

L A W S O F I O W A .

[17] CHAPTER 1.

RIGHT OF WAY.

AN ACT granting the Burlington and Mount Pleasant plank road company the right of way.

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

SECTION 1. Right of way. That the Burlington and Mount Pleasant Plank Road Company is hereby authorized to lay out their road between the towns of Burlington and Mount Pleasant, on such ground as may be deemed suitable for that purpose, including any portion of the public highway; provided the traveling on such highway is not thereby interrupted.

SEC. 2. Private property. The quantity of ground to be thus taken shall be merely a roadway not exceeding sixty feet in breadth, and where private property is thus taken, a fair equivalent must be paid therefor before the property can be appropriated by the company.

SEC. 3. Damages. When the proprietor of any land thus taken is legally competent to act for himself, and has received personal notice of the laying out of the road through his land, he must within ten days after receiving such notice, apply to the sheriff of the county in which the land lies for a jury to assess the amount of damages he may sustain, or he shall be held to have accepted of the largest amount of damages offered him by the company, and on the payment or tender of which sum the company is entitled to a deed for the land.

SEC. 4. Minor. If the proprietor of the land is a minor or otherwise incompetent to act for himself, or if he has not been personally served with notice of the laying out of the road as aforesaid, the jury aforesaid must be called for by the company.

SEC. 5. Jurors. When called upon in either of the above methods, the sheriff must as soon as practicable, summon nine persons qualified to act as ordinary jurors as between the parties, and who are not interested in a similar question—a time and place must be appointed for the meeting, and reasonable notice thereof given to the parties or their agents or guardians, unless they are already acquainted with those facts.

SEC. 6. Panel. At the time appointed if the requisite number of qualified jurors do not appear, the sheriff must complete that number; the parties then (commencing with the agents of the company) shall in turn proceed to strike off one juror each until only three remains.

SEC. 7. Agree. If either party fails to strike off jurors in the manner aforesaid, the sheriff shall do the same in his place but nothing herein contained is intended to prevent the parties from agreeing upon any modification of the proceedings herein prescribed.

SEC. 8. **Assess—deed—appeal costs.** The three jurors so selected must then proceed to examine the ground and decide upon the amount of damages that should be paid by the company for the right of way aforesaid, upon the payment of which amount the company is entitled to a deed for the land. Provided, that either party dissatisfied with the decision of the jury shall have the right of appeal to the district court of the county wherein said land is situated at any time within thirty days from the making of said decision; but such **appeal shall not prevent** the prosecution of work upon said road; provided the company shall first have paid or tendered the amount adjudged by said jury; and in no case shall the company be liable for costs on an appeal unless the appellant receive a greater amount of damages than first awarded.

SEC. 9. **Purpose.** The right of way acquired by virtue of this act may be retained for any of the purposes contemplated in the article of incorporation of the company, but no other.

SEC. 10. **Notice to agent.** Any of the notices aforesaid if served on an agent of [19] the proprietor of the land are to have the same effect as if served upon the principal.

SEC. 11. **Fees.** The sheriff and jurors are entitled to the same compensation as is provided for in other cases for similar services, and all the expenses caused by the proceedings above authorized must be borne by the company.

SEC. 12. **To take effect.** This act shall be in full force [from] and after its publication in two newspapers in the city of Burlington and in the Iowa Observer, the expense of said publication however to be paid by the company.

GEORGE TEMPLE,
Speaker of the House of Representatives.
ENOS LOWE.

President of the Senate.

Approved December 18th, 1850.
S. HEMPSTEAD.

Published in the Burlington Telegraph Dec. 28, 1850. Hawk-Eye Jan. 2, 1851, and Iowa Observer Dec. ——— 1850.

CHAPTER 2.

CENTRE MARKET.

AN ACT to grant the use of centre market in Iowa City to the Davenport and Iowa City railroad company.

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

SECTION 1. **Use as a depot—surrender to state.** That the Davenport and Iowa City railroad company, be authorized and permitted to use and occupy centre market square in Iowa City, for the purpose of building thereon, using and occupying a depot, for receiving and delivering passengers and freight, and for no other purpose; provided, that if the state constructs said road as a state work, or the company fail to erect said depot within ten years from the passage of this act, the said company thereby surrenders to said state all rights and privileges acquired therein.

Approved January 4, 1851.