

month in said city, to work two days on the streets and wharf of said city, or to pay two dollars in money as an equivalent therefor.

SEC. 2. Council to regulate by ordinance the manner of working, etc. Said city council shall have the power to regulate by ordinance the manner in which such street labor shall be rendered; how those liable to work shall be notified; the periods of time between which such labor shall be rendered in each year; and may require those persons having teams and owing street labor to furnish the supervisor with the same, providing for a fair and adequate allowance for the use thereof; provided, such team shall not be used longer than is necessary to work out the road labor of the owner, unless it be by the consent of the owner of such team.

SEC. 3. Revision and publication of by-laws. The said city council shall have power to revise and remodel their by-laws and ordinances, from time to time, and if they shall publish such revision and modification of them in pamphlet form for distribution, it shall not be necessary to republish the same in the newspapers of the city.

SEC. 4. Jury. In the trial of causes before the mayor of said city, it shall not be necessary to impanel a jury, unless it shall be demanded by one of the parties to such suit, before it is submitted to the mayor.

SEC. 5. Subpoenas. In all suits and prosecutions before the mayor, where the city of Keokuk is a party, the marshal of said city, or any constable of Jackson township, shall have power to serve subpoenas, or other process, any where within Jackson township, or to perform any duty devolving on such marshals.

SEC. 6. Imprisonment—may work out fine. When imprisonment shall constitute a portion or all the punishment of offenders against the by-laws and ordinances of said city, such offenders on conviction, may be committed to the city calaboose or county jail at the discretion of the mayor, and the said city council may make provision by ordinance for all such offenders to work out the fine and costs of prosecution on the streets of said city.

SEC. 7. Increase number of wards. Said city council shall have power to increase the [95] number of wards and aldermen within said city, whenever in their judgment the exigencies of the city may require it.

SEC. 8. Repeal. Such portions of the present charter of the city of Keokuk as may be repugnant to the provisions contained in this act are hereby repealed.

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

Approved, February 4th, 1851.

CHAPTER 46.

RIGHT OF WAY.

AN ACT to grant to the "Lyons Iowa Central Rail Road Company," the right of way.

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

SECTION 1. Right of way. That there be, and is hereby granted to the Lyons Iowa Central rail road company; and their successors and assigns the right of way for a rail road, from the narrows of the Mississippi river in the town of Lyons, in Clinton county, state of Iowa, to Council Bluffs on the Missouri river, embracing a strip of land one hundred feet wide through sections sixteen and all such other lands which may be owned by the state of Iowa, on which said road may be located.

SEC. 2. Manner of obtaining the right of way—appeal. Be it further enacted, that in obtaining the right of way for said rail road over and across the lands of individual proprietors, the said company and their assigns may proceed in the manner following to wit: the grant of the right of way may be procured from individual owners, resident in the county in which such lands are situated, or who have agents, or guardians residents as aforesaid may be obtained in writing, under the hand and seal of such proprietor, or his or her agent, or guardian resident as aforesaid, and neither acknowledgement or recording shall be necessary to the validity of such grant, and if the owner of the land over which said road may be located, shall refuse to grant the right of way through [96] his or her premises, in the manner aforesaid then the judge of the district court, of the county in which said lands and premises may be situated shall on application of either party appoint three disinterested free-holders, resident of said county, whose duty it shall be to inspect said land and premises, and assess the damages which such owner, or owners will or may sustain by the construction of said road—and make report in writing to the clerk of such court who shall file and preserve the same, and if said company, or their assigns, shall at any time before they actually enter upon said lands for the purpose of constructing said road, pay to said clerk for the use of said proprietor the sum so assessed, reported, and returned to him as aforesaid they shall thereby be fully justified in constructing and maintaining their said road across said land and premises doing no unnecessary injury to the said lands. Provided, that if either party should be dissatisfied with the decisions of said free-holders, they shall have the right of appeal to the district court of the county in which said lands are situated, at any time within sixty days after said decision is made, but such appeal shall in no case delay the prosecution of the work upon said road: provided, however, the company shall first have paid, or tendered the amount so adjudged and assessed by said free-holders, and in no case shall said company be liable for the cost of an appeal, unless the appellant shall in the district court recover a greater amount of damages than first allowed and assessed by said free-holders, but the company shall in all cases pay all costs made prior to taking said appeal.

SEC. 3. Non-residents. And be it further enacted, that if, after the location of said road, it shall be found to run through the lands of any non-resident proprietor, then said company, or their assigns, shall give four weeks notice to each proprietor if known, if not, by a description of such lands by publication in some newspaper, published in Iowa City, for the like period, that said road has been located through his or her lands, and if such proprietor shall not appeal to such district court, within thirty days thereafter, to have their damages assessed in the mode provided for in the preceding section, said company, or their assigns, shall proceed in the same manner to have the [97] damages assessed as is provided in section second, 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 this act.

SEC. 4. Take effect. This act shall take effect from and after its passage.

Approved, February 4th, 1851.