

CHAPTER 39.

SHERIFFS.

AN ACT supplemental and amendatory of an act, entitled "An act for the appointment and duties of sheriffs.

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

SECTION 1. Sheriffs not to attend on probate and county commissioners' courts. That so much of the eleventh section of the act to which this is amendatory, as requires the sheriffs of each county to attend on probate courts and boards of county commissioners, at the terms and sessions of such courts and boards, be, and the same is hereby, repealed.

SEC. 2. Take effect. This act to take effect from and after its passage.

Approved January 12, 1849.

CHAPTER 40.

CANAL.

AN ACT to authorize William F. Brackenridge to take water from the Wabesipinicon river, and to create a water power.

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

SECTION 1. Authority to take water from the Wabesipinicon—width of canal. That William F. Brackenridge, his heirs and assigns, be, and hereby are, authorized to take water from the Wabesipinicon river, on or near section seventeen, (17,) in township No. eighty, north of range five east of the fifth principal meridian, and convey the same by canal, not exceeding in width forty feet and in depth four feet, through said section, and section twenty, twenty-one, twenty-eight, twenty-seven, thirty-four, and thirty-five, in said township, and sections No. two and eleven, in township seventy-nine, north of range five east, or within one-half mile of said sections, to the Mississippi river, for the purpose [60] of rendering the water power available for milling and manufacturing purposes.

SEC. 2. Exclusive right—proviso—owners consent to be procured. The said William F. Brackenridge, his heirs and assigns, shall have the sole and exclusive right to the use and control of the water power thus created or rendered available: *provided*, he or they shall begin and complete said work within ten years from the passage of this act: *and provided further*, that he or they shall procure the consent of the owners of the land through which said canal shall pass, or shall pay the damages assessed in the manner hereinafter provided.

SEC. 3. Select disinterested persons to assess damage. If the route of said proposed canal shall pass through any land owned by any other person or persons than said William F. Brackenridge, his heirs or assigns, and such owner shall not give his, her or their consent thereto, it shall be lawful for the said Wm. F. Brackenridge, his heirs or assigns, to select one disinterested person to appraise the damages sustained by such owner or owners by the passage of such canal through his, her, or their land, and give notice thereof to such owner or owners, who may select another disinterested person for the same

purpose. The said persons so selected shall proceed to assess the damages that would be sustained by such owner or owners by the passage of such canal through his, her, or their land; and if the persons so selected cannot agree, they may select a third person, the agreement of a majority of whom shall be final.

SEC. 4. Owner failing to select a person to assess damage it may be assessed by the individual selected by the corporators. If the said owner or owners shall fail or neglect, within a reasonable time after being notified as aforesaid, to select a person who will act with the person so selected by said William F. Brackenridge, his heirs or assigns, then it shall be lawful for the said person so selected by said William F. Brackenridge, his heirs or assigns, to proceed and assess the damages as aforesaid.

SEC. 5. Upon payment of damage the corporators authorized to make canal. Upon the payment of damages assessed as aforesaid, to the owner or owners of any such land, the said William F. Brackenridge, his heirs or assigns, shall be authorized to make such canal through such land in the same manner he or they might do if the owner or owners of said land had given their consent thereto.

SEC. 6. Take effect. This act to take effect and be in full force from and after its publication according to law.

Approved January 12, 1849.

[61] CHAPTER. 41.

FERRY.

AN ACT to authorize Israel Atherton to establish and keep a ferry across the Mississippi river, at a point in Scott county opposite Cordovia, in the state of Illinois.

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

SECTION 1. Ferry across the Mississippi—proviso. That Israel Atherton, his heirs and assigns, are hereby authorized to establish and keep a ferry across the Mississippi river, at a point in Scott county, opposite Cordovia, in Illinois, for the term of fifteen years, with the exclusive privilege to the same, extending one mile each way, up and down said river along the west bank thereof, from the usual landing point. *Provided*, that said Atherton, his heirs and assigns be subject to all laws now in force, or which hereafter may be in force, regulating ferries. *Provided further*, that said Atherton, his heirs and assigns keep, or cause to be kept at said ferry, at all times, a good and sufficient boat or boats for the safe conveyance of passengers, horses, teams, cattle and hogs across said river without delay.

SEC. 2. Repealing section. This act may be altered or repealed at any time by the general assembly of Iowa, and shall take effect from and after its publication.

This bill having remained with the governor three days (Sundays excepted) the Legislative Assembly being in session, it has become a law this 12th day of January, 1849.

JOSIAH H. BONNEY, Secretary of State.