEC. 4. Such deed prima facie evidence.** That the deed so executed shall be *prima facie* evidence of the regularity of the proceedings.

**SEC. 5. Title not to be questioned unless an offer of principal and above interest be first made.** No person shall ever question the title of the purchaser to the real estate so purchased, in any court of law or equity, either as plaintiff or defendant, or complainant or defendant, unless he shall have paid or offered to the purchaser of said real estate, or his assigns, the sum so paid for said real estate, with fifty per centum per annum, from the date of such sale and the costs of such sale and deed.

**SEC. 6. Certified allowance for over work.** That it shall be the duty of the road supervisor to issue a certificate to any person for the number of days such person may have labored on the roads in his district, exceeding the number of days for which such person was taxed.

**SEC. 7. Certificate to be applied to any road tax unpaid by holder.** That the treasurer of the county shall receive such certificate as money, in payment of the road tax of the person holding the same, for any lands in his county owned by such person, unpaid.

**SEC. 8. Moneys collected under this act to be appropriated by county on roads and bridges in road districts where paid.** That the moneys collected on such sale shall be appropriated by the board of commissioners for the improvement of roads, and the erection of bridges within the road district where said land is situated.

**SEC. 9. Act to take effect after passage.** This act shall take effect from and after its passage.

Approved, June 10th, 1845.

## CHAPTER 27.

### OBSTRUCTION OF ROADS PUNISHED.

AN ACT to prevent and punish the obstruction of public roads and highways.

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

**SECTION 1. Injuring road, fine of \$10—imprisonment, if not paid.** That if any person shall obstruct any public road or highway in this territory by felling any tree or trees across the same, or by encroaching upon, or fencing, or ploughing up the same, or by placing any other obstruction thereon, or who shall destroy or injure any bridge or causeway, or remove any plank or timber therefrom without being legally authorized so to do, [\*] nor less than ten dollars, and shall be imprisoned in the county jail until the fine and costs are paid.

[49] **SEC. 2. Sheriff to order person committing injury, to repair.** That in every case where a highway shall have been laid out, and the same has been, or shall be, obstructed as aforesaid, the sheriff of the proper county, shall, on being notified thereof, order such obstruction to be removed, which order shall be reduced to writing and signed by the sheriff, and a copy thereof served upon the person charged with having made or caused the same.

**SEC. 3. If not done in six days, sheriff to do it, and the guilty person to pay costs.** That if such removal shall not be made in accordance with such order, within six days after the service of the same, it shall then be the duty of the sheriff to take with him such assistance as may be necessary, and proceed without delay, to remove such obstruction; and the person guilty of making the same, shall pay all costs and expenses of said removal.

**SEC. 4. Fees of sheriff for his duties.** That the sheriff, for rendering the services required by this act, shall be entitled to receive the following fees, to-wit: for making out order of removal, one dollar; for serving same on each defendant, fifty cents, and mileage as now established by law; for superintending removal, two dollars per day, and for each person employed to assist him, one dollar per day.

**SEC. 5. Conflicting acts repealed.** That all the acts and parts of acts which conflict with this act, be, and the same are, hereby repealed.

**SEC. 6. Takes effect September 1st, 1845.** This act to take effect and be in force from and after the first day of September next.

Approved, June 11th, 1845.

\*(Omission in the original enrolled act.)