

[20] CHAPTER 3.

DAVIS COUNTY COURT HOUSE.

AN ACT authorizing the county commissioners court of the county of Davis, to have a vote taken in relation to building a court house in said county.

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

SECTION 1. **Vote.** That the county commissioners of the county of Davis may at any regular or special term of said court, after the taking effect of this act, order a vote to be taken in said county, for the purpose of determining whether or not a special tax shall be levied by said commissioners, for the purpose of building a court house in said county.

SEC. 2. **Entered on record.** Should said commissioners decide to have a vote taken as above, the same shall be entered on record in said court, and also the time when said election shall be held.

SEC. 3. **Notice.** It shall thereupon after said order, be the duty of the clerk of said board to give at least twenty days notice of the same, by posting or causing to be posted up a notice of said election, at the place of holding elections in each of the several townships in said county, of the time of said election.

SEC. 4. **Vote viva voce for tax or against tax.** If an election shall be ordered, a poll shall be opened at each of the election precincts in said county, the vote shall be taken viva voce, and the question shall be put to said voter in this or an equivalent form: Are you in favor of or against a tax for building a court house? and the vote shall be put down in the column corresponding to the vote. For this purpose a separate book shall be opened at each election precinct, and after said election said poll book shall be returned sealed in a separate envelope by itself, to the clerk of said board of commissioners, certified as other election returns, within the time prescribed for other election returns.

SEC. 5. **Assess tax—not to exceed.** If a majority of the votes cast on the question shall be in favor of a tax, said commissioners shall thereupon at the first regular or special term thereafter proceed to assess a tax for the purpose aforesaid, on all taxable property in [21] said county; which amount shall not exceed that assessed or allowed to be assessed for county purposes, which said assessment may be continued from year to year until said court house is entirely completed.

SEC. 6. **Duplicate—collection.** When the assessment shall be made, the clerk of the board shall make out a list of the same, and deliver it to the collector of said county, who shall thereupon proceed without delay to collect the same, and for this purpose there shall be conferred upon him all the powers now conferred for the purpose of collecting state and county revenue.

SEC. 7. **Payment.** Said collector shall account for and pay over to said board or to the clerk thereof, once every month all moneys collected by him for the purpose above mentioned.

SEC. 8. **From last ass't.** In making said assessment the commissioners shall make the same from the last state and county assessment, for the purpose contemplated in this act.

SEC. 9. **Collector to give bond.** Before the collector shall be authorized to collect the tax levied under the provisions of this act, he shall execute a special bond payable to said board of commissioners and their successors

in office, faithfully to perform the duties enjoined on him by this act, which bond may be put in suit for any and every breach of the same: said bond shall be for such amount as said board may direct.

SEC. 10. **Power conferred.** All powers conferred on the board of commissioners by the thirty-fifth section of an act entitled an act to provide for levying and collecting revenue for state and county purposes, approved February 25th, 1847, are also conferred upon the board of commissioners of Davis county for the purpose contained in this act, and they shall also have the same power should said collector fail to qualify within two weeks after said assessment, having due notice thereof.

SEC. 11. **Fees.** The collector shall receive the same compensation for his duties under this act as is allowed by the forty-second section of the above named revenue act, approved February 25th, 1847.

SEC. 12. **Report of district court.** When the tax assessed for the purposes of this act or any portion thereof, shall remain due and unpaid for twelve months after said assessment, it shall be the duty of the county treasurer to make report thereof to the district court [22] of said county at the first term thereafter, which report shall conform as nearly as may be to that prescribed for state and county revenue.

SEC. 13. **Give notice four weeks.** Before making application to the district court as is above provided, the collector shall give notice as is prescribed in similar cases for state and county revenue, except that the first advertisement shall be four instead of six weeks, and all farther proceedings shall be as provided by law for the sale of lands for the collection of state and county revenue; and conveyances shall be made under the same regulations and with the same effect.

SEC. 14. **To take effect.** This act shall take effect and be in force from and after its passage.

Approved January 9th, 1851.

CHAPTER 4.

RIGHT OF WAY.

AN ACT to grant the right of way to the Davenport and Iowa City railroad company.

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

SECTION 1. **Right of way.** That there is hereby granted to the Davenport and Iowa City rail road company and to their successors and assigns, the right of way for their road through any street or alley of Iowa City, from the eastern boundary thereof to centre market, and also a strip one hundred feet wide through sections sixteen and any other land which may be owned by the state of Iowa.

SEC. 2. **Grant obtained in writing—owner refusing, district court to appoint freeholders to assess damages and report to clerk—company may pay clerk—appeal—not delay.** That in obtaining the right of way for their said rail road, over and across the lands of individual proprietors, the said company and their assigns, may proceed in the manner following, (that is to say), the grant of such right of way, from individual owners resident of the county in which the land is situated, or who have agents or guardians resident