

CHAPTER 47.

ACT LEGALIZED.

AN ACT legalizing the acts of Isaac Meyer a justice of the peace of Marshall county.

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

SECTION 1. **Official acts legalized.** That each and every official act performed by Isaac Meyer, as justice of the peace of Marshall county, be, and the same are hereby declared to be as legal and valid in law, as if the said justice had been eligible to be elected to said office, at the time of his election to said office of justice of the peace.

SEC. 2. **Take effect.** This act to be in force from and after its passage.

Approved, February 4th, 1851.

CHAPTER 48.

RIGHT OF WAY.

AN ACT granting the right of way for a graded or plank road from Muscatine to Iowa City.

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

SECTION 1. **Company—right of way.** That Joseph Bennett, Adam Ogilvie, Jacob Butler, John Lemp, John G. Gordon, H. W. Moore, James Weed, William Williams, Jonathan Neidig and —Hershey, and their associates, be, and they are hereby authorized to construct a graded or plank road from Muscatine, in Muscatine county, to Iowa City, in Johnson county, 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. **Roadway—private property.** The quantity of ground to be thus taken, shall be merely a road way 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 said J. Bennett and his associates.

SEC. 3. **Apply for a jury—deed.** 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 highest amount of damages offered him by the said J. Bennett and his associates; and on the payment or tender of which sum said J. Bennett and his associates, are entitled to a deed for the right of way.

SEC. 4. **Minors and others.** 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 said J. Bennett and his associates.

SEC. 5. **Sheriff to summon jury—Notice of time and place.** When called upon in either of the above methods the sheriff must so 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 guardian, unless they are already acquainted with these 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 said J. Bennett and his associates) shall in turn proceed to strike off one juror each, until only three remain.

SEC. 7. **Sheriff to act for party—agree.** If either party fails to strike off jurors in the manner [99] 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. **Jury to assess—deed—appeal.** 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 said J. Bennett and his associates, for the right of way as aforesaid, upon the payment of which amount the said Bennett and his associates, are entitled to a deed for the right of way: 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 the lands are situated, at any time within thirty days from the making of said decision. But such appeal shall not delay the prosecution of the work upon said road; provided, the said J. Bennett and his associates shall first have paid or tendered the amount adjudged by said jury, and in no case shall the said J. Bennett and his associates be liable for costs on appeal unless the appellant recover a greater amount of damage than first awarded.

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

SEC. 10. **Agent.** Any of the notices aforesaid if served on an agent of the proprietor of the land, shall 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 expense caused by the proceedings above authorized must be borne by the said J. Bennett and his associates, unless an appeal be taken.

Approved, February 4th, 1851.

[100] CHAPTER 49.

STATE PRINTER.

AN ACT to amend an act entitled "An act to create the office of state printer, to provide for his election, to define his duties and to establish the prices of public printing," approved December 29th, 1849.

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

SECTION 1. **Prices reduced 25 per cent.** That from and after the term of service of the present state printer, the prices of the public printing shall be reduced at the rate of twenty-five per cent., from the prices allowed in the act to which this is amendatory.