

said company or their representative, shall give four weeks notice to each proprietor if known, and if not known, by a description of such lands, by publication in some newspaper printed in Dubuque, that said road has been located through such lands, and if such proprietor shall not apply to such district judge within thirty days thereafter, to have the damages assessed in the mode prescribed in the preceding sections, said company or their representatives, shall proceed in the same manner to have the damages assessed as in section second, subject to the same right of appeal; and upon the payment of the damages so assessed, said company thereby shall acquire all rights, privileges and immunities, mentioned in said second section.

SEC. 4. Take effect. This act to be in force from and after its publication according to law.

Approved, February 5, 1851.

[166] CHAPTER 67.

FORT MADISON.

AN ACT to amend an act, entitled "an act to incorporate and establish the town of Fort Madison, and for revising and repealing all laws, and parts of laws, heretofore enacted on the subject."

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

SECTION 1. Corporation authorized to take stock—may borrow money. That the corporate authorities of the said town of Fort Madison, be and they are hereby authorized to take stock, not exceeding ten thousand dollars, in the Fort Madison, West Point and Salem plank road, and that for such purpose the authorities aforesaid, are hereby empowered to make a loan not exceeding that amount: provided, the time for the payment of the principal of such loan shall exceed fifteen years.

SEC. 2. May issue bonds—payment of interest. For the purpose of borrowing money as prescribed in the foregoing section, the authorities aforesaid, may issue bonds to the amount aforesaid, bearing such interest as they may deem advisable, not to exceed ten per cent per annum, which interest shall be paid annually by the treasurer of said corporation, out of the dividends accruing to said corporation from the proceeds of said plank road, and the deficiency, if any existing, in the amount of the said proceeds for the payment of the interest aforesaid, shall be made up from a fund to be raised by the assessment and levy of a tax upon all property within the corporation subject to taxation in other cases, and at the same time; but the rate of such assessment shall not exceed one quarter of one per cent upon the valuation of such property for state and county purposes.

SEC. 3. Before making loan question to be submitted to a vote. Before any loan shall be made, or money borrowed, as implied in section second hereto, the authorities of said town shall give written notice for ten days, by having the same posted up in two of the most conspicuous public places in each ward of said town, that an election, to be conducted as other town elections under the charter, will be held by the qualified voters, at the usual places of holding elections in [167] each ward for the purpose of deciding by ballot whether such loan shall be made, and if a majority of all the votes cast are in favor of the loan, then the authorities shall proceed to issue and sell the bonds of the corporation as above stipulated; but if a majority of the votes cast at such election be against such loan, said authorities shall

take no further action in the premises for the term [of] three months, when they may, at their discretion, order another election for the same purpose and under the same regulations.

SEC. 4. Supervisor, the town, his powers and duties. That the supervisor, appointed by the authorities of said town, shall enter into bond with two or more sufficient sureties in an amount to be prescribed by said authorities, to the mayor and aldermen, for the faithful discharge of the duties of his appointment, and that such supervisor shall be responsible to the authorities aforesaid in the same manner that supervisors of townships are responsible; and that in the work required by him on the roads leading from said town, and within one mile from the boundaries thereof, he shall have power to call out all persons liable for two days labor on the roads, residing within one mile as aforesaid, to work on the same conjointly with those who may be required to work on said roads from within the corporation, and his receipt to any such person for such labor, shall be good against any claim on such person for his said two days labor on the roads, for the proper year for which the work was required.

SEC. 5. Remain. The duties of the supervisor of the corporation, shall remain as heretofore, except when expressly changed by this act.

SEC. 6. Prohibition. Nothing in this act, or the one to which this is amendatory, shall be construed so as to give the corporate authorities of said town any authority to lease, or to make any permanent erection of any building or buildings, in or upon either of the public squares lying within and granted to said town, nor to interfere with their right or duty to fence, grade ornament, or otherwise improve said public squares.

SEC. 7. Take effect. This act to take effect and be in force from and after its publication in the "Iowa Statesman," at the cost of the town of Fort Madison.

[168] **SEC. 8. Repeal.** All parts of the act to which this is amendatory, as conflict with the provisions of this act, are hereby repealed.

Approved, February 5, 1851.

CHAPTER 68.

DISTRICT COURT.

AN ACT to attach certain counties to the fifth judicial district; and fixing the terms of the district courts, in the fifth and sixth judicial districts.

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

SECTION 1. Counties attached to 5th district. That the counties of Guthrie, Greene, Fox, Yell, Risley, Hardin, Wright, Humbolt, Pocahontas, Palo Alto, Kossuth, Hancock, Winnebago, Bancroft and Emmett, be, and the same are hereby added to, and made a part of, the fifth judicial district.

SEC. 2. Time of holding courts—Marion—Polk—Dallas—Madison—Warren—Monroe—Appanoose—Jasper—Boone—new counties. That the district courts shall be held in said district as follows:

In Marion county, on the first Monday in February; and the first Monday in September.

In Polk county, on the first Monday in March; and the second Monday in September.