

and the amount of the purchase money, which certificate shall be assignable by endorsement thereon, but no real estate shall be sold for the non-payment of taxes, unless the assessment of such tax or taxes and the time of such sale shall have been duly notified by publication for at least four consecutive weeks in the manner provided for publication of ordinances in section 7. Said taxes shall be deemed to be due on the first day of September in each year. Any real estate sold under this section may be redeemed at any time within two years from the date of the sale thereof by paying the amount for which the same was sold with twenty-five per cent per annum interest upon the same, which payment may be made to the recorder as the agent for the purchaser. If any real estate so sold remain unredeemed at the expiration of two years from the date of the sale, the marshal shall upon the payment of his legal fees, make, execute and deliver to the purchaser his assignee or legal representative a deed for such real estate. The mayor and councilmen may within thirty days after the assessment of taxes make such change therein as may be applied for by any one who may deem the valuation of his property unjust.

**SEC. 16. To take effect.** This act to take effect and be in force from and after its passage, and to be published but not at the expense of the state in the Iowa Observer.

Approved, February 5th, 1851.

[200] CHAPTER 83.

JOSEPH W. FOSTER.

AN ACT to legalize the appointment of Joseph W. Foster.

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

**SECTION 1. Appointment and acts legalized.** That the appointment of Joseph W. Foster, as school fund commissioner of Fayette county, and his acts as such, are hereby recognized and made valid and binding in law.

**SEC. 2. Take effect.** This act shall take effect from and after its passage.

Approved, February 5, 1851.

CHAPTER 84.

APPORTIONMENT.

AN ACT to re-apportion the state, and define the boundaries of senatorial and representative districts therein.

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

**SECTION 1. Lee county.** That the county of Lee shall have three (3) senators and six (6) representatives.

**SEC. 2. Des Moines.** That the county of Des Moines shall have two (2) senators and four (4) representatives.

**SEC. 3. Van Buren.** That the county of Van Buren shall have two (2) senators and four (4) representatives.

**SEC. 4. Jefferson.** That the county of Jefferson shall have two (2) senators and three (3) representatives.

**SEC. 5. Henry.** That the county of Henry shall have one (1) senator and three (3) representatives.

**SEC. 6. Wapello—Wapello, etc.—Monroe, etc.** That the county of Wapello shall have one (1) senator and two (2) representatives, and that the counties of Wapello, Monroe, Lucas and Clarke shall have one (1) senator and one (1) representative jointly, and that the counties of Monroe, Lucas and Clarke shall have one (1) representative jointly.

[201] **SEC. 7. Davis, Appanoose, etc.** That the county of Davis shall have one (1) senator and two (2) representatives, and the counties of Davis, Appanoose, Wayne and Decatur shall have one (1) senator and one (1) representative jointly; and the counties of Appanoose, Wayne and Decatur shall have one representative jointly.

**SEC. 8. Pottawattamie, Mills, etc.** That the county of Pottawattamie shall have one (1) senator and one (1) representative. And the counties of Mills, Montgomery, Adams, Union, Ringgold, Taylor, Page and Fremont, shall have one (1) senator and one (1) representative jointly; and the counties of Pottawattamie, Mills, Fremont, Page, Taylor, Ringgold, Union, Adams, Montgomery, Cass, Adair, Audubon, Shelby, Harrison, Monona, Crawford, Carroll, Sac, Ida, Waukau, Plymouth, Cherokee, Buena Vista, Sioux, O'Brien, Clay, Dickinson, Oecola and Buncombe shall have one representative jointly.

**SEC. 9. Louisa and Washington.** That the counties of Louisa and Washington shall have two (2) representatives each and one (1) senator jointly.

**SEC. 10. Keokuk and Mahaska.** That the counties of Keokuk and Mahaska shall have one (1) senator, and one (1) representative each and one (1) representative jointly.

**SEC. 11. Marion, etc.** That the counties of Marion, Warren and Madison shall have one (1) senator and three (3) representatives.

