

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

as aforesaid, may be obtained in [23] writing over the hand and seal of such proprietor, or of his or her agent or guardian resident as aforesaid, and neither acknowledgment or recording shall be necessary to the validity of such grant: and if the owner of any land over which said road may be located shall refuse to grant the right of way for said road through his or her premises, the judge of the district court of the county in which such premises may be situated, shall on the application of either party appoint three (3) disinterested free holders of the county, whose duty it shall be to inspect said premises and assess the damages (if any) which such owner will sustain by the construction of said road and make report in writing to the clerk of said court who shall file and preserve the same, and if said company or their assigns shall at any time before they actually entered upon said land for the purpose of constructing said road, pay to said clerk for the use of said proprietor the sum so assessed and returned to him as aforesaid, they shall thereby be fully justified in constructing and maintaining their said road over and across said premises, doing no unnecessary injury to said land: provided, that either party dissatisfied with the decision of said freeholders, shall have the right of appeal to the district court of the county wherein said lands are situated, at any time within thirty days after said decision: but such appeal shall not delay the prosecution of work in said road: provided the company shall first have paid or tendered the amount so assigned by said freeholders, and in no case shall the company be liable for costs on appeal unless the appellant recover a greater amount of damages than first awarded, but the company shall in all cases pay costs made previously to an appeal.

SEC. 3. Non-resident. Be it further enacted, that if upon the location of said road it shall be found to run through the land of any non-resident proprietor, the said company or their assigns shall give four weeks notice to each proprietor, if known, and if not by a description of such land by publication in some newspaper printed in Iowa City and Davenport, that said road has been located through his or her lands and if such proprietors shall not apply to such district judge within thirty days thereafter to have the damages assessed in the mode [24] prescribed in the preceding section, said company or their assigns shall proceed in the same manner to have the damages assessed as in section third, subject to the same right of appeal and upon the payment of the damages so assessed, the company thereby shall acquire all rights, privileges and immunities mentioned in said third section.

Approved January 9th, 1851.

CHAPTER 5.

GUTTENBURGH.

AN ACT to change the name of the towns of Guttenburgh and Guthenberg to Prairie la Porte.

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

SECTION 1. Name changed by a vote. That the names Guttenberg and Guthenberg, of a recorded town, in the county of Clayton, be and the same is hereby changed to Prairie la Porte; providing that this change of name shall be approved by a vote of the legal voters of said town, at the annual election held on the first Monday in April next.