

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

wherein said lands are situated at any time within thirty days after said decision; but such appeal shall not delay the prosecution of work upon said road: provided, the company shall first have paid or tendered the amount adjudged by said freeholders; and in no case shall the company be liable for costs on appeal unless the appellant recover a greater amount of damages [204] than first awarded. But the company shall in all cases pay costs made previously to an appeal.

SEC. 3. Non-residents.—Notice, etc.—Proceedings same as sec. 2. And be it further enacted, That if upon the location of said road, it shall be found to run through the lands of any non-resident proprietor, the said company or their assigns, shall give five weeks notice to each proprietor if known, and if not, by a description of such lands by publication in some newspaper printed in the city of Keokuk or Iowa City, that said road has been located through his or her lands, and if such proprietors shall not apply to such district judge within thirty days thereafter, to have their damages assessed, in the mode prescribed in the preceding section, said company or their assigns, shall provide in the same manner to have the damages assessed; and upon the payment of the damages so assessed, the company thereby shall acquire all rights, privileges and immunities in said third section mentioned.

Approved, February 5, 1851.

CHAPTER 86.

B. S. BRYAN.

AN ACT to authorize Benjamin S. Bryan, a minor, to sell and convey a lot in the town of Cedar Rapids.

Preamble. Whereas, Benjamin S. Bryan a minor, holds and is possessed of a lot in the town of Cedar Rapids, known as lot No. (7) seven in block (31) thirty-one, as designated in the recorded plat of said town, and whereas the said Bryan desires to sell and convey said lot, and it is desirable and important that such sale and conveyance should be legal and valid. Therefore

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

SECTION 1. B. S. Bryan authorized to sell lot—Legalized. That the said Benjamin S. Bryan, a minor as aforesaid, is hereby authorized to sell and convey the said lot in the town of Cedar Rapids, known as lot (7) seven in block (31) thirty-one, as designated in the recorded plat of said town and the said sale and conveyance be and are hereby declared [205] good and valid in law, to the same extent as if the said Bryan was of legal age.

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

Approved, February 5th, 1851.