

may be redeemed within one year from the day of sale by the payment of the purchase money and ten per cent. thereon with any other taxes paid by the purchaser, which payment may be made to the purchaser, his agent or the treasurer of the city.

SEC. 40. Vote to be taken—for or against the charter—by ballot. On the passage of this act, the president and trustees of the town of Muscatine, are required to cause a vote to be taken on the acceptance of this charter in the manner in which the elections of the town are now called and holden, in [68] which the vote shall be "for the charter," or "against the charter," and shall be taken by the ballot, and if the vote be in favor of its acceptance such results shall be declared, and be entered on the record of the present town, and thenceforth the same is accepted.

SEC. 41. Existing authorities continue—election. The existing authorities of the town of Muscatine will continue until an election is holden for the choice of city officers and the organization of the city, and the town authorities shall cause an election to be holden on the first Monday of March, A. D. 1851, for the election of city officers; but if this act does not take effect at a day sufficiently early for the above proceedings to take place as early as the day above named, then the question above provided for may be taken after the said first Monday of March, but the officers there chosen will hold as if elected on the above named day, and the succeeding annual elections shall be holden as in this act before provided.

SEC. 42. Public act. This act shall be taken and may be pleaded as a public act.

SEC. 43. Repeal—repeal not to affect. An act entitled "An act to incorporate the town of Bloomington," approved January 23rd, 1839; an act entitled "An act to amend an act entitled an act for the incorporation of the town of Bloomington," approved February 18th, 1842, and an act entitled "An act to amend an act entitled an act to incorporate the town of Bloomington, approved January 23rd, 1839," approved January 14, 1846, and an act titled "An act to amend an act entitled an act for the incorporation of the of the town of Bloomington," approved January 23rd, 1839, approved January 12th, 1849," are hereby repealed; but the rights and privileges, duties, liabilities and obligations of individuals, created or arising under the acts so repealed, are not to be affected by their repeal.

SEC. 44. Take effect. This act shall take effect from and after the passage thereof.

Approved February 1st, 1851.

[69] CHAPTER 33.

SHEEP AND SWINE.

AN ACT to restrain swine and sheep from running at large in Scott, Cedar and Jones Counties.

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

SECTION 1. Poll opened—vote swine and sheep at large or not. That at the next April election in each of the counties of Scott, Cedar and Jones, a poll shall be opened in each township, of each of said counties, and a vote taken to determine whether swine and sheep or either of them shall run at

large in said counties, or either of them. The electors in each of said counties may vote by ballot at said election "swine at large," or "swine not at large," also "sheep at large" or "sheep not at large."

SEC. 2. **Returns—canvass.** The judges of election shall make returns of said vote so polled, to the clerk of the board of commissioners of each county, at the same time that they make returns of the other votes polled at said election, which said votes shall be canvassed by the clerk of the board of commissioners and justices of the peace at the same time that the other votes cast at said election are canvassed.

SEC. 3. **Decision—notice—owner restrain—damages.** If a majority of the votes cast upon said question in either of the counties, shall be either "swine not at large," or "sheep not at large," or both swine not at large and sheep not at large, the clerk of said county in which said vote is so cast, shall immediately cause public notice thereof to be given by posting up three written or printed notices in each township of said county and from and after the posting up of such notice, every owner of swine and sheep shall restrain his swine or sheep or both, according as said vote shall be, from running at large in said county, and in the event of a failure so to do, he shall be liable for any and all damages done by his swine and sheep, or either of them, so running at large, to be recovered by action of trespass by the party injured.

SEC. 4. **Take effect—proviso.** This act shall take effect and be in force from and [70] after its publication in the "Iowa Capital Reporter," published in Iowa City and the "Democratic Banner" at Davenport: provided, that the counties named in this act shall pay for said publication.

Approved February 3d, 1851.

Published in the Iowa Capital Reporter, February 12th, 1851, and Davenport Banner February 1851.

CHAPTER 34.

RIGHT OF WAY.

AN ACT to grant to the Camanche and Council Bluffs railroad company the right of way.

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

SECTION 1. **Right of way granted—width.** That there be, and is hereby granted to the Camanche and Council Bluffs rail road company, and to their successors and assigns, the right of way for a rail road from Camanche in Clinton county via Dewitt, Tipton, Iowa City and Fort Desmoines, to Council Bluffs on the Missouri river, embracing a strip of land one hundred feet wide, through sections sixteen and other lands which may be owned by the state of Iowa, on which said road may be located and constructed.

And be it further enacted,

SEC. 2. **May be procured from residents in writing—need not be acknowledged or recorded—owner refusing—court to appoint freeholders—assess and report—appeal—not delay work—proviso—company to pay costs.** That in obtaining the right of way for said 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, may be procured from individual owners, resident in the county in which said