

**AUTHORIZED REPRINT OF THE**  
**ACTS, RESOLUTIONS AND MEMORIALS**  
**PASSED AT THE**  
**REGULAR SESSION**  
**OF THE**  
**FIFTH GENERAL ASSEMBLY**  
**EXTRA SESSION**  
**OF THE**  
**FIFTH GENERAL ASSEMBLY**  
**AND THE**  
**REGULAR SESSION**  
**OF THE**  
**SIXTH GENERAL ASSEMBLY**  
**OF THE**  
**STATE OF IOWA**

---

Prepared for Publication Under the Direction of  
**W. S. ALLEN,**  
Secretary of State

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**DES MOINES:**  
**ROBT. HENDERSON, STATE PRINTER**  
**J. M. JAMIESON, STATE BINDER**  
1918

## CONCURRENT RESOLUTION

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Relating to printing the early Iowa laws.

WHEREAS, the supply has been exhausted and there is considerable demand for the laws hereinafter mentioned,

*Be it resolved by the House of Representatives, the Senate concurring:*

That the secretary of state be and he is hereby authorized to have printed and bound in cloth one thousand each of the following:

The Iowa Code of 1851 in one volume.

The acts of the general assembly of Iowa enacted at each session, between the code of 1851 and the revision of 1860, in volumes of convenient size.

The revised statutes of the Territory of Iowa, 1843, in one volume.

The acts of the Territorial legislature of Iowa, commencing with the regular session of 1840 and ending with the last session prior to the adoption of the code of 1851, in volumes of convenient size.

That when published said volumes shall be sold at cost and shall be distributed for sale in the same manner that the code is now distributed, except that none of said volumes shall be distributed free to any county, town, township or city officer.

Adopted by 34th General Assembly, April 12, 1911.

CERTIFICATE.

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STATE OF IOWA,  
OFFICE OF SECRETARY OF STATE.

I, W. S. Allen, secretary of state of the state of Iowa, hereby certify that the acts, resolutions and memorials herein contained are copied from the printed volumes of the regular session of the Fifth General Assembly, the extra session of the Fifth General Assembly and the regular session of the Sixth General Assembly of the state of Iowa, and that the same are a full, true and complete copy thereof, except that the paging of the original volumes is shown herein by inserting in brackets [thus] the number of the page on which appeared the matter immediately following.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused to be affixed the official seal of my office.  
Done at Des Moines, the capital of the state, this sixteenth day of October, A. D. 1913.

(SEAL)

*W. S. Allen*  
Secretary of State.

# ACTS, RESOLUTIONS AND MEMORIALS

PASSED AT THE

REGULAR SESSION

OF THE

# SIXTH GENERAL ASSEMBLY

OF THE

## STATE OF IOWA

WHICH CONVENEED AT THE CAPITOL IN IOWA CITY, ON THE FIRST DAY  
OF DECEMBER, A. D. 1856.

---

JAMES W. GRIMES, Gov.,  
ELIJAH SELLS, Secretary,

JOHN PATTEE, Auditor,  
M. L. MORRIS, Treasurer,

W. W. HAMILTON, President of the Senate,  
SAMUEL M'FARLAND, Speaker of the House.

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PUBLISHED BY AUTHORITY

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IOWA CITY:  
P. MORIARTY, STATE PRINTER.  
1857.





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STATE OF IOWA—SS.

I, ELIJAH SELLS, Secretary of State, of the State of Iowa, do hereby certify that the following acts, resolutions and memorials are truly copied from the original rolls on file in my office.

In testimony of which, I have hereto subscribed my name, and affixed the Great Seal of the State of Iowa. Given at Iowa City, [L. S.] Iowa, the 11th day of April, A. D., 1857.

ELIJAH SELLS,  
Secretary of State.

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# LAWS OF IOWA

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## [1] CHAPTER 1.

### SCHOOL FUND.

AN ACT further to restrict the duties of the superintendent of public instruction.

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

**SECTION 1. Limit duties of Sup. I.—five per cent.** That section 1056 of the code of Iowa, and any portion of the laws of Iowa, which authorize the superintendent of public instruction, to receive the five per cent. fund due to the state of Iowa from the general government, be and the same are hereby repealed.

**SEC. 2. Take effect.** This act to be in force from and after its publication in the Iowa City Republican and Capital Reporter.

Approved Dec. 5th, 1856.

I certify that the foregoing was published in the Iowa City Republican, Dec. 8th, 1856, and in the Capital Reporter, Dec. 9th, 1856.

ELIJAH SELLS,  
Secretary of State.

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## CHAPTER 2.

### ELEVENTH JUDICIAL DISTRICT.

AN ACT to establish the eleventh judicial district, and fixing the times of holding courts therein.

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

**SECTION 1. Bounds of dist.** That the counties of Poweshiek, Mahaska, Jasper, Marion, Polk, Warren, Dallas and Madison, shall compose the eleventh judicial district.

[2] **SEC. 2. Time of holding election—returns—county judges canvassers—meet at Polk county—time of meeting—person elected—receive certificate and take oath of office.** That on the first Monday of April next, the qualified electors of said district shall meet at their several places of holding elections, and elect a district judge in pursuance of the general law regulating such elections; and if the returns from all the townships in the several counties are not made to the county judge by the third day after said election, then it shall be the duty of said county judge to send a messenger to obtain them from the delinquent townships, and when the returns are all made, he shall proceed to canvass the votes according to law, and the county judges of the

several counties shall meet at the office of the county judge of Polk county, on the second Tuesday after said election, and then and there proceed to canvass the votes polled for judge in said district, and the person declared to be elected shall be qualified to discharge the duties of judge of said district, on receiving a certificate of election signed by said county judges, or a majority of them, and upon his taking the oath prescribed by law.

**SEC. 3. Writs and proceedings not affected.** All writs, processes and proceedings in the counties composing said district herein mentioned, shall be returned as now directed by law, until the judge of said district is elected and qualified, and no writs, notices, pleas, indictments or proceedings, shall be quashed or discontinued in consequence of the formation of said district, or of the change of time of holding courts in any county in said district.

**SEC. 4. Time of holding first term of courts.** The times of holding the first terms of court in said district shall be as follows, to-wit: In the county of Mahaska, on the third Monday in April; in the county of Poweshiek on the first Monday in May; in the county of Jasper on the second Monday in May; in the county of Warren on the first Monday in June; in the county of Polk on the second Monday in June; in the county of Dallas on the fourth Monday in June; in the county of Madison on the fifth Monday in June.

**SEC. 5. Court in Marion county.** That the first term of court in Marion county shall be at the time now prescribed by law, and that the judge of the fifth judicial district shall hold the first term of said court.

[3] **SEC. 6. Time of holding courts after first term.** And thereafter the regular terms of holding court in said district shall be as follows, to-wit: In the county of Mahaska, on the first Mondays in September and February; in the county of Marion on the second Mondays thereafter; in the county of Warren on the first Mondays in March and October, and the county of Madison on the first Mondays thereafter; in the county of Dallas, on the third Mondays of March and October, and in the county of Polk on the first Mondays thereafter, and in the county of Jasper on the second Mondays of April and November, and in the county of Poweshiek on the second Mondays thereafter.

**SEC. 7. Take effect.** This act shall be in force from and after its publication in the Iowa City Republican, the Oskaloosa Herald and Fort Des Moines Citizen.

Approved Dec. 10th, 1856.

I certify that the foregoing act was published in the Iowa City Republican, December 11th, 1856, in the Oskaloosa Herald, Dec. 19, 1856, and in the Fort Des Moines Citizen, Dec. 17, 1856.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 3.

## PAYMENT OF STATE BONDS.

AN ACT to provide for the payment of the state bonds due to the Philadelphia Bank, on the first day of January, 1857.

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

**SECTION 1. Payment of the state debt—\$57,500.00—out of 5 per cent. school fund.** That the sum of fifty-seven thousand and five hundred dollars loaned to the state out of the five per cent. school fund, be applied to the payment of the bonds and interest due to the Philadelphia Bank, on the first day of January next.

**SEC. 2. Duty of Treas.** It is hereby made the duty of the treasurer of state to cause said bonds to be paid and cancelled, and to place the same, with the proper receipts, in the hands of the auditor of state, who shall file and preserve the same in his office.

[4] **SEC. 3. Compensation.** As a compensation for said service, the treasurer shall receive one-half of one per cent. on the amount of said bonds.

**SEC. 4. Take effect.** This act to be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved December 12th, 1856.

I certify that the foregoing act was published in the Iowa City Republican, Dec. 16th, and in the Iowa Capital Reporter, Dec. 15th, 1856.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 4.

## JUDGE OF MAHASKA COUNTY.

AN ACT to authorize the county judge of Mahaska to borrow, for county purposes, certain monies therein named.

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

**SECTION 1. Treasurer loan Co. judge one year—railroad fund.** That the treasurer of Mahaska county is hereby authorized and requested to loan to the county judge of said county, for a term of not more than one year, any money which may be in the treasury of said county, collected for the purpose of paying the interest on county bonds to be issued by said county in favor of the Mississippi and Missouri Railroad company, provided, said loan shall not exceed five thousand dollars.

**SEC. 2. Repaid by levy.** The county judge is hereby authorized and requested to draw on the said treasurer for said sum of money to be used as a common fund for the county, and it is hereby made his duty to provide by general levy for the refunding of said sum when the same shall be required for the special purpose for which it was collected.

SEC. 3. **Take effect.** This act to be in force from and after its publication in the Iowa City Republican and Oskaloosa Herald.

Approved Dec. 12th, 1856.

I hereby certify that the foregoing act was published in the Iowa City Republican on the 16th day of Dec., 1856, and in the Oskaloosa Herald on the 26th day of December, A. D., 1856.

ELIJAH SELLS,  
Sec'y of State.

[5] CHAPTER 5.

SCHOOL LANDS AND FUNDS.

AN ACT to amend chapter 66 of the code of Iowa, entitled, "school lands and funds."

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

SECTION 1. **Treasurer receive five per cent. fund.** That the five per centum of the nett proceeds of the sales of the public lands, granted by the United States to this state, shall be paid into the hands of the state treasurer.

SEC. 2. **Duty of Treas.** It shall be the duty of the said treasurer to procure the amount of the per centum, now due, without delay, and place the same in his office to be disposed of according to law.

SEC. 3. **Loan the state \$57,500.00.** The said treasurer is hereby authorized to loan to the state, out of the said per centum, the sum of fifty-seven thousand and five hundred dollars, for the term of five years, at ten per centum per annum, and the faith of the state is hereby irrevocably pledged for the full payment of said sum of money, and the interest when the same becomes due.

SEC. 4. **Treasur's bond.** The said treasurer shall execute to the state of Iowa a bond with sufficient sureties to be approved by the governor of said state, and in such sum as the governor shall fix, conditioned for the faithful performance of the duties imposed upon him by this act, provided the said bond shall not be less than two hundred and fifty thousand dollars.

SEC. 5. **Deliver auditor vouchers.** That said treasurer shall also execute and deliver to the auditor of state, the proper receipts or vouchers for any and all monies received under this act, which receipts or vouchers shall be filed and preserved by said auditor.

SEC. 6. **Repeal.** That all acts and parts of acts conflicting with any of the provisions of this act, be and the same are hereby repealed.

SEC. 7. **Report profits of exchange—Cr. state—compensation.** That the treasurer of state shall report what he makes in the way of exchange on said money, in the same manner that he is required to report the principal fund drawn by him, and that said amount so made in the way of [6] exchange, be set down to the credit of the state: provided, however, that said treasurer may retain the sum of \$215, as remuneration for his services for attending to the duties imposed upon him by this act.

**SEC. 8. Take effect.** This act to take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved Dec. 13th, 1856.

I certify that the foregoing act was published in the Iowa City Republican and Iowa Capital Reporter, Dec. 15th, 1856.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 6.

### CUSTOM HOUSE.

**AN ACT** to exempt certain lots in Dubuque, the property of the United States, from taxation.

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

**SECTION 1. Lots in Dubuque owned by U. S.—custom house—exempt from taxation.** That any lot or lots in the city of Dubuque, with the buildings thereon, owned by the United States government, and held or used for the purpose of a custom house, or for other purposes, shall be exempt from taxation by the state or other municipal authority, so long as the same shall remain the property of the United States.

Approved Dec. 12th, 1856.

## CHAPTER 7.

### MOUNT VERNON PUBLIC SQUARE.

**AN ACT** vacating the public square in the town of Mount Vernon, in Linn county state of Iowa.

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

**SECTION 1. Public square—Mt. Vernon—vacated.** That the public square in the town of Mount [7] Vernon, Linn county, state of Iowa, marked A B on the recorded plat of said town, be, and the same is hereby declared vacated.

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

Approved 15th December, 1856.

## CHAPTER 8.

### RECORDS OF BENTON COUNTY.

**AN ACT** authorizing the county judge of Benton county, Iowa, to transcribe the records of said county.

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

**SECTION 1. County judge—transcribe records—expenses.** That the county judge of Benton county, in the state of Iowa, be, and is hereby authorized to



transcribe all records of said county which in his opinion the interests of the county demands, the county paying the expenses of the same.

SEC. 2. **Take effect.** This act to be in force from and after its publication in the Vinton Eagle and Iowa City Republican.

Approved Dec. 16th, 1856.

## CHAPTER 9.

### VACATING STATE ROAD IN PRIMROSE.

AN ACT to vacate a part of a state road in the town of Primrose, in the county of Lee.

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

SECTION 1. **State road—Primrose—vacated.** That so much of the state road leading from Charleston to Fairfield, as crosses any of the town lots in Primrose, be, and the same is hereby vacated.