**SEC. 12. Scott.** That the county of Scott shall have one (1) senator and two (2) representatives.

**SEC. 13. Muscatine.** That the county of Muscatine shall have one (1) senator and two (2) representatives.

**SEC. 14. Cedar and Clinton.** That the counties of Cedar and Clinton shall have one (1) representative each, and one (1) senator jointly.

**SEC. 15. Johnson, Iowa, etc.** That the county of Johnson shall have one (1) representative; and the counties of Johnson, Iowa and Poweshiek one (1) representative, and the counties of Johnson, Iowa and Poweshiek shall have one (1) senator jointly.

**SEC. 16. Jasper, Polk, etc.** That the counties of Jasper, Polk, Dallas, Guthrie, Green, Boone, Story, Marshall, Hardin, Risley, Yell, Fox, Pocahontas, Humbolt, Wright, Franklin, Cerro Gorda, Hancock, Kossuth, Palo Alto, Emmett, Bancroft, Winnebago and Worth shall have one (1) senator and three (3) representatives.

**SEC. 17. Jackson and Jones.** That the county of Jackson shall have one (1) senator [202] and two (2) representatives, and the county of Jones one (1) representative, and the counties of Jackson and Jones one (1) senator jointly.

**SEC. 18. Linn, etc.** That the counties of Linn, Benton and Tama shall have one (1) senator and two (2) representatives.

**SEC. 19. Dubuque, etc.—Clayton, etc.** That the counties of Dubuque, Delaware, Buchanan, Blackhawk, Grundy, Butler and Bremer shall have four (4) representatives, and the counties of Clayton, Fayette, Allamakee, Winne-

shiek, Howard, Mitchell, Floyd and Chickasaw shall have two (2) representatives, and the counties of Dubuque, Delaware, Buchanan, Blackhawk, Grundy, Butler, Bremer, Clayton, Fayette, Allamakee, Winneshiek, Howard, Mitchell, Floyd and Chickasaw shall have three (3) senators jointly.

Approved, February 5th, 1851.

## CHAPTER 85.

### RIGHT OF WAY.

AN ACT to grant the right of way to the Dubuque and Keokuk rail road company, south.

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

**SECTION 1. Right of way granted.** That there be and is hereby granted to the Dubuque and Keokuk railroad company south, and their successors and assigns, the right of way for a rail road from Iowa City in Johnson county via Washington and Brighton, in Washington county, Fairfield, in Jefferson county, Salem in Henry county, West Point and Montrose to Keokuk, in Lee county, embracing a strip of land one hundred feet wide through section sixteen, and other lands which may be owned by the State of Iowa, over which said road may be located and constructed.

**SEC. 2. Manner of obtaining right of way—sheriff to summon freeholders.—Proceed to assess the damages.—Report.—Appeal.** And be it further enacted, that in obtaining the right of way for their said rail road, over and across the lands of individual proprietors, the said company and their assigns [203] may proceed in the manner following, that is to say, the grant of such right of way from individual owners, resident of the county in which the land is situated, or who have agents or guardians resident as aforesaid, may be obtained in writing, over the hand and seal of such proprietor, or of his or her agent or guardian resident as aforesaid, and neither acknowledgment or recording shall be necessary to the validity of such grant; and if the owner of any land over which said road may be located, shall refuse to grant the right of way for said road through his or her premises, notice may be given by either party to the sheriff of the county in which said lands may be situated, whose duty it shall be, within ten days thereafter, to summon eighteen freeholders of his county, and who are not interested in a like question, to appear on the premises; and he shall give the parties notice of the time and place of the meeting; when so assembled if the said freeholders so summoned do not all appear, the sheriff shall summon others to make up the number; the parties shall then proceed, commencing with the company, to alternately strike off the names so returned, until but six of said freeholders are left, who after being sworn, shall proceed to inspect the premises, and assess the damages, if any which such owner will sustain by the construction of said road, and make report thereof to the clerk of the district court for said county, and the same shall be filed by him; and if the company shall, at any time before they actually enter upon said lands for the purposes of constructing said road, pay to said clerk or proprietor the sum so assessed, they shall be fully authorized to construct and maintain said road over and across said premises, doing no unnecessary injury to said lands: provided, that either party dissatisfied with the decision of said freeholders, shall have the right of appeal to the district court of the county