

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.

SEC. 2. **Office need not be held at the seat of government—Exception.** That so much of 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,” as requires the state printer to hold his office at the seat of government, is hereby repealed; provided, said office shall remain at the seat of government during the sitting of the general assembly.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved February 4th, 1851.

CHAPTER. 50.

GUTTENBERG.

AN ACT to incorporate the town of Guttenberg.

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

SECTION 1. **Boundaries—incorporation.** That so much of fractional township ninety-two, north of range two west, and of ninety-two north, of range three west, of the fifth principal meridian, in the county of Clayton, as is comprised within the limits of the town plats, of Guttenberg and Guthenberg, and the additions made thereto, as recorded in the recorder's office of the county of [101] Clayton, together with all additions that may hereafter be recorded thereto, by consent of the owner or owners of such additions, and a majority of the qualified voters of said town, be, and the same is hereby created a town corporate, and shall hereafter be known by the name of Guttenberg.

SEC. 2. **Election—mayor, recorder and five trustees—term.** That the qualified voters for members of the general assembly, residing within the limits of said corporation, shall meet at some convenient place within the same, on the first Saturday of April next, and on the first Saturday of April, annually thereafter, at such place in said town, as the town council shall direct, and then, and there, proceed to elect, by ballot, a mayor, recorder and five trustees, who shall have the qualification of electors, and reside within the limits of the corporation, and the mayor, recorder, and trustees so elected, shall hold their offices one year, and until their successors are elected and qualified; provided, that failure to elect on said day, shall not forfeit the charter, but an election may be had on any succeeding day, by due notice being posted and subscribed by any two citizens of said town.

SEC. 3. **Judges and clerks of election—oath.** That at the first election to be held under this act three judges and a clerk shall be chosen *viva voce* by the electors present, and at all subsequent elections the mayor, or any two of the trustees, shall sit as judges, and the recorder, or in his absence some one of the council pro tempore, shall sit as clerk; and at all such elections the polls shall be opened between the hours of twelve and one in the afternoon, and closed at the hour of four in the afternoon, and at the close of the polls, the votes shall be counted and a statement thereof proclaimed at the door of the house in which the election shall be held; and the persons elected, shall within ten days after their election take and subscribe an oath to support the constitution and laws of the United States, and of the state of Iowa.