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

Approved Dec. 16th, 1856.

## [8] CHAPTER 10.

### SCHOOL FUNDS.

AN ACT relating to the school fund of the state.

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

SECTION 1. **Sup'rint'ndent pay money into state treasury.** That until otherwise provided by law, all monies belonging to the school fund of the state, from whatsoever source derived, which are now or may hereafter be in the hands of the superintendent of public instruction of the state of Iowa, shall be paid into the treasury of the state, by the said superintendent.

SEC. 2. **Duty of Treas.** It shall be the duty of the treasurer of state to receive said monies and execute duplicate receipts therefor, one of which shall be given to the said superintendent, and the other shall be given to the auditor of state, who shall file and preserve the same in his officé.

SEC. 3. **Deliver papers and vouchers to auditor.** It is hereby made the duty of said superintendent, or any other persons now holding the same, to deliver to the auditor of state any and all notes, receipts, vouchers, bonds, mortgages, and other securities for any and all school monies, from whatsoever source derived, now or hereafter being in his or their possession, or under his or their control, which notes, receipts, vouchers, bonds, mortgages, and other securities, said auditor shall safely keep in his office, and he shall execute duplicate receipts therefor, one of which he shall deliver to the said superintendent, and the other to the governor of the state.

SEC. 4. **Funds to be paid into treasury.** All monies now, or hereafter becoming due, for monies loaned by the superintendent of public instruction,

including the interest thereon, shall be paid to the treasurer of state, who shall execute duplicate receipts therefor, one to the party paying the same, and the other to the auditor of state, who shall file and preserve the same in his office.

SEC. 5. **Money distributed.** Nothing herein contained shall be so construed as to make any moneys heretofore distributed to the school fund commissioners of the different counties of this state, subject to the provisions of this act.

SEC. 6. **Repeal.** All acts and parts of acts conflicting herewith are hereby repealed.

[9] SEC. 7. **Take effect.** This act to be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved 22nd, Dec. 1856.

I certify that the foregoing act was published in the Iowa Capital Reporter Dec. 23d, 1856, and in the Iowa City Republican.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 11.

### WAPELLO COUNTY.

AN ACT authorizing the school fund commissioner of Wapello county to pay money to school district number two (2) in Washington township.

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

SECTION 1. **S. F. Com. Wapello Co.—money due.** That the school fund commissioner of Wapello county be, and he is hereby authorized to pay to school district number two, in Washington township, in said county, the amount of money to which said district would have been entitled on the first day of March, A. D. 1856, had the report of the secretary of said district for the preceding year been received within the time prescribed by law for the return of such report.

Approved 18th Dec. 1856.

## CHAPTER 12.

### SEVENTH JUDICIAL DISTRICT.

AN ACT to define the boundaries of the seventh judicial district and fix the time for holding courts therein.

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

SECTION 1. **Boundary.** That the counties of Pottawattamie, Cass, Audubon, Shelby and Harrison shall constitute the seventh judicial district.

[10] SEC. 2. **Times for holding court.** That the times for holding courts in the county of Pottawattamie shall be the first Manday in February, the

third Monday in May, and the second Monday in September; in the county of Audubon on the third Monday of April and October; in the county of Cass on the fourth Monday in April and October; in the county of Harrison on the first Monday in May and November; and in the county of Shelby on the second Monday in May and November.

SEC. 3. **Suits not affected.** No suits, pleas, indictments, processes or proceedings shall be quashed or discontinued in consequence of the change hereby made in said district, or of the change of the time of holding courts in any county composing the same.

SEC. 4. This act shall be in force from and after its publication in the Iowa City Republican, and Iowa Capital Reporter.

Approved Dec. 18th, 1856.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter Dec. 24th, 1856, and in the Iowa City Republican Dec. 26th, 1856.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 13.

### JUSTICE OF THE PEACE, DECATUR COUNTY.

AN ACT to provide for the election of an additional justice of the peace, in Center township, Decatur county.

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

SECTION 1. **Elect justice of peace—term of office.** That at the August election in the year 1857, there shall be elected an additional justice of the peace in Center township, Decatur county, Iowa, who shall hold his office, until the April election, 1858, at which time and every two years thereafter, a successor shall be elected, who shall hold said office for the term of two years.

Approved Dec. 20th, 1856.

## [11] CHAPTER 14.

### WIDTH OF ROADS.

AN ACT reducing the width of certain state roads therein named.

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

SECTION 1. **State roads in Floris reduc'd.** That all state roads lying within the boundaries of the town of Floris, in Davis county, Iowa, are hereby reduced to correspond in width with the streets in said town, along the routes of which, said roads respectively run.

SEC. 2. This act to be in force from and after its publication according to law.

Approved Dec. 20th, 1856.

## CHAPTER 15.

## COUNTY OF HAMILTON.

## AN ACT to create the county of Hamilton.

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

SECTION 1. **Created and organized.** That so much of the county of Webster, as lies east of range twenty-seven, west of the fifth principal meridian, according to the official survey of lands by the United States government, be and the same is hereby created and organized into a new county to be called Hamilton.

SEC. 2. **Estate belong where situate.** All the estate of which the county of Webster is now seized shall belong to, and the county be seized thereof to its own use, in which such real estate may be situated, after the division by the organization of such new county.

SEC. 3. **Joint liability—equal division.** The said county of Webster, and said county of Hamilton, shall both be and remain liable for any and all indebtedness existing against the county of Webster, at the time this act takes effect, to the same extent as if this act had not been passed, and the money rights and credits or [12] other personal property belonging to the said county of Webster, at the time this act takes effect, shall be apportioned between said counties, in such manner as shall be just and equitable.

SEC. 4. **Gov. appoint a Comis'r to act with county judges of Webster and Hamilton—apportion effec-s, &c., equitably—duplicate decision furnished each county—Com'r sworn.** For the purpose of ascertaining and fixing upon such apportionment of money, rights and credits, or other personal property provided for in the preceding section, the governor shall, on the complete organization of said county of Hamilton by the election of county officers, and upon the request of the county judge of said county of Hamilton, appoint some disinterested person commissioner, who shall, together with the county judge of said county of Webster, and the county judge of said county of Hamilton, form a commission, who shall meet at a time to be fixed by the said commissioner, to be appointed by the governor, at the county seat of Webster county, and make such apportionment of said money, rights and credits, or other property above mentioned, as to them shall appear just and equitable. The decision of said commissioners, or any two of them, shall be final, and such decision shall be reduced to writing, and signed by the commissioners making the same, and a duplicate furnished to each of said counties. The said commissioner to be appointed by the governor, shall, before proceeding to act as such, take and subscribe an oath for the faithful performance of his duties.

SEC. 5. **Compensation.** Said commissioners shall each receive three dollars per day, for every day they shall be actually employed in making such apportionment, to be paid by the county of Hamilton.

SEC. 6. **Election—proviso—expenses paid by Hamilton county.** At the next April election after the passage of this act, there shall be elected by the qualified voters, residing within the county of Hamilton, the same county and township officers as are now allowed and required by law in organized counties: provided, no township officers shall be elected only in cases where an election would have taken place had this act not been passed; and further provided, that the said county officers so elected shall hold their offices as if elected to fill vacancies. The votes cast at such election shall be

returned to and canvassed by the county judge of Webster county, who shall canvass the same, and [13] notify the persons elected of their election. The person elected county judge of Hamilton county, shall qualify before the county judge of Webster county; and when so qualified, the organization of said county shall be deemed complete. The expenses of said election shall be paid by the county of Hamilton.

SEC. 7. **Transcribe records—evidence.** The county judge of Hamilton county may, whenever he shall deem it expedient so to do, cause to be transcribed so much of the public records of the county of Webster as he may deem necessary and place them among the public records of the county of Hamilton, and the copies so made, if duly certified to be true and correct copies by the proper officer having the original records in his custody as a public officer, at the time of so certifying, shall be received by all courts with like effect as if the original records were offered in evidence.

SEC. 8. **County-seat.** Webster City is hereby designated as the county-seat of Hamilton county, subject however to the provisions of the general law relating to the re-locating county-seats.

SEC. 9. This shall be in force from and after its publication in the Iowa City Republican and Fort Dodge Sentinel.

Approved 22d Dec., 1856.

I certify that the foregoing act was published in the Iowa City Republican, and in the Fort Dodge Sentinel, Jan. 8, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 16.

### RINGGOLD COUNTY.

AN ACT to legalize the organization of Ringgold county, and the election and official acts of officers in said county.

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

SECTION 1. **Acts of officers legalized.** That the election, and all necessary acts organizing the county of Ringgold, together with the election of officers, and the official acts of officers elected under said organization be, and the same are hereby declared legal.

[14] SEC. 2. This act shall take effect from and after its publication in the Iowa City Republican and Glenwood Times, without expense to the state.

Approved Dec. 22d, 1856.

I certify that the foregoing act was published in the Iowa City Republican, Dec. 29th, 1856, and in the Glenwood Times.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 17.

AN ACT to change the name of Summerset, in Adair county, to Fontanelle.

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

SECTION 1. **Change name—to be recorded.** That the name of Summerset, in Adair county, be, and the same is hereby changed to Fontanelle: provided, that the change of name shall be recorded in the recorder's office in Adair county, within six months after the passage of this act.

SEC. 2. This act to be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved Dec. 22d, 1856.

I certify that the foregoing act was published in the Iowa Capital Reporter Dec. 24, and in the Iowa City Republican Dec. 26, 1856. ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 18. .

## ADDITIONAL JUSTICE IN SCOTT COUNTY.

AN ACT providing for the election of an additional justice of the peace in Davenport township, Scott county.

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

SECTION 1. **Additional justice.** That the qualified electors of Davenport [15] township, in Scott county, be, and they are hereby authorized to elect one additional justice of the peace in said township.

SEC. 2. **Duty of officers.** That it shall be the duty of the officers conducting the election, on the first Monday of April, 1857, and biennially thereafter, to open a poll at said election for the purpose aforesaid.

SEC. 3. **Qualify.** The person elected at said election shall proceed to qualify and give bond in the manner now provided by law, and shall hold his office for the term of two years.

SEC. 4. This act to take effect and be in force from and after its publication in the Iowa City Republican and Davenport Gazette: provided, such publication shall not be at the expense of the state.

Approved 22d Dec., 1856.

I certify that the foregoing act was published in the Iowa City Republican Dec. — 1856, and in the Davenport Gazette Dec. 27th, 1856. ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 19.

## EVIDENCE.

AN ACT relating to evidence.

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

SECTION 1. **Sec. 2388, of the code repealed.** That the following words in section 2388 of the code, to wit: "But an Indian, a negro, a mulatto, or

black person shall not be allowed to give testimony in any cause wherein a white person is a party," be, and the same are hereby repealed.

SEC. 2. This act shall be in force from after its publication according to law.

Approved Dec. 22d, 1856.

[16] CHAPTER 20.

STATE ROAD.

AN ACT to locate a state road from Clayton City, in Clayton county, to the Des Moines river, in Kossuth county.

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

SECTION 1. **Names of commissioners—where from—via—where to.** That Isaac Templeton and Charles Hoyt, of Fayette county, and O. W. Crary of Clayton county, be, and the same are hereby appointed commissioners to lay out and establish a state road leading from Clayton City in Clayton county, on the nearest and best way to Garnavillo, thence to Elkader in said county, thence to Lima, Fayette and Westfield, in Fayette county, thence via Wilson's Grove, and near the center of Bremer county, to Clarksville, in Butler county, thence to the north side of Thorp's Grove, near I. D. Leland's, in Franklin county, thence to a point on the Des Moines river, near the present residence of Dr. Williams, due west.

SEC. 2. **Comr's meet.** That the commissioners, or a majority of them, shall meet at Clayton City, on the first Tuesday in May, 1857, or within three months thereafter, and proceed to locate and establish said road according to law.

SEC. 3. **Surveyor, &c.** That said commissioners shall take to their assistance a competent surveyor and other necessary hands, who, together with the commissioners, having been duly sworn, shall proceed to locate said road.

SEC. 4. **Per diem—proviso.** That said commissioners shall have two dollars per day, and the chainmen and markers one dollar and fifty cents per day: provided, that in case any of the commissioners should act as surveyor in laying out said road, they shall be entitled to receive for their services three dollars per day, and nothing more.

SEC. 5. **Expense, how paid.** That the expense of locating said road shall be paid out of the treasuries of the counties in which said road shall be located, in proportion to the time required in each for said location.

SEC. 6. This act to be in force from and after its passage.

Approved Dec. 22, 1856.

## [17] CHAPTER 21.

## BOND OF COUNTY JUDGE.

AN ACT to amend an act entitled an act to require county judges to give bond.

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

SECTION 1. **Expiration of Co. judge's office.** That the county judges' office shall become vacant at the expiration of twenty days after their successors shall have been elected as prescribed by law.

SEC. 2. **Vacancy—officers order an election.** Upon the vacancy in said office as above contemplated, it shall be the duty of the prosecuting attorney, and in case of his absence or inability, of the county clerk, to order an election for county judge within twenty days after such vacancy, and give the usual notice of election.

SEC. 3. **Repeal.** All sections or parts of sections heretofore enacted, conflicting with this act, are hereby repealed.

SEC. 4. This act to take effect from and after its passage.

Approved Dec. 22, 1856.

## CHAPTER 22.

## RAIL ROAD.

AN ACT legalizing the articles of incorporation of the Dubuque and Bellvue Railroad Company and for other purposes.

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

SECTION 1. **Legalized—filed f'r record.** That the articles of incorporation of the Dubuque and Bellvue Rail Road company be, and the same are hereby declared valid, notwithstanding the same were not filed for record in the office of the secretary of state within three months as prescribed by the code: provided, that all articles of incorporation which are or shall not be filed for record in the office of the secretary of state within six months of the time of adoption, shall be, and the same are hereby declared void.

SEC. 2. This act to take effect from and after its publica- [18] tion in the Iowa City Republican and Iowa Capital Reporter, 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 31st day of December, 1856.

I certify that the foregoing act was published in the Iowa City Republican, Jan. 10th. 1857, and in the Iowa Capital Reporter, Jan. 12th, 1857.

ELIJAH SELLS,  
Sec'y of State.



## CHAPTER 23.

## BLAKESBURG TO CLEVELAND.

AN ACT to change the name of Blakesburg to Cleveland.

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

**SECTION 1. Change name.** That the name of the town of Blakesburg in the county of Wapello, be and the same is hereby changed to Cleveland.

**SEC. 2.** This act to be in force from and after its publication in the Iowa Capital Reporter and Des Moines Courier.

This bill having remained with the governor three days (Sunday excepted) the general assembly being in session, has become a law, this 31st day of December, 1856.

I certify that the foregoing act was published in the Iowa Capital Reporter Jan. 10th, 1857, and in the Des Moines Courier — 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 24.

## RECORDER'S OFFICE IN KEOKUK.

AN ACT to establish a recorder's office in the city of Keokuk.

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

**SECTION 1. Established.** That there is hereby established in the city [19] of Keokuk, Lee county, Iowa, a recorder's office, which shall be kept in the office of the clerk of the district court of said county, in said city.

**SEC. 2. County judge appoint.** That the county judge of said Lee county shall appoint some suitable person or persons, whose duty it shall be to transcribe from the records, at Fort Madison, in Lee county, all the conveyances of land embraced in what is known and described as the Half-Breed reservation, situated in the county of Lee, and all town lots in the city of Keokuk, and legally established towns within said tract; also all mortgages and deeds of trust affecting said property not satisfied.

**SEC. 3. Suitable books.** That the county judge shall provide for the aforesaid purposes, suitable books, in which shall be copied said conveyances, mortgages, and deeds of trust, in like manner as the same are now indexed and recorded according to law.

**SEC. 4. Records complete.** That said records shall contain a complete history of the title to lands and lots in the limits aforesaid, and incumbrances thereon, so far as the same are of record in the recorder's office at Fort Madison, and that hereafter the Recorder of Lee county shall keep at Keokuk, in the recorder's office hereinbefore established, a deputy recorder, whose duty it shall be to index and record all conveyances of real estate in the limits herein mentioned in the same manner as is now provided by law, in relation to the county records.

**SEC. 5. To be evidence.** That said records shall be treated in the same manner, and be used for the same purposes, as the records in the office of

the recorder of the county, and as to the limits hereinbefore mentioned it shall in all respects be a substitute, and it shall not hereafter be necessary for any purpose to record conveyances of land and lots in said limit at the recorder's office in Fort Madison.

SEC. 6. **Compensation.** For the transcription of said records at Fort Madison, the person appointed by the county judge, shall receive a sum to be fixed by said county judge, one-half of which shall be paid by the county of Lee, and the other half by the city of Keokuk, and the deputy recorder at Keokuk shall be provided with a duplicate seal for authenticating transcripts, &c., and for his services he shall be paid in the same manner now provided by law for the payment of any other deputy recorder.

SEC. 7. **Apply.** The laws applicable to recorders now in force, shall apply to the said records, their object and uses, except as modified herein.

SEC. 8. This act shall be in force from and after its publication in the Keokuk Evening Times, the Gate City, and the Fort Madison Plaindealer.

Approved January 8th, 1857.

I hereby certify that the foregoing act was published in the Keokuk Evening Times, Jan. 13th, 1857, Gate City Jan. 14th, 1857, and Fort Madison Plaindealer, Jan. 15th, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 25.

### RECORDS OF POTTAWATTAMIE COUNTY.

AN ACT to authorize the county judge of Pottawattamie county to have transcribed certain records of said county.

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

SECTION 1. **Transcribe records.** That the county judge of Pottawattamie county, be and is hereby authorized and requested to employ some suitable person at the expense of said county, to transcribe all deeds and conveyances of real estate, recorded in book A. of the records of Pottawattamie county, which have been executed and recorded subsequent to the acquisition of title to the lands in said county from the United States government.

SEC. 2. **Certify.** That after a transcript of land record has been made as provided for in the first section of this act, and certified as being a true transcript thereof by the person so transcribing the same, with an affidavit attached or annexed to the end of said transcript that he verily believes the same to be a full and true copy, the same or any part of said transcript shall have the same binding effect as the original, and said transcript or a certified copy, shall be prima facie evidence of the matters and things therein contained.

SEC. 3. **Approval.** The county judge, after the transcribing of land records as provided aforesaid, and the proper indexing and writing the names of grantor and grantee on the margin of the record of each deed so transcribed and recorded, shall annex his signature and official seal thereto, approving the act, and shall draw a warrant for the expense incurred for the service rendered aforesaid.

SEC. 4. This act shall take effect from and after its publication in the Iowa Capital Reporter and Council Bluffs Bugle, and no expense shall accrue to the state for said publication.

Approved Jan. 8th, 1857.

I certify that the foregoing act was published in the Iowa Capital Reporter, and in the Council Bluffs Bugle, Feb. 3d, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 26.

### RECORDS OF LINN COUNTY.

AN ACT authorizing the county judge of Linn county, Iowa, to transcribe certain records of said county.

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

SECTION 1. **County judge transcribe tax sales.** That the county judge of Linn county, Iowa, be, and is hereby authorized to transcribe the lists of tax sales for the years A. D. 1847 to 1854 inclusive, the county paying all expenses.

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

Approved January 8th, 1857.

## [22] CHAPTER 27.

### STATE ROAD.

AN ACT to locate a state road from Mount Ayr, in Ringgold county, to Clarinda, in Page county.

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

SECTION 1. **Names of commissioners—where from—where to.** That Bazel Tanner, of Ringgold county, George Bible, of Page county, and George W. Dale, of Taylor county, are hereby appointed commissioners to locate a state road beginning at Mount Ayr, in Ringgold county, thence running westward on the nearest and best route to the crossing of Honey creek, (in Taylor county) at or near the ford in what is known as the Fowler timber, thence to the half mile stake in said timber, thence west on the section line to the range line between townships thirty-three (33) and thirty-four (34), thence west on or near the open line running on the north boundary of the town of Bedford in Taylor county, thence running westward on the nearest and best route to the town of Clarinda in Page county.

SEC. 2. **Com'rs meet—qualify.** That said commissioners shall, on the first day of June next, or within sixty days thereafter, (or a majority of them) meet at Mount Ayr in Ringgold county, and after taking with them the necessary assistance and being qualified as required by law, proceed to the discharge of their duties.

SEC. 3. **Compensation.** Said commissioners and assistants shall be paid for their services as provided for by law.

SEC. 4. **Proviso.** This act to take effect from and after its publication in the Iowa Capital Reporter, and Iowa Republican: provided, that the state shall be in no case responsible for any expenses created or growing out of the establishment of the foregoing road or highway.

Approved January 8th, 1857.

[23] CHAPTER 28.

SCHOOL FUND.

AN ACT authorizing the school fund commissioner of Warren county to pay certain monies.

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

SECTION 1. **S. F. Com'r pay Sec'y of school district.** That the school fund commissioner of Warren county, Iowa, is hereby authorized to pay to Samuel Crow, as secretary of a school in Linn township, Warren county, Iowa, certain monies that said district failed to receive as their portion of the school fund to be distributed.

SEC. 2. **Give satisfactory evidence.** Said Samuel Crow shall be hereby required to give the said school fund commissioner satisfactory evidence of the enumeration of said district in the year so claimed, and shall be paid according to the enumeration of said year: provided, it shall not appear on the books of said school fund commissioner that the money has been paid for that year.

SEC. 3. This act to take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved Jan. 8th, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Jan. 15th, 1857, Iowa Capital Reporter, Dec. 15th, 1857.

ELIJAH SELLS,  
Sec'y of State.

CHAPTER 29.

COLUMBUS TO CAPOLI.

AN ACT to change the name of the town of Columbus.

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

SECTION 1. **Name changed.** That the name of the town of Columbus, in Allamakee county, be and the same is hereby changed to that of Capoli.

[24] SEC. 2. This act shall be in force from and after its publication according to law.

Approved Jan. 8th, 1857.

## CHAPTER 30.

## DAVID HAIN.

AN ACT for the relief of David Hain.

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

SECTION 1. **S. F. Com'r of Dallas county—convey land—description.** That the school fund commissioner of Dallas county, in the state of Iowa, be, and he is hereby authorized to convey to David Hain, or to his legal representatives, lots number nine, ten, fifteen and sixteen, in section number four, township 78, north of range number 29 west of the 5th P. M. (being a portion of the 500,000 acre grant) at the price of one dollar and twenty-five cents per acre.

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

This act having remained with the governor three days (Sunday excepted) the general assembly being in session, has become a law this 12th day of January, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 31.

## MUSCATINE.

AN ACT amendatory to the act incorporating the city of Muscatine.

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

SECTION 1. **City council.** That in addition to the powers conferred upon the city council of the said city of Muscatine, by the act to which this act is amendatory, the said city council shall be authorized to impose license upon all persons exercising the business or calling of an auctioneer, within the said city, in [25] such sum as the said council may determine, and upon such conditions as the said council may see proper to affix.

SEC. 2. **Power to tax—bond—proviso.** That said city council shall have power to tax and regulate auctioneers in their calling, and to require each and every person so exercising the business of an auctioneer, as aforesaid, to execute to the said city a bond with security to be approved by the said city council, conditioned that he will render a true account of all sales made by him, and promptly pay over to the said city all taxes which may become due to the said city from the sales so made by him as auctioneer: provided, that nothing in this act shall be so construed as to charge any property in the city upon which the city taxes for the current year have been paid, with any additional tax.

SEC. 3. **Enforce.** That the said city council shall have full power and authority to pass all ordinances that may be necessary to give force and effect to this act, judicial sales made by a legal officer, and sale of the property of a deceased person by his legal representative being exempted from its operation.

SEC. 4. This act shall take effect from and after its publication in one or more newspapers printed in the said city of Muscatine, without expense to the state.

Approved January 13th, 1857.

I certify that the foregoing act was published in the Muscatine Journal Feb. 5, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 32.

### RAIL ROAD COMPANY.

AN ACT to change the name and style of Fort Madison, West Point, Keosauqua and Bloomfield Rail Road Company.

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

SECTION 1. **Name chang'd—new name.** That the name and style of the Fort Madison, West Point, Keosauqua and Bloomfield railroad com- [26] pany be, and is hereby changed to the Iowa Southern Railroad company.

SEC. 2. **Powers and liabilities not changed.** The said company under the name and style of the Iowa Southern Railroad company, shall possess all the powers, privileges and benefits, and be subject to all the liabilities and any and all contracts entered into by said Fort Madison, West Point, Keosauqua and Bloomfield Railroad company, and all suits or actions at law brought by or against said company, shall continue, and shall be prosecuted to conclusion in all respects without prejudice and with like effect as if this act had not been passed.

SEC. 3. This act shall take effect from and after its passage and publication in the Iowa Capital Reporter, Plain Dealer, and Argus, newspapers published at Fort Madison, Republican at Keosauqua, and the Iowa Flag at Bloomfield, Davis county. The cost of said publication paid by said railroad company.

Approved January 13, 1857.

I certify that the foregoing act was published in the Plain Dealer, Feb. 6, 1857, and in the Iowa Capital Reporter January 31, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 33.

### STATE ROAD.

AN ACT to alter the state road from Overman's Ferry in Muscatine county, to Washington ferry in Cedar county.

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

SECTION 1. **Alteration.** That the following alteration be and is hereby made in the state road leading from Overman's ferry, in Muscatine county,

to Washington ferry, in Cedar county, to wit: beginning in the original line of said road, where it crosses the section line between section twenty-three and twenty-four in township 78 range three west, thence north to the southeast corner of section eleven, thence west to the [27] centre line of said section eleven, thence north until it intersects said road again in section two in said township.

SEC. 2. **S'rvey'r return plat to county judge.** That the county surveyor of Muscatine county be and he is hereby required within sixty days from the taking effect of this act to take to his assistance suitable chain-carriers, and proceed to survey and define the aforesaid alteration, and return a plat of the same to the county judge of Muscatine county, which plat shall be filed in said county judge's office, and be conclusive proof in all cases of the establishment of said alteration in said road.

SEC. 3. **Compensation.** The county surveyor and his assistants shall be allowed their lawful fees out of the county treasury of Muscatine county, and this act take effect from and after its publication in the Iowa City Republican and Muscatine Journal without expense to the state.

Approved Jan. 13th, 1857.

I certify that the foregoing act was published in the Muscatine Journal Feb. 6, 1857, and in the Iowa City Republican March 13, 1857. ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 34.

### NINTH JUDICIAL DISTRICT.

AN ACT to change the boundaries of the ninth judicial district.

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

SECTION 1. **Union and Ringgold counties.** That the counties of Union and Ringgold be and they are hereby added to and made a part of the Ninth Judicial district of the state of Iowa.

SEC. 2. **Repeal.** All laws conflicting with the provisions of this act are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its publication in the Iowa City Republican and Albia Independent Press.

Approved 13th Jan., 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 9, 1857, and in the Albia Independent Press Feb. 7, 1857.

ELIJAH SELLS,  
Secretary of State.

## [28] CHAPTER 35.

### FAIRFIELD CHARTER.

AN ACT to amend the charter of the town of Fairfield.

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

SECTION 1. **Boundaries.** That the south-west quarter of section No. 25, in township No. 72, north of range No. ten west, being in the county of

Jefferson, and which is embraced in the present corporate limits of the town of Fairfield, together with all additions that have been regularly recorded or that may hereafter be made and recorded according to law, be, and the same is hereby constituted a city corporate, and shall be known by the name and title of the city of Fairfield.

**SEC. 2. Width of the streets.** All streets in any and all additions to said city which shall be extensions of the original streets of said city, shall be of uniform width with the original streets so extended.

**SEC. 3. Road district.** The streets and alleys of said city shall constitute one road district, the supervisor of which shall be appointed by the mayor, recorder and trustees, and shall hold his office one year unless sooner removed by said mayor, recorder and trustees. Said supervisor shall perform the same duties as are or may be required by the laws of this state, of supervisors of roads and highways, but shall make his report to the city council, and the road tax and labor of said district shall be laid out and expended within said district under the direction of the city council.

**SEC. 4. Powers of mayor—fees.** The mayor of said city shall be and is hereby invested with all the power now granted by law to justices of the peace within said state, for the purpose of hearing, trying and determining all offenses committed against the ordinances of said city, and shall have jurisdiction within the corporate limits of said city, over all subjects civil and criminal, as is now or hereafter may be conferred by law upon justices of the peace within this state, and shall be allowed such fees for his services as justices of the peace are now or may hereafter be allowed by law for like services.

**SEC. 5. Change town to city.** That the word town whenever it occurs in the original charter of the town of Fairfield and in the act [29] amendatory thereto, approved February 5th, 1851, shall be construed to mean city.

**SEC. 6. Repeal.** All acts and parts of acts coming in conflict with this act are hereby repealed.

**SEC. 7. Submit to vote.** If one-third of the legal voters in said city of Fairfield, shall, within three months after the publication of this act, petition the mayor of said city to submit said act to a vote of the legal voters of said city, it shall be the duty of said mayor to submit the same to a vote in the manner provided for other elections, giving at least ten days' notice thereof, and if a majority of the legal voters shall vote against said act, then the same shall be null and void.

**SEC. 8.** This act shall take effect from and after its publication in the Iowa City Republican and Fairfield Ledger, the expenses of publication to be paid by the city of Fairfield.

Approved January 14th, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 9, 1857.

ELIJAH SELLS,  
Secretary of State.



## CHAPTER 36.

## DEEDS AND MORTGAGES.

AN ACT to amend chapter 49 of the session laws of 1854-5.

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

SECTION 1. **Deeds, &c., executed out of the state.** That all deeds, mortgages or other instruments in writing, executed out of this state, whereby real estate situated in this state, has been or shall hereafter be conveyed or encumbered, which have been duly acknowledged, in accordance with the provisions of section second, of chapter 49, of the session laws of 1854-5; and filed for record in the recorder's office of the county where such land is situated, shall henceforth be deemed notice to all persons interested, of what they contain from and after such filing.

[30] SEC. 2. **Repealed.** Section third, of chapter 49, of the session laws of 1854-5, is hereby repealed. This act shall take effect from and after its publication according to law.

Approved Jan. 14, 1857.

## CHAPTER 37.

## PENITENTIARY.

AN ACT providing for improvements in the Iowa Penitentiary.

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

SECTION 1. **Appropriation—when expended.** That there be and hereby is appropriated, toward the further completion and improvement of the penitentiary at Fort Madison, the sum of twenty thousand dollars, to be paid out of any monies in the treasury not otherwise appropriated, to be drawn and expended during the fiscal year.

SEC. 2. **By whom.** This appropriation shall be expended under the direction and superintendence of the inspectors of the penitentiary.

SEC. 3. **Duty of inspectors—specifications—hospital.** It shall be the duty of said inspectors, acting as superintendents, to have a wall built inclosing the cells, workshops, hospitals, and other prison buildings, of the following description, to wit: the foundation to be of stone, the walls four feet thick and sunk six feet below the surface of the ground, and extending one foot above the surface; the whole to be done in solid masonry with quick-lime. The wall placed on the foundation will be three feet thick at the bottom and eighteen inches at the top, and twenty-two feet high, with cap stone three feet wide and eight inches thick, to be built and finished in a substantial and workmanlike manner. It will further be the duty of said inspectors, acting as superintendents, to have constructed twenty-five new cells of like character and form as those already completed. They shall also cause to be constructed an apartment to serve as a hospital, the foundation of which and other permanent parts of the building to be constructed with a view to making [31] it a hospital when completed that will serve all the requirements of that department of the prison.

SEC. 4. **Superintend'nt—compensation.** The inspectors shall employ one of their number, whose special duty it shall be to superintend the work, who shall receive two dollars and fifty cents per day for his services.

SEC. 5. This act to be in force after its publication in the Fort Madison Plaindealer and Iowa City Republican.

Approved January 15th, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 4, 1857, and in the Fort Madison Plaindealer Feb. 6, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 38.

### SCHOOL DISTRICT.

AN ACT to repeal chapter thirty-five of the acts passed at the extra session of the general assembly of the state of Iowa, held in July, A. D. 1856.

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

SECTION 1. **Enlarge school district—repealed.** That chapter thirty-five of the acts passed at the session of the general assembly of the state of Iowa, held in July, A. D. 1856, entitled an act to enlarge school districts Nos. one (1) and two, (2) in Bloomington township, Muscatine county, Iowa, and define their boundaries, be and the same are hereby repealed.

SEC. 2. This act to be in force from and after its publication according to law.

Approved Jan. 15th, 1857.

## [32] CHAPTER 39.

### JUSTICE OF THE PEACE.

AN ACT to authorize the election of an additional justice of the peace.

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

SECTION 1. **Trustees' duty.** That it is hereby made the duty of the trustees of New Wine township, in Dubuque county, to order an election of an additional justice of the peace, at the April election in 1857, in addition to the two justices now holding office in said township, and that thenceforth there shall be three justices of the peace in said township, elected in accordance with the existing laws.

SEC. 2. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and North West, without expense to the state.

Approved January 17, 1857.

## CHAPTER 40.

## TAXES IN JASPER COUNTY.

AN ACT to enforce the collection of taxes in the county of Jasper, for the year 1854.

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

**SECTION 1. County judge's warrant.** That the county judge of the county of Jasper is hereby authorized and required to place his official warrant on the tax-books of said county for the year 1854, ordering the treasurer of said county to proceed to collect all taxes due there on.

**SEC. 2. Treasurer.** That the treasurer of said county, when he shall receive said tax-books with the county judges warrant endorsed thereon, shall proceed to collect all taxes due and unpaid on said books and pay the same over according to law; and he is in like manner requested to pay over all moneys which he may heretofore have collected on said tax-books.

[33] **SEC. 3. County responsible.** That the county of Jasper shall be accountable to said treasurer for all damages he may sustain, growing out of the performance of any duties required of him by this act.

**SEC. 4.** This act to take effect and be in force from and after its publication in the Iowa City Republican and the Jasper county Express: provided, the county of Jasper shall pay the expense of such publication.

Approved January 17, 1857.

## CHAPTER 41.

## GLENWOOD CITY.

AN ACT to incorporate the town of Glenwood, in Mills county.

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

**SECTION 1. Boundaries—name—powers.** That the tract of land lying in township seventy-two (72) north range forty-three (43) west, in the county of Mills, which is comprised in the original town plat of Glenwood, together with all additions that have been regularly recorded, or that may hereafter be made and recorded according to law, with the inhabitants thereof, be and the same is hereby constituted a city and body politic and corporate, with perpetual succession, by the name of Glenwood, and by that name shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, acquire, possess hold and enjoy, whatever real, personal, or mixed property may be necessary, proper and convenient to carry out the objects of the corporation, sell and convey the same, and shall otherwise possess and enjoy all the powers and attributes and be subject to all the liabilities of a municipal corporation.

**SEC. 2. Legislative.** The legislative authority of said city shall be vested in a city council, to be composed of a mayor, and three aldermen from each ward.

**SEC. 3. Ward boundaries.** The said city shall be divided into two wards, as follows, to-wit: that portion lying south of Sharp street [34] shall constitute the first ward; that portion lying north of Sharp street shall con-

stitute the second ward: provided, that the said city council may change, unite or divide the said wards, or any of them, whenever they shall think it for the interest of the city.

**SEC. 4. Qualification of electors.** Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the state six months, of the city twenty days, and of the ward in which he offers to vote, ten days next preceding the election, is declared a citizen of said city, and entitled to vote at all elections thereof.

**SEC. 5. Election.** The elections of the city (for officers) shall be conducted in a manner similar to that in which the elections are conducted in the townships, as the nature of the case permits.

**SEC. 6. Challenge vote.** A person offering to vote may be challenged as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

**SEC. 7. Eligible—office.** No person shall be eligible to any elective office mentioned in this act unless he be a legal voter of the city, and has been a resident thereof for one year next preceding his election.

**SEC. 8. Time of elect'n—city council.** That the qualified electors of said city shall, on the first Monday of April, A. D., 1857, and annually on the same day thereafter, elect a mayor, and at the same time six aldermen, a recorder, assessor, treasurer and marshal; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. They shall be elected for the term of one year, and until their successors are elected and qualified.

**SEC. 9. Manner of electing.** The mayor, recorder, assessor, treasurer and marshal shall be elected by the legal voters of said city, and three aldermen shall be elected in each ward, by the legal voters thereof.

**SEC. 10. Mayor—mayor's duties.** It shall be the duty of the mayor to see that the laws and ordinances of the city are executed, and their [35] violation punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties and exercise such powers as pertain to the office of a mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

**SEC. 11. Jurisdiction.** He shall be a conservator of the peace within the city, and ex-officio, a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the ordinances of the city, and with criminal jurisdiction of offenses against the laws of the state committed within the city, and with civil jurisdiction limited to their townships. He shall not be disqualified from acting in such judicial capacity by any proceeding being in the name of the city.

**SEC. 12. Appeals—preside.** Appeals to the district court in the same county shall be allowed, from the judgments and decisions of the mayor, in the same cases, time and manner as may at any time be allowed by law from those of the other justices, and they shall be tried as in other cases. He shall be the presiding officer of the city council, when present, and shall give the casting vote when there is a tie, and in his absence the council may appoint a president for the time being, from their own body.

**SEC. 13. Judge of election, etc.—records.** The council shall be the judge of the qualifications and election of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be

open to the inspection of any citizen, and may compel the attendance of its members in such manner and by such penalties as it may adopt.

SEC. 14. **Marshal's duties and powers.** The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all processes directed to him by the mayor; and in cases for the violation of the city ordinances and of the criminal laws of the state, may execute the same in any part of the county; and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes and to arrest offenders, that the sheriff has within his county, and may in the same cases and under the same penalties, require the aid of the citizens, and perform all [36] duties imposed by the council. He may, with the approval of the council, appoint one or more deputies, and discharge them, and he shall be responsible for their doings when acting officially. For the service of legal process, he shall be entitled to the same fees a constable; and for services required by the council, such compensation as it may allow.

SEC. 15. **Bond.** The treasurer, recorder, assessor and marshal, shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinances not inconsistent with law.

SEC. 16. **Election.** In all elections for city officers, the mayor shall issue a proclamation to the voters of the city, or of the several wards, as the case may require, naming the time and place or places for election, and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days of election. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open till six o'clock in the afternoon. Within two days after the election, the judges of the election shall make their returns to the president of the city council, who shall examine them at their next meeting, and cause an abstract to be recorded in a book to be kept for that purpose.

SEC. 17. **Eligibility.** No member of the city council shall be eligible to any office within the gift of the council during the time for which he is elected, nor shall he be interested, directly or indirectly, in the profit of any contract or job of work, or services to be performed for the city.

SEC. 18. **Ordinances.** Ordinances passed by the city council shall be signed by the mayor, attested by the recorder, and before they take effect, be published in one or more newspapers published in the city, at least ten days, and if there be no such newspaper, they shall be posted up in each ward the same length of time. They shall also be recorded in a book to be kept for that purpose, and signed by the mayor and attested by the recorder.

SEC. 19. **Recorder's duty.** It shall be the duty of the city recorder to keep a true record of all the official proceedings of the city council, and such record shall at all times be open to the inspection of any citizen.

[37] SEC. 20. The mayor, aldermen, marshal, treasurer, recorder and assessor shall take an oath to support the constitution of the United States, and of the state of Iowa, and faithfully and impartially to perform their duties to the best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the council. The oath of office may be administered by the mayor or recorder if he is qualified, and in the transaction of the business of the corporation, those officers, and the president for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

SEC. 21. **Fees.** The recorder, marshal and assessor shall receive such fees as the city council deem right, not exceeding the amount allowed county or township officers for such services.

SEC. 22. **Meetings.** The council may hold meetings as it sees fit, having fixed, stated times; or provide the manner of calling them by ordinance, and its meetings shall be public.

SEC. 23. **Street commissioners.** The council may appoint in such manner as it determines, and during its pleasure, street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it may deem advisable, prescribe their duties, powers and qualifications, and may prescribe for the election of any such officers by the citizens.

SEC. 24. **Vacancy.** When a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record until the next election and the qualification of the successor.

SEC. 25. **Powers.** The city council is invested with authority to make ordinances to secure the inhabitants against fire, against the violations of the law and the public peace; to suppress riots, gambling and drunkenness, or indecent or disorderly conduct; to punish lewd behavior in public places, and generally to provide for the safety, prosperity and good order of the city, and the health, morals, comfort and conveniences of the inhabitants and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name [38] of the city, or by complaint before the mayor as in criminal proceedings before justices of the peace, and laws of the state relating to carrying into effect a judgment of the justice of the peace imposing a fine, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

SEC. 26. **Fire companies.** The council is authorized to establish and organize fire companies, and to provide them with fire engines and other apparatus.

SEC. 27. **Gunpowder.** The council may regulate the keeping and sale of gunpowder within the city.

SEC. 28. **Licenses.** The council have the exclusive authority to provide for the license, regulation and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball and ten pin alleys, and places where games of skill or chance are played: but the above authority extends to no exhibition of a purely literary or scientific character; and when the laws of the state permit license for the sale of intoxicating liquors, that subject shall be within the exclusive authority of the council, and it may at all times prohibit the retail of the above liquors, unless such prohibition would be inconsistent with the laws of the state at the time existing: and it may revoke or suspend any of the licenses above mentioned, when it considers that the good order and welfare of the city require it.

SEC. 29. **Health of city.** The council may make all necessary ordinances in relation to the cleanliness and health of the city; and may require the owners of lots on which water becomes stagnant to drain or fill up the same, and in default thereof after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lot or lots, and cause them to be sold by the collector of the city as in the case of taxes, and the owners may redeem from such sale as in case of a sale for taxes.

SEC. 30. **Cartage, drayage and animals.** It may regulate the system of cartage and drayage within the city, and may prohibit hogs from running

at large within the city, and may prohibit other animals from running at large from the first day of November to the first day of April.

[39] SEC. 31. **Public monies.** The council shall provide by ordinance for the keeping of the public monies of the city, and the manner of disbursing the same, and shall audit all claims against the city, and all officers of the city are accountable to the council in such manner as it directs. It shall publish annually a particular statement of the receipts and expenditures of the city, and of all debts owing to or from the same.

SEC. 32. **Grade of Str's.** It has the exclusive authority to establish the grades of streets and alleys of the city, and may change the same upon the petition of two-thirds the value of the real property on both sides of the street when it is desired to be changed.

SEC. 33. **Imprisonment.** Imprisonment for the violation of any ordinance, shall not exceed thirty days, and the county jail shall be the place of imprisonment, but at the expense of the city.

SEC. 34. **Levy and collect taxes.** The city council is authorized to levy and collect taxes not exceeding one half of one per cent. on all property within the city, which is liable for state and county taxes, including improvements on such property; and it may exempt such improvements when it is so determined by a vote of a majority of all the voters of the city, but when such exemption takes place, the rate of tax on personal property shall not exceed one and one-half of one per cent. on the valuation. The council may also levy a tax on dogs, or may prohibit their running at large in the city: provided, that the tax thus levied and collected when improvements are included, shall not exceed one-fourth of one per cent., and when improvements are exempt as above named, one-fourth of one per cent. on personal property, and one per cent. on real property, until otherwise determined by the qualified electors of the city and an annual election or a special election held for that purpose.

SEC. 35. **Collector—give notice.** The marshal, or in case of his absence or disability, such person as the council may appoint in his stead, shall be the collector of taxes, and before proceeding to collect the same, shall give thirty days notice of the assessment and levy of the tax, and the rate thereof, in general terms, without the names or description of the property, in a newspaper printed in the city, if there be one, and if not, then by three months notice in the most public places in each ward.

[40] SEC. 36. **Correct assessment.** During the thirty days, any person aggrieved by this assessment or taxation, may appear before the council, which may correct the same, if found erroneous.

SEC. 37. **Powers of marshal.** The marshal may distrain upon personal property liable to taxation, and sell the same for payment if not paid in reasonable time after demanded, as constables may sell personal property on execution.

SEC. 38. **Taxes—a lien.** Taxes on real property shall be a lien thereon, and it may be sold therefor when the taxes remain unpaid for six months after publishing, or posting the notice of the tax.

SEC. 39. **Tax sales.** Such sale must be at auction, and there must be thirty days notice prior to the sale, given as above provided for notifying the assessment and tax. In such sale he who bids to pay the amount due for the least quantity of land will be the highest bidder; and the manner of ascertaining the portion bid for shall be as in the state revenue law.

SEC. 40. **Tax deed.** The marshal shall execute and deliver to the purchaser a deed, running in the name of the state, which shall have the same force

and effect as the deed of the treasurer of the county, in like circumstances, on sales for county and state taxes.

**SEC. 41. In relation to roads.** The council have the control of the streets and alleys and public grounds of Glenwood City, and may cause sidewalks to be paved in the same, and to this end it may require the owners of lots to pave or repair the same contiguous to their respective lots, and in case of neglect after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed on contiguous lots, which shall have the effect of a tax levied thereon, and the same may be sold therefor, as for a tax, subject to the same right of redemption. All road tax which may hereafter be paid upon any property in Glenwood City, in lieu of labor, shall be paid to the proper authorities of said city for the improvement of the street thereof; any person being a resident of said city, subject by laws of this state to do work on roads and highways, shall be required to do and perform, or cause the same to be done, under the direction of the proper authorities, upon the streets of said city or public roads and highways leading thereto, as said authorities may [41] direct. The city council shall supercede the road supervisors in all jurisdiction within the corporate limits, and perform all of their duties.

**SEC. 42. Schools and school funds.** The city council is hereby invested with full control and authority over the common schools in said city, and shall receive and disburse all the school tax levied upon property within said city, or receive from the school fund for distribution therein, within the limits of said city.

**SEC. 43. Borrow money.** The council are authorized to borrow money for any object in its discretion, if at a regular notified meeting under notice stating distinctly the nature and object of the loan and the amount thereof as nearly as practicable, the voters of the city determine in favor of the loan by a majority vote of two-thirds of all the votes given at the election, and said loan can in no case be diverted from the specified object.

Approved Jan. 17, 1857.

## CHAPTER 42.

### CITY OF WINTERSETT.

AN ACT to incorporate the town of Winterset, in Madison County, Iowa.

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

**SECTION 1. Boundaries.** That the south-east quarter and the south half of the north-east quarter of section 36 in township 76, north of range 28 west, and the south-west quarter and the south half of the north-west quarter of section 31, in township 76 north of range 27 west; also the north half of the north-west quarter of section 6, township 75, north of range 27; also the north half of the north-east quarter of section 1, in township 75 north of range 28 west, all in the county of Madison, and state of Iowa, be, and the same, together with the inhabitants thereof, is hereby constituted a city and body politic by the name of Winterset, and by that name shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold [42] and enjoy whatever real, personal or mixed property, may be necessary, proper and convenient to carry out the object of the



corporation, sell and convey the same, and shall otherwise possess and enjoy all the powers and attributes, and be subject to all the liabilities of a municipal corporation.

SEC. 2. **Legislative.** The legislative authority of the city is vested in a city council, consisting of a mayor and board of aldermen, composed of three from each ward of the city, and the mayor shall be the presiding officer thereof.

SEC. 3. **Ward boundaries.** The said city shall be divided into two wards, as follows, to wit: The first ward shall consist of all that part of said city lying south of Court-Avenue street, the second ward shall consist of all that part of said city lying north of Court-Avenue street; provided, the said city council may unite, divide or change the said wards, or any of them, whenever they shall deem the interest of the city requires it.

SEC. 4. **Qualifications of electors.** Every white male citizen of the United States, over the age of twenty-one years, and who shall have been a resident of the state six months, and of the city twenty days prior to the day of the city election at which he offers to vote, shall be entitled to vote at all the elections thereof.

SEC. 5. **Election.** City elections for all purposes, shall be conducted in a similar manner to that of township elections, except that three aldermen shall act as judges of elections and the city recorder shall act as clerk of said elections.

SEC. 6. **Challenge vote.** Any person offering to vote may be challenged as in other elections in the township, and an oath may be administered to him in like manner, naming the qualification herein prescribed.

SEC. 7. **Eligible—office.** No person shall be eligible to any elective office mentioned in this act unless he be a legal voter of the city, at the time of his election.

SEC. 8. **Time of elect'n.** That the qualified electors of said city shall, on the second Monday of April, A. D., 1857, and annually on the same day thereafter, elect a mayor, three aldermen from each ward, an assessor, a recorder, a treasurer and marshal; who shall hold their offices respectively for one year, and until their successors are elected and qualified; and [43] the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. The mayor, recorder, assessor, and marshal shall be elected by the legal voters of the said city. Three aldermen in each ward shall be elected by the legal voters of said ward respectively.

SEC. 9. **Election.** The said election on the second Monday of April, A. D., 1857, shall be conducted in the same manner as township elections.

SEC. 10. **Mayor's duties.** It shall be the duty of the mayor to see that the laws and ordinances of the city are executed, and their violation punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties and exercise such powers as pertain to the office of a mayor of a city, and such as may be granted or imposed by the ordinances of the city council, consistent with law.

SEC. 11. **Jurisdiction.** He shall be a conservator of the peace within the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the ordinances of the city, and with criminal jurisdiction of offenses against the laws of the state, committed within the city, and with civil jurisdiction limited to the city, co-extensive

with the jurisdiction of justices of the peace in civil cases. He shall not be disqualified from acting in such judicial capacity, by any proceeding being in the name of, or on behalf of the city: provided, that in case of the inability of the mayor of said city to act as a justice or conservative of the peace, or to perform the judicial duties of his office, whether such inability arises from sickness, absence from home, or from any other cause whatever, any justice of the peace of Center township, Madison county, Iowa, may take cognizance and jurisdiction of cases arising under any of the laws or ordinances of said city, such inability being entered of record by the justice acting in such cases.

**SEC. 12. Appeals.** Appeals to the district court in the same county, shall be allowed from the judgments and decisions of the [44] mayor, in all cases, time and manner, as may at any time be allowed by law, from those of other justices, and they shall be tried in the same manner as other appeals. He will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace.

**SEC. 13. Judge of election, etc.** The council shall be the judge of the qualifications and election of its own members, it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and may compel the attendance of its members, in such manner, and by such penalties as it may adopt.

**SEC. 14. Marshal's duties and powers.** The marshal shall be a conservator of the peace, and is executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor; and in cases for the violation of the city ordinances may execute the same in any part of the county; and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes and to arrest offenders, that the sheriff has within his county, and may in similar cases and under the same penalties, require the aid of the citizens, and perform all duties imposed by the council. He may, with the approval of the council, appoint one or more deputies, and discharge them, and he shall be responsible for their doings when acting officially. For the services of legal process, he shall be entitled to the same fees as constables are for similar services, and for services rendered by direction of the council, such compensation as it may allow.

**SEC. 15. Bond.** The treasurer, recorder, assessor and marshal, shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinances not inconsistent with law.

**SEC. 16. Manner of electing.** In all city elections for city officers, except the first election, the mayor shall issue a proclamation to the voters of the city, or of the several wards, as the case may be, naming the time for election, and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days previous to the day of election. The polls shall be opened between the hours of eight and ten o'clock in the [45] forenoon, and continue open until four o'clock in the afternoon. Within ten days after the election, the judges of election shall make their returns to the president of the city council, who shall examine them at their next meeting, and cause an abstract to be recorded in a book kept for that purpose.

**SEC. 17. Eligibility.** No member of the city council shall be eligible to any office within the gift of the council during the time for which he is elected, nor shall he be intrusted, directly or indirectly, in the profit of any contract or job of work, or services to be performed by the city.

**SEC. 18. Ordinances.** Ordinances passed by the city council shall be signed by the mayor, attested by the recorder, and before they take effect,

be published in some newspaper in the city, at least ten days, and if there be no such newspaper published in the city, they shall be posted up in each ward the same length of time. They shall also be recorded in a book for that purpose, and signed by the mayor and attested by the recorder.

**SEC. 19. Recorder's duty.** It is the duty of the city recorder to keep a true record of all the official proceedings of the city council, and such record shall at all times be open to the inspection of any citizen.

**SEC. 20. Official oaths.** The mayor, aldermen, marshal, treasurer, recorder and assessor shall take an oath to support the constitution of the United States, and of the state of Iowa, and faithfully and impartially to perform their duties to the best of their knowledge and ability. Other officials shall qualify in such manner as may be prescribed by law. The oath of office may be administered by the mayor or recorder when he is qualified, or by any other person authorized by law to administer oaths, and in the transaction of the business of the corporation, those officers, and the president of the council for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

**SEC. 21. Fees.** The marshal recorder, and assessor shall receive such fees as the city council shall deem right, not exceeding the amount allowed county or township officers for such services.

[46] **SEC. 22. Meetings.** The council shall hold its first meeting after election of its members, pursuant to a notice issued by the mayor elect, stating the time and place when and where such meeting shall be held, after which meeting the council shall fix the time and place of holding its meetings, which shall be at stated times to be fixed by ordinances of the council, and shall be public.

**SEC. 23. In relation to roads.** The corporate limits of the city of Winterset shall constitute one road district, and the city council at its first meeting shall appoint one or more street commissioners, to hold their office for one year, whose duty it shall be to perform the duties now devolving upon road supervisors: provided, that the city council may remove said street commissioners before the expiration of the time for which they were appointed.

**SEC. 24. Officers app'ntes.** The council may appoint in such manner as it determines, and during its pleasure, a clerk of the market, city surveyor, health officers, and such other officers as it deems advisable, and prescribe their duties, powers and qualifications, and may provide for the election of any such officers by the citizens.

**SEC. 25. Vacancy.** When a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record, and the appointee shall hold his office until the next annual election after his appointment, and until his successor is elected and qualified, unless sooner removed by the council.

**SEC. 26. Powers.** The city council is invested with authority to make ordinances to secure the inhabitants against fire, against violations of law and public peace; to suppress riots, gambling and drunkenness, or indecent and disorderly conduct; to punish lewd behavior in public places, and generally to provide for the safety, prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the city, or by complaint before the mayor as in criminal proceedings before a justice of the peace, and the laws of the state relating to the carrying into effect a judgment of a [47] justice of the peace imposing a fine, shall be applied to

judgments of the mayor in such cases; but the charges thereof shall be borne by the city.

SEC. 27. **Fire companies.** The council is authorized to establish and regulate fire companies, and to provide them with fire engines and other apparatus.

SEC. 28. **Licenses.** The council have the exclusive authority to provide for the license, regulation and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball and ten pin alleys, and places where games of skill and chance are played: but the above authority extends to no exhibition of a purely literary and scientific character; to prohibit the retail of intoxicating liquors, unless such prohibition would be inconsistent with the law of the state at the time existing; and the said council is authorized to revoke or suspend any of the above licenses when it deems the good order of the city require it.

SEC. 29. **Health of city.** The council make all necessary ordinances in relation to the cleanliness and health of the city; and may require the lot owners on which water becomes stagnant to drain or fill up the same, and in default thereof after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof to the specific lot or lots, and cause them to be sold by the collector of the city as in the case of taxes, and the owner may redeem from such sale as in case of a sale for taxes.

SEC. 30. **Sidewalks.** The city council is authorized to require the property holders of any street or part of street, to pave the sidewalks thereof, each in front of his own lot, whenever a majority of the lot owners on such street, or part of street, petition therefor; and upon the neglect of any such owner, after reasonable notice to pave his portion of the said walk, in the manner prescribed by the city council, the council may cause the same to be paved, and collect the expenses thereof from the owner of the lot, or part of lot, by action in the name of the city, and until paid it shall be a lien on the lot, or part of lot in front of which the same is paved, provided, that not less than one block in length shall be construed to be a part of a street: and provided further, [48] that in all cases the curbstone shall be put in at the expense of the city: and provided further, that after the city council shall have caused the curbstone to be set in front of any block, at the expense of the city, it shall then have full power to direct the property-holders of lots in said block to construct a brick or stone pavement, each in front of his own lot or lots, and on neglect so to do, the council may proceed as above provided.

SEC. 31. **Cartage, drayage and animals.** It may regulate the system of cartage and drayage within the city, and may issue license therefor; it may prohibit swine from running at large within the city.

SEC. 32. **Public monies.** The council shall provide by ordinance for the keeping of the public money of the city, and the manner of disbursing the same, and shall provide for the auditing of all claims against the city, and all officers of the city are accountable to the council in such manner as it directs. It shall publish annually in any manner fixed by ordinance, a particular and specific statement of the receipts and expenditures of the city, and of all debts coming to and owing by the same.

SEC. 33. **Grade of str'ts.** It has exclusive authority to establish the grades of streets and alleys of the city, and may change the same upon the petition of a majority of the property holders in lots on each side of the street or alley where the change is proposed to be made.

**SEC. 34. Imprisonment.** Imprisonment for the violation of any ordinance of the city, shall not exceed fifteen days, and the county jail shall be the place of imprisonment, but at the expense of the city.

**SEC. 35. Levy and collect taxes.** The city council is authorized to levy and collect taxes not exceeding one half of one per cent. on all property within the city, which is liable for state and county taxes. The council may also levy a tax on dogs, or may prevent them from running at large in the city.

**SEC. 36. Give notice.** When a tax has been levied by the council, it shall be the duty of the mayor to notify the marshal thereof in writing; and when so notified, it shall be the duty of the marshal to proceed to assess the property in the city, and when so assessed, and before proceeding to collect the same, which duty the marshal shall perform, he shall give thirty days' notice of the assessment and levy of the tax, and the [49] vote thereof in general terms, without names or description of property, in a newspaper printed in the city, if there be one, and if not, then by two months' notice in two public places in each ward, by posting up notices therein of the levy and assessment as mentioned in this section.

**SEC. 37. Correct assessment.** During the thirty days or two months, as the case may be, any person aggrieved by the assessment or taxation, may appear before the council, which may correct the same, if found erroneous.

**SEC. 38. Powers of marshal.** The marshal may distrain personal property liable to taxation, and sell the same for the payment of taxes levied as above mentioned, if not paid in a reasonable time after demand, in the same manner that a constable sells personal property on execution.

**SEC. 38. Taxes—a lien.** Taxes on real property shall be a lien thereon, and it may be sold therefor when the taxes remain unpaid for six months after the publication, or posting up of the notices, as the case may be, of the tax as aforesaid.

**SEC. 40. Tax sales.** Such sale must be at public auction, and thirty days notice thereof must be given by publication in a newspaper printed in the city; and if there be none, then by posting up notices in three public places in the city. At such sale he who will pay the amount of taxes due for the least portion of the land affixed for sale shall be considered the highest bidder; and the manner of ascertaining the portion sold shall be in the same way as when land is sold for state revenue.

**SEC. 41. Tax deed.** The marshal shall execute and deliver to the purchaser a deed, running in the name of the state of Iowa, which shall have the same force and effect as a deed of the treasurer of the county, in like circumstances, as sales of land for state revenue.

**SEC. 42. Road tax.** The city council shall have the control of the streets and alleys and public highways and grounds of Winterset. All road tax which may hereafter be paid upon any property in Winterset, in lieu of labor, shall be paid to the proper authorities of said city for the improvement of the streets thereof; any person being a resident of said city, subject by the laws of the state to work on roads and highways, shall be required to do and perform, or cause the [50] same to be done, under direction of proper authority, upon the streets and public highways of said city. The council shall supercede the road supervisors in all jurisdiction within the corporate limits of the city, and shall perform all their duties, and shall be required to perform labor upon, and keep in repair the public highways, streets and alleys in said city.

SEC. 43. This act to take effect from and after its publication in the Iowa City Republican and the Iowa Pilot, the expense of publication to be paid by the said city.

Approved Jan. 16, 1857.

I certify that the foregoing was published in the Iowa City Republican, March 9th, 1857.

ELIJAH SELLS,  
Secretary of State.

### CHAPTER 43.

#### SAFE.

AN ACT authorizing the school fund commissioner of of Clayton county to procure a safe for his office.

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

SECTION 1. **Safe.** That the school fund commissioner of Clayton county is hereby authorized to procure a safe for the use of his office.

SEC. 2. **Expense.** The expense of procuring said safe shall be paid out of the treasury of said county.

SEC. 3. This act shall be in force from and after its publication in the Elkader Tribune and Clayton County Herald, without expense to the state.

Approved January 16, 1857.

### [51] CHAPTER 44.

#### SIoux CITY.

AN ACT to incorporate Sioux City.

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

SECTION 1. **Boundaries.** That the town of Sioux City, in the county of Woodbury, in this state, which town is situated on the following described land, to wit: the south half of section twenty, south half of section twenty-one, fractional sections twenty-eight, twenty-nine and thirty-three, township eighty-nine, range forty-seven, is hereby declared to be a city by the name of Sioux City.

SEC. 2. **Powers.** That said city is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

SEC. 3. **Legislative authority.** The legislative authority of the city is vested in a city council, consisting of a mayor and a board of aldermen composed of three from each ward in the city.

SEC. 4. **Wards.** The said city shall be divided into three wards, as follows, viz: That portion lying west of Perry creek, shall constitute the first ward; that portion lying east of Perry creek and in west half of section twenty-eight and south-west quarter of section twenty-one, shall constitute the second ward; that portion lying in east half of section twenty-eight, south-

east of section twenty-one, and section thirty-three, shall constitute the third ward: provided, that the said city council may change, unite or divide the said wards, or any of them, whenever they shall think it for the interest of the city.

**SEC. 5. Citizenship.** Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city one month, and of the ward in which he offers his vote, ten days next preceding a city election, is declared a citizen of said city, and is entitled to vote at all elections thereof.

**SEC. 6. Conducting elections.** The elections of the city officers shall be conducted in a manner as similar to that in which the elections are conducted in the townships, as the nature of the case permits.

[52] **SEC. 7. Challenge.** A person offering to vote may be challenged as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

**SEC. 8. Eligibility.** No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city.

**SEC. 9. Election.** That the qualified electors of said city shall, on the first Monday in August, A. D. 185 , and annually on the first Monday in April thereafter, elect a mayor and at the same time nine aldermen, a recorder, assessor, treasurer, and marshal; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business; they shall be elected for the term of one year, and until their successors are elected and qualified; the mayor, recorder, assessor, treasurer and marshal shall be elected by the legal voters of said city.

**SEC. 10. Aldermen.** Three aldermen shall be elected in each ward by the legal voters thereof.

**SEC. 11. Mayor's duty.** It shall be the duty of the mayor to see that the laws and ordinances of the city are executed and their violation punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties and exercise such powers as pertain to the office of mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

**SEC. 12. Judicial powers.** He shall be a conservator of the peace, within the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the city ordinances, and with criminal jurisdiction of offenses against the laws of the state, committed within the city, and with civil jurisdiction limited to the city, in the same manner as that of justice as may be limited to those townships; he shall not be disqualified from acting in such judicial capacity, by any proceedings being in the name or in behalf of the city.

**SEC. 13. Appeals.** Appeals to the district court in the same county shall be allowed, from the judgments and decisions of the [53] mayor, in the same cases, time and manner as may at any time be allowed by law from those of other justices, and they shall be tried as in other cases. He will be entitled to demand and receive the same fees as are at the time allowed to justices of the peace. He shall be the presiding officer of the city council, when present, and shall give the casting vote when there is a tie, and in his absence the council may appoint a president for the time being, from their own body.

**SEC. 14. City council.** The council shall be the judge of the qualifications and election of its own members; it may determine the rule of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and may compel the attendance of its members in such manner and by such penalties as it may adopt.

**SEC. 15. Marshal.** The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for the violation of the city ordinances and of the criminal laws of the state, may execute the same in any part of the county, and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes and arrest offenders, that the sheriff has within his county, and may in the same cases and under the same penalties, require the aid of the citizens and perform all duties imposed by the council; he may, with the approval of the council, appoint one or more deputies, and discharge them, and he shall be responsible for their doings when acting officially. For the service of legal process he shall be entitled to the same fees as a constable, and for services required by the council such compensation as it may allow.

**SEC. 16. Bond—duties.** The treasurer, recorder, assessor and marshal shall file such bond, perform such duties, and exercise such powers as may be required of them by ordinance not inconsistent with law.

**SEC. 17. City elections—returns.** In all elections for the city officers, the mayor shall issue a proclamation to the voters of the city or of the several wards, as the case may require, naming the time and place for such election, and the officers to be chosen, and [54] cause a copy to be posted up in each ward at least ten days previous to the day of election; the polls shall be open between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon. Within two days after the election, the judges of the election shall make their returns to the president of the city council, who shall examine them at their next meeting, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

**SEC. 18. Ineligible.** No member of the city council shall be eligible to any office within the gift of the council during the term for which he was elected, nor shall he be interested directly or indirectly, in the profits of any contract or job of work, or service to be performed for the city.

**SEC. 19. Ordinances.** Ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect, be published in one or more newspapers printed in the city, at least ten days, and if there be no such newspaper, they shall be posted up in each ward the same length of time; they shall also be recorded in a book to be kept for that purpose, and signed by the mayor and attested by the recorder.

**SEC. 20. Record.** It is the duty of the recorder to keep a true record of all the official proceedings of the city council, and such records shall at all times be open to the inspection of any citizen.

**SEC. 21. Qualification.** The mayor, aldermen, marshal, treasurer, recorder and assessor, shall take an oath to support the constitution of the United States and of the state of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the council. The oath of office may be administered by the mayor or recorder, when he is qualified, and in the transaction of the business of the corporation, those officers and the president for the time being, may administer oaths which shall have the same effect as if administered by other officers authorized thereto.



SEC. 22. **Fees.** The recorder, marshal and assessor, shall receive such fees as the city council shall deem right, not exceed- [55] ing the amount allowed county or township officers for similar services.

SEC. 23. The council may hold its meetings as it sees fit, having fixed stated times, or provide the manner of calling them by ordinance, and its meetings shall be public.

SEC. 24. **Subordinate officers.** The council may appoint in such manner as it determines, during its pleasure, street commissioners, a clerk of the market, city supervisor, health officers, and such other officers as it may deem advisable, and may prescribe their duties, powers and qualifications, and may provide for the election of any such officers by the citizens.

SEC. 25. **Vacancy.** When a vacancy occurs in any of the elective city offices, the council may fill the vacancy by appointment of record until the next election, and the qualification of the successor.

SEC. 26. **City council.** The city council is invested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace, to suppress riots, gambling and drunkenness, and indecent or disorderly conduct, and to punish lewd behavior in public places, and in general to provide for the safety and prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars for each offense, which may be recovered in a civil action in the name of the city, or by complaint before a justice of the peace, and the laws of the state relating to carrying into effect a judgment of a justice of the peace imposing a fine, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

SEC. 27. **Fire companies.** The council is authorized to establish and organize fire companies, and provide them with fire engines, hose, and other apparatus.

SEC. 28. **Gunpowder.** The council may regulate the keeping and sale of gunpowder within the city.

SEC. 29. **Licenses.** The council shall have the exclusive authority to provide for the license and prohibition of all exhibitions, shows, and theatrical performances, billiard tables, ball alleys or other bowling saloons, ten pin or other alleys, and place where games of skill or chance are played; but the above authority extends to no exhibition of a purely [56] literary or scientific character. When the laws of the state permit or require license for the sale of intoxicating liquors, that matter shall be within the exclusive authority of said council, and it may at all times prohibit the retail of such liquors unless such prohibition would be inconsistent with the laws of the state; and no license shall be granted for less than one hundred dollars each for that purpose.

SEC. 30. **Nuisances.** The council may make all necessary ordinances in relation to the cleanliness and health of the city, and may require the owners of lots on which water becomes stagnant to drain or fill up the same; and in default thereof, after reasonable notice, may cause the same to be done at the expense of the city, and assess the cost thereof on the specific lots, and cause them to be sold by the city collector, as in case of taxes, and the owner may redeem from such sale, as in case of a sale for tax.

SEC. 31. **Cartage and drayage.** Said council may regulate the system of cartage, drayage, hacks and omnibuses, within the city, and may issue license therefor; and may prohibit hogs and other animals from running at large within the limits of said city.

**SEC. 32. Receipts and disbursements.** The council shall provide by ordinance for the keeping of the public money of the city, and the manner of disbursing the same, and shall cause all claims against the city to be audited, and all city officers are accountable to said city council in such manner as it directs. Said council shall publish annually a particular statement of receipts and expenditures of the city, and of all debts owing to and by the same.

**SEC. 33. Grade streets.** Said council shall have exclusive authority to establish the grades of all streets and alleys in the city, and may change the same upon the petition of the owners of two-thirds in value of the real property on both sides of the street, when it is desired to be changed.

**SEC. 34. Imprisonment.** Imprisonment for the violation of any ordinance shall not exceed fifteen days, and the county jail be the place of imprisonment, but at the expense of the city.

**SEC. 35. Taxes.** The city council is authorized to levy and collect taxes, not exceeding one-half of one per cent., on all property within the city which is liable for state or county taxes, including such improvements on such property; and it [57] may exempt such improvements when it is so determined by a vote of the voters of the city; but when such exemption takes place the rate of tax on personal property shall not exceed that above named, and the rate on realty shall not exceed one and one-half per cent on the valuation. Said council may also tax and prohibit dogs from running at large in the city: provided, that the tax thus levied and collected when the improvements are included shall not exceed one-fourth of one per cent, and when improvements are exempt as above named, one-fourth per cent on personal property, and one per cent on real property, until otherwise determined by the qualified electors of the city, at an annual election or special election held for that purpose.

**SEC. 36. Collector.** The marshal shall be collector, or in case of his absence or disability, such person as the council may appoint in his stead shall be the collector of taxes, and before proceeding to collect the same, shall give thirty days' notice of the assessment and levy of the tax and rate thereof in general terms, without the name or description of the property, in a newspaper printed in the city if there be one, if not then by three months' notice in the most public places in each ward.

**SEC. 37. Correct assessment.** During the thirty days any person aggrieved by the assessment or taxation may appear before the council, which may correct the same if found erroneous.

**SEC. 38. Sale.** The marshal may distrain upon personal property liable to taxation, and sell the same for payment, if not paid in reasonable time after demand, as constables may sell personal property on execution.

**SEC. 39. Lien.** Taxes on real property shall be a lien thereon, and it may be sold therefor when the taxes remain unpaid for six months after posting the notices of the tax.

**SEC. 40. Notice.** Such sale must be at auction, and there must be thirty days' notice prior to the sale given as above provided, for notifying the assessment and tax. On such sale he who bids to pay the amount due for the least quantity of land will be the highest bidder, and the manner of ascertaining the portion bid for shall be as in the state revenue law.

[58] **SEC. 41. Tax deed.** The marshal shall execute and deliver to the purchaser a deed running in the name of the state, which shall have the same.

force and effect as the deed of the treasurer of the county, in like circumstances, on sales for county and state taxes.

**SEC. 42. Pavements.** The Council have the control of the streets and alleys and public grounds of the city of Sioux City, and may cause side walks to be paved in the same, and to this end it may require the owners of lots to pave or repair the same contiguous to their respective lots; and in case of neglect after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed on the contiguous lots, which shall have the same effect of a tax levied thereon, and the same may be sold therefor, as a tax, subject to the same right of redemption.

**SEC. 43. Loans.** The council are authorized to borrow money for any object in its discretion, if, at a regular notified meeting under a notice stating distinctly the nature and object of the loan and the amount thereof as nearly as practicable, the voters of the city may determine in favor of the loan by a majority of two-thirds of the votes given at the election; and such loan can in no case be diverted from the specified object.

**SEC. 44. Road tax.** All road tax which may hereafter be paid upon any property in the city of Sioux City in lieu of labor, shall be paid to the proper authorities of said city for the improvement of the streets thereof.

**SEC. 45. Work on roads.** Any person being a resident of said city, subject by the laws of this state to do work upon roads and highways, shall be required to do and perform, or cause the same to be done under the direction of the proper authorities upon the streets of said city, or public roads and highways leading thereto, as said authorities may direct. The city council shall supercede the road supervisor in all jurisdiction within the corporate limits, and shall perform all of their duties.

**SEC. 46. Submit charter to vote.** On the passage of this act the county judge of Woodbury county shall order an election for the purpose of submitting this charter to the citizens of said city, which [59] election shall take place on the first Monday in April, A. D. 1857, and shall be conducted in all respects as now provided by law, and returns thereof made to the county judge of said county, and in the event that a majority of all the votes polled are in favor of said charter, then it shall be the duty of the said judge to order an election in each ward in said city, to be held at such places in each ward as he may think proper, for the election of mayor, recorder, treasurer, marshal, assessor, and three aldermen from each ward, which election shall be held on the first Monday in August, A. D. 1857, and conducted in all respects as now provided by law, and returns thereof made to the county judge, whose duty it shall be to notify the persons elected to the respective offices named in this section, who shall enter upon their duties by taking the oath of office prescribed in this act.

**SEC. 47.** This act to take effect from and after its publication in the Iowa Capital Reporter and Council Bluffs Bugle; provided, said publication be done without any expense to the state.

Approved January 16th, 1857.

## CHAPTER 45.

## CONN'S ADDITION.

AN ACT to vacate a sub-division of lands by C. F. Conn, in Lee county.

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

SECTION 1. **Vacated.** That Curtis F. Conn's sub-division of the south-west quarter of section No. 23, in township No. 65, north of range 5, west, in Lee county, a plat of which was filed for record in the plat book of said county, be and the same is hereby declared vacated.

SEC. 2. This act shall be in force from and after its publication in the Keokuk Daily Evening Times, and Daily [60] Gate City, which shall be done without expense to the state.

Approved Jan. 16th, 1857.

I certify that the foregoing act was published in the Gate City, Feb. 11, 1857, and Keokuk Daily Evening Times, Feb. 10.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 46.

## CITY OF OSKALOOSA.

AN ACT to extend the corporate limits of the city of Oskaloosa.

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

SECTION 1. **Extension.** That the corporate limits of the city of Oskaloosa be, and the same are hereby extended so as to include the territory bounded by the following line, to wit: "Commencing at the south-west corner of the original town plat of Oskaloosa, thence west to the south-west corner of John G. Mark's addition to the city of Oskaloosa, thence north until it intersects the present boundaries of said city, thence east and south along the present boundary of said city, to the place of commencement.

SEC. 2. **Jurisdiction.** The jurisdiction and all laws, ordinances and regulations of said city are hereby extended over said territory, and of full force and virtue in the same.

SEC. 3. This act shall be in force from and after its publication in the Iowa City Republican and Oskaloosa Herald, the expense of publication to be paid by said city of Oskaloosa.

Approved Jan. 16th, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 11, 1857, and in the Oskaloosa Herald Feb. 13, 1857.

ELIJAH SELLS,  
Sec'y of State.

## [61] CHAPTER 47.

## STATE ROAD.

AN ACT establishing a state road and vacating certain roads in Marshall and Jasper counties.

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

SECTION 1. **Commission'rs.** That Jonathan Reed, sen., and Elias Hilsebeck, of Marshall county, and Nelson Reed, of Jasper county, be, and are hereby appointed commissioners with power to vacate certain roads deemed useless and injurious to farmers, between sections eleven and twelve, town 81, north R. 17 west, and section 28, T. 82, north range 17 west, and establish one state road between the above points.

SEC. 2. **Meet.** The commissioners thus appointed shall meet on or before the first Monday of July next, at such place as they shall agree upon, and having discharged their duties shall report their acts, for record, to the judges of Jasper and Marshall counties.

SEC. 3. **Expense.** The state shall incur no expense for the service contemplated in this act, which shall be in force on and after its publication according to law.

Approved January 16th, 1857.

## CHAPTER 48.

## SALARIES.

AN ACT fixing the salaries of supreme and district judges of this state, and providing for their payment.

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

SECTION 1. **Supreme judge.** That the judges of the supreme court of this state shall receive for their services the sum of \$2,000 per annum each, to be audited like other claims against the state, and paid quarterly, (at the end of each quarter) out of any money in the treasury not otherwise appropriated.

[62] SEC. 2. **District judges.** That the several district judges of the state shall receive for their services the sum of \$1,200 per annum each, to be audited and paid in like manner as provided in the preceding section.

SEC. 3. **Commence.** That the salaries provided for in section 1, of this act, shall be audited as though they commenced running on the 6th day of August, A. D. 1856.

SEC. 4. To be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved Jan. 17, 1857.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter Jan. 21st, 1857, and in the Iowa City Republican Jan. 22, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 49.

## BEDFORD.

AN ACT to legalize the re-survey of the town of Bedford, in Taylor county, Iowa, and better establish corners of the lots in said town.

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

SECTION 1. **Legalized.** That the survey and plat of the town of Bedford, the county seat of Taylor county, in the state of Iowa, situated upon section number twenty-six, in township No. sixty eight, north of range No. thirty-four west, made by Thomas F. Kimball, deputy county surveyor of said county, in the month of June, A. D. 1856, and recorded in the recorder's office in said county, shall be and remain the legal survey and plat of said town.

SEC. 2. **Co. surveyor.** That the county surveyor of the said county of Taylor is hereby required, upon being requested so to do by the county judge of said county, to remove the stones placed at the corners of the lots in the original survey, wherever the same do not agree to the corners of the lots as made by the survey and plat described in the first section of this act.

SEC. 3. This act shall take effect and be in force from and after its publication according to law.

Approved Jan. 21st, 1857.

## [63] CHAPTER 50.

## NAME CHANGED.

AN ACT to change the name of Robert William Thorner.

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

SECTION 1. **Change name.** That that the name of Robert William Thorner, be, and the same is hereby changed to Robert William Walters.

SEC. 2. That this act shall take effect and be in force from and after its publication according to law.

Approved January 21st, 1857.

## CHAPTER 51.

## BLIND.

AN ACT providing for the education of the blind.

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

SECTION 1. **Appropriat'n.** That to meet the ordinary expense of said institution, including rents and furniture, there is hereby appropriated from the state treasury the sum of twenty-five dollars per quarter for each pupil therein, and the further sum of three thousand five hundred dollars per annum out of any money in the treasury, not otherwise appropriated.

**SEC. 2. Principal and assistants.** The principal of the institution shall be ex-officio a member of the board, and the assistant officers shall receive their appointment from the board, upon the nomination of the principal, who shall be responsible to the principal for the faithful performance of their duties, and the principal shall be held responsible to the board for the performance of his duties.

**SEC. 3.** This act to take effect and be in force from and after its publication in the Iowa City Republican, and Iowa Capital Reporter.

Approved, Jan. 21st, 1857.

I certify that the foregoing act was published in the Iowa City Republican, and Iowa Capital Reporter, Jan. 23d, 1857.

ELIJAH SELLS,  
Sec'y of State.

[64] CHAPTER 52.

DEAF AND DUMB.

AN ACT providing for the institution of the deaf and dumb asylum.

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

**SECTION 1. Appropriation.** That to meet the ordinary and contingent expenses of the institution of the Deaf and Dumb Asylum, including rents, provisions, school apparatus, salaries, and clothing of pupils when necessary, there is hereby appropriated the sum of seven thousand dollars per annum, for the next two years from and after the first day of January, A. D. 1857, said appropriation to be audited and paid by the state treasurer out of any money in the treasury not otherwise appropriated, said appropriation to be expended or not at the discretion of the trustees; and the principal of the institution shall be, ex-officio, a member of the board.

**SEC. 2.** This act take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved 21st Jan., 1857.

I certify that the foregoing act was published in the Iowa City Republican and Iowa Capital Reporter January 23d, 1857.

ELIJAH SELLS,  
Sec'y of State.

CHAPTER 53.

IVANHOE.

AN ACT to vacate the town plat of Ivanhoe, in Linn county, Iowa.

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

**SECTION 1. Vacated.** That the town plat of Ivanhoe in Linn county, Iowa, be and the same is hereby declared annulled and vacated.

**SEC. 2.** This act shall be in force from and after its publication according to law.

Approved January 21st, 1857.

## [65] CHAPTER 54.

## AVON.

AN ACT to change the name of Frink's Grove to Avon.

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

SECTION 1. **Name changed.** That the name of Frink's Grove, in Buchanan county, be, and the same is hereby changed, to Avon.

SEC. 2. This act to take effect on and after its publication.

Approved Jan. 21, 1857.

## CHAPTER 55.

## LYONS.

AN ACT to amend the charter of Lyons City.

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

SECTION 1. **Road and poll taxes.** That from and after the passage of this act, it shall not be lawful for the county authorities of Clinton county to levy a road tax on any property, or a road poll tax on residents in Lyons City, and the city council of said city is hereby authorized to levy and collect annually a road tax not exceeding three mills on the dollar on all property, liable to road tax in said city, and a road poll tax not exceeding three dollars for each resident under the age of fifty years and over the age of twenty-one years, the collection and payment of said taxes to be made or enforced in the same manner as other taxes in said city.

SEC. 2. **Vacancies.** When a vacancy or vacancies occur in any of the elective offices of said city, the city council shall order a special election for the purpose of filling such vacancy; said election to be conducted as nearly as practicable in the same manner as now provided by law.

SEC. 3. **Repeal.** All provisions in the original charter of said city coming in conflict with the provisions of this act is hereby repealed.

[66] SEC. 4. This act shall take effect and be in force from and after its publication in the Lyons Mirror and Lyons City Advocate without expense to the state.

Approved Jan. 21, 1857.

I hereby certify that the foregoing act was published in the Lyons Mirror Feb. 12, 1857.

ELIJAH SELLS,  
Sec'y of State.



## CHAPTER 56.

## TENTH JUDICIAL DISTRICT.

AN ACT amending an act fixing the boundaries of the tenth judicial district of the state of Iowa, and the times of holding courts therein, and for other purposes.

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

**SECTION 1. Time of holding courts.** That section four of chapter one hundred and eleven of the acts of the fifth general assembly, is hereby amended so as to read as follows: Section 4, the time of holding said courts shall be as follows: in the county of Clayton on the third Monday of January, May and September, in the county of Fayette on the first Monday after the third Monday in May and September, in the county of Chickasaw on the second Monday after the third Monday in May and September, in the county of Floyd on the third Monday after the third Monday in May and September, in the county of Cerro Gordo on the fourth Monday after the third Monday in May and September, and in Mitchell county on the fifth Monday after the third Monday in May and September, in the county of Howard on the sixth Monday after the third Monday in May and September, in the county of Winneshiek on the seventh Monday after the third Monday in May and September, and in the county of Allemaque on the eighth Monday after the third Monday in May and September.

**SEC. 2. Worth county.** Section five of said act is hereby repealed, and the county of Worth shall be attached to Mitchell county for judicial purposes.

**SEC. 3. Cases transferred.** All actions, suits, writs and processes already commenced in the district court of Floyd county, originating from counties attached to said county of Floyd for judicial purposes, shall be transferred to the district court of [67] the respective counties from which they originated, and it shall be the duty of the clerk of the district court of Floyd county to transfer all the pleadings and papers pertaining to all such suits to the clerk of the district court of the proper county, by the first day of April next.

**SEC. 4.** This act to be in force from and after its publication in the Iowa City Republican and Elkader Tribune.

Approved Jan. 21st, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 10, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 57.

## ADDITIONAL JUSTICE OF THE PEACE.

AN ACT to authorize an additional justice of the peace in the township of New Vienna, in Dubuque county.

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

**SECTION 1. Election.** That the qualified electors of the township of New Vienna, in the county of Dubuque, be and they are hereby authorized to

elect an additional justice of the peace in said township, at the next spring election, and thereafter to have three instead of two justices in said township.

SEC. 2. This act to be in force from and after its publication in the North West and Tribune newspapers, published in the city of Dubuque, provided said publication shall not be at the expense of the state.

Approved Jan. 21, 1857.

I hereby certify that the foregoing act was published in the Dubuque Tribune Feb. 10, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 58.

### BLOOMFIELD.

AN ACT vacating certain alleys in the town of Bloomfield, Iowa.

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

SECTION 1. **Alleys vacat'd.** That all alleys in block No. six (6) in the [68] town of Bloomfield, Davis county, Iowa, are hereby vacated.

SEC. 2. This act to be in force from after its publication according to law.

Approved Jan. 21st, 1857.

## CHAPTER 59.

### DEPOSITIONS.

AN ACT to provide for taking of depositions in cases of non-resident defendants.

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

SECTION 1. **Depositions.** That in all cases pending in any of the district courts of this state, wherein service has been made upon defendants by publication according to the provisions of law, the plaintiff may take depositions of witnesses residing out of the county in which said case is pending, in the following manner.

SEC. 2. **Affidavit—notice—affidavit.** Having filed affidavit that he has made diligent enquiries respecting the residence of the said defendants, and cannot ascertain the same, he shall serve upon the clerk of the district court wherein such suit is pending, a notice notifying him that on a day named (which day shall not be less than ten days from the day upon which such notice is served,) he will proceed to sue out of his office a commission to take the depositions of the witnesses, naming them and their place of residence, and the officers before whom taken.

SEC. 3. **Copy—proviso.** A copy of the interrogatories to be propounded to said witness, shall accompany said notice: provided, that when the plaintiff desires to take the deposition of any witness residing in the state of Iowa, he may do so without suing out any commission, or filing with the clerk any written interrogatories, but shall be required to give a notice to the clerk, as is hereinbefore provided.

**SEC. 4. Duty of clerk.** On the day named, the clerk shall proceed to issue the commission, and the provisions and rules with refer- [69] ence to the taking of depositions now in force, so far as the same are applicable, shall govern in the taking of depositions such as are contemplated in this chapter.

**SEC. 5.** This act to be in force from and after its publication according to law.

Approved Jan. 21st, 1857.

## CHAPTER 60.

### SCHOOL DISTRICT.

AN ACT for the division of the property of school district No. 3, of Bloomfield township, Davis county, Iowa.

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

**SECTION 1. Commissioners.** That Stephen Greenleaf, R. T. Peak, S. W. McAtee, and William Rhodes, be appointed commissioners for the purpose of disposing of the property of the school district, formerly known as school district No. 3, of Bloomfield township, Davis county, Iowa; either by sale or distribution, to the parties entitled to the same, to wit: the new district formed out of said district No. 3, in such manner as to them may seem just and equitable.

**SEC. 2. Conveyances.** And be it further enacted, That said R. T. Peak be authorized to make out conveyances, and to receive any money arising from sale of said property, should said commissioners order the same to be sold, said commissioners shall file a report of their doings in the recorder's office of Davis county, which shall be recorded, and said R. T. Peak is authorized to do any and all acts necessary to be performed in order to carry out the interest of such report when so filed.

**SEC. 3.** This act to take effect from and after its publication in the Iowa Flag and Keosauqua Republican without expense to the state.

Approved Jan. 21, 1857.

## [70] CHAPTER 61.

### WRITS OF ERROR.

AN ACT further regulating the suing out writs of error in the district court.

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

**SECTION 1. Writ of error.** That no writ of error, such as is provided for in sections 2349 and 2356 inclusive, of the code of Iowa, shall be sued out after twenty days from the day on which the decision, order, or judgment to which such writ relates has been made.

**SEC. 2. Notice.** Notice shall be given as in case of appeal from judgments of justice of the peace.

SEC. 3. This act to be in force from and after its publication according to law.

Approved Jan. 21st, 1857.

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CHAPTER 62.

RECORDS OF DAVIS COUNTY.

AN ACT authorizing the county recorder of Davis county to re-index certain records therein named.

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

SECTION 1. **Index.** That the recorder of Davis county, Iowa, be and he is hereby authorized to re-index all the records of deeds and mortgages in his office, from the organization of said county down to the year 1853, or so much of said record as he may deem expedient.

SEC. 2. **Fees.** The county judge of Davis county aforesaid is hereby authorized to allow the said recorder a just compensation out of the county treasury, for his services in said re-indexing said records.

SEC. 3. This act to be in force from and after its approval by the governor of the state.

Approved Jan. 21st, 1857.

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[71] CHAPTER 63.

ADDITIONAL JUSTICE OF THE PEACE.

AN ACT for an additional justice of the peace, of Columbia township, Wapello county.

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

SECTION 1. **Election.** That the electors of Columbia township, in Wapello county, be authorized to elect, on the first Monday of April next, and every two years thereafter, one additional justice of the peace, who shall hold his office in the town of Eddyville in said county.

SEC. 2. This act to take effect after its publication in the Demoiner Courier and Eddyville Free Press, provided that such publication shall not be at the expense of the state.

Approved Jan. 21, 1857.

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CHAPTER 64.

WAPELLO CITY.

AN ACT to amend an act entitled an act to incorporate the city of Wapello, in Louisa county, Iowa.

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

SECTION 1. **Powers of council.** That, in addition to the powers and privileges already conferred upon the council of the city of Wapello, they shall

have the power to establish streets and alleys, and to vacate the same upon the petition of two-thirds the value of the real property on both sides of the street or alleys where the change is desired, but whenever the exercise of this power shall injure the property of any person, the corporation of said city shall be liable to the person so injured in such sum as may be adjudged proper by three disinterested persons, to be selected by the marshal of said city.

**SEC. 2. Borrow money.** The city council is invested with authority to borrow money, for any purpose, not exceeding twenty thousand dollars, and pledge the faith of the city for the payment thereof:—provided the question of borrowing be first [72] submitted to the legal voters of the city, and two-thirds of all the votes cast shall be in favor of said loan, and upon a decision thus made in favor of any such loan, the city council will be authorized to make an additional tax exceeding three mills on the dollar, and to provide the means to pay any indebtedness created by virtue of the authority granted in this section.

**SEC. 3. Notice of election.** When any loan under the preceding section is proposed to be made, the mayor shall cause at least one notice, to be posted up in some public place in each ward, specifying, as nearly as practicable, the manner, amount, and for what purpose the loan is proposed, to be made at least ten days before the time fixed for voting thereon.

**SEC. 4.** This act to take effect and be in force from and after its publication in the Wapello Intelligencer and Burris Commercial without expense to the state.

Approved Jan. 21, 1857.

## CHAPTER 65.

### FIRST JUDICIAL DISTRICT.

AN ACT fixing the time of holding court in the first judicial district.

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

**SECTION 1. Time of holding courts.** That the regular terms of the district court in the first judicial district of this state, shall be held as follows:

In Lee county, at Keokuk, on the second Monday of February, and the first Monday of September.

At Fort Madison on the second Monday of March, and second Monday of October.

In Des Moines county, at Burlington, on the fourth Monday of April, fourth Monday of July, fourth Monday of October, and the fourth Monday of January.

In Henry county, at Mt. Pleasant, on the second Monday in April, the second Monday in August, and the second Monday in December.

[73] In Louisa county, at Wapello, on the fourth Monday in March, the first Monday in August, and the first Monday in December.

**SEC. 2. Repeal.** All acts and parts of acts coming in conflict with this act, are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its publication in the Gate City and Mt. Pleasant Observer.

Approved January 21st, 1857.

I certify that the foregoing act was published in the Mt. Pleasant Observer, Feb. 7, 1857, and Gate City, Feb. 10, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 66.

HENRY M. BEESON.

AN ACT authorizing the administrator of the estate of Henry M. Beeson to perform certain acts.

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

SECTION 1. **Administrator sell real estate.** That the administrator of the estate of Henry M. Beeson, deceased, late of the county of Marshall, and state of Iowa, be, and is hereby authorized, under the direction of the probate court of said county, to sell so much of the lands belonging to said estate as shall be necessary to pay off the debts of the same.

SEC. 2. **Personal property.** So much of the personal property of the said estate as the said court shall direct, shall remain unsold for the use and benefit of the minors of said estate.

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

This bill having been in the hands of the governor three days (Sunday excepted) the general assembly being in session, has become a law this 21st day of January, 1857.

ELIJAH SELLS,  
Sec'y of State.

## [74] CHAPTER 67.

NAME CHANGED.

AN ACT to change the name of the town of Jefferson, in Warren county, Iowa.

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

SECTION 1. **Name changed.** That the name of the town of Jefferson, in the county of Warren, and state of Iowa, is hereby changed to Lacona.

SEC. 3. This act to take effect from and after its publication according to law.

Approved January 21st, 1857.

## CHAPTER 68.

## CHANGE OF NAME.

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

**SECTION 1. Name changed.** That the name of Jorgen Zuevlner, of St. Ansgar township, Mitchell county, be and the same is hereby changed to Jorgen Solner.

**SEC. 2.** This act to take effect and be in force from and after its publication.

Approved January 21st, 1857.

## CHAPTER 69.

## SCHOOL DISTRICT.

AN ACT to authorize school district No. 2, in Le Claire township, Scott county, to borrow money.

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

**SECTION 1. Borrow mon'y—proviso.** That the board of directors of school district No. 2, in the township of Le Claire, in the county of Scott and state of Iowa, be, and is hereby authorized and empowered to borrow any sum or sums of money not to ex- [75] ceed in the aggregate ten thousand dollars, and give their bonds therefor, payable at such time or times as may be agreed upon and specified in said bonds: provided, a majority of the legal voters of said district at an election called for that purpose, shall cast their votes in favor of said loan: provided, further, that the greatest length of time so specified shall not exceed twenty years. Said bonds may bear interest at any rate not to exceed ten per cent. per annum on the sum so borrowed; said sum to be used for the erection of a school-house for the use of said district, and no other purpose except as hereinafter provided.

**SEC. 2. Pay indebtedness—complete buildings.** It shall be the duty of the board of directors of said district, as soon as said loan shall be negotiated, in whole or in part, to apply the money so borrowed, or so much thereof as may be necessary to pay off all indebtedness then existing and on account of said building, and from time to time thereafter make such appropriations from such money as may be necessary to carry on and complete said building; and if at any time a surplus shall be held in the treasury not needed for present use, the board of directors may invest such surplus for the use of said district in such manner as to them shall seem most advantageous; the