

Theodore Effey, be and the same are hereby released and relinquished.

Estate shall descend to the heirs of said decedent the same as though they were citizens of the United States.

SEC. 2. *Be it further enacted*, That all the estate and interest of Theodore Effey in and to said lands, shall, subject to all lawful claims, descend to and be vested in the person or persons who would have taken said lands by inheritance, if both the said person or persons and said Theodore Effey were native born citizens of the United States and of this State; *Provided*, said Theodore Effey is deceased intestate.

Take effect.

SEC. 3. This Act being deemed of immediate importance, shall take effect from and after its publication in the Davenport Daily Gazette and the Des Moines Times, provided said publication be made without expense to the State.

This Bill having remained with the Governor three days (Sunday excepted,) the General Assembly being in session, has become a law this 28th day of March, 1862.

ELIJAH SELLS, Secretary of State.

I hereby certify that the foregoing Act was published in the Des Moines Times April 12th, 1862, and in the Iowa State Register April 22d, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 61.

PLANK ROADS.

AN ACT in relation to Plank Roads and conferring certain powers upon County Boards of Supervisors.

Board of Supervisors to have charge of Plank Roads.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the several County Boards of Supervisors of this State shall have the supervision of any and all Plank Roads, which have been, or may hereafter be constructed within their respective Counties under any license granted under the provisions of Chapter 54 of the Revision of 1860, and it is hereby made the duty of such Board of Supervisors at each meeting to inquire and ascertain the condition of any plank road within the County, and if the same is found not to be in good condition, to proceed to have it repaired or vacated as required in the next section.

SEC. 2. If it be ascertained by such Board of Super-

visors, that any such plank road is not in good condition and repair, it shall be the duty of the Board to notify the person, corporation or company, owning or having possession of such plank road by notice in writing, signed by the Chairman and Clerk of the Board, notifying such person, company or corporation to put such road in complete repair and in good condition within a certain time (which shall be a reasonable time) to be fixed by said Board and stated in said notice, and that on failure to make such repairs and put such road in good condition, the license therefor will be revoked, and such plank road vacated and opened for travel to the public free of charge.

When the Plank Roads are not kept in good repair by the corporation owning said Plank Roads the license therefor be revoked, and the road opened as a Public Road.

SEC. 3. If after receiving such notice, the owner or proprietor of any such plank road shall fail to make the necessary repairs and to place such plank road in good condition as required, the said Board of Supervisors may revoke the license under which such plank road has been established and constructed, and may order that such road be opened up to travel free of charge, and that it be kept in repair thereafter as other roads.

SEC. 4. When an order is made as provided in the preceding section, the Board of Supervisors shall cause the owner or proprietor of such road to be notified by written notice, of the fact that such order has been made.

The owner of a Road shall be certified written notice.

SEC. 5. In case such owner or proprietor shall fail or refuse to comply with such order, and shall continue to demand toll of persons traveling over such plank road, it shall be the duty of the Board of Supervisors to order suit to be brought, in the name of the County, in the District Court to enforce such order, and to require such owner or proprietor to open such road for travel free of charge, and the District Court upon being satisfied that such owner or proprietor has failed to keep the road in repair, and to comply with the orders of the Board of Supervisors, as hereinbefore provided, shall issue an order commanding the opening of such plank road to the public for travel free of charge, and shall enforce such order by the proper writ; and such Court may, if necessary, enjoin any or all persons from collecting any toll upon such road.

If the owner of such road shall attempt to collect toll after said road is vacated, suit may be brought in the District Court.

SEC. 6. No person shall be liable to pay any toll for traveling on such road, after an order of the Board of County Supervisors, revoking the license of such road and declaring it free of travel.

This bill having remained with the Governor three days, (Sunday excepted,) the General Assembly being in session, has become a law this 26th day of March, 1862.

ELLJAH SELLS, Secretary of State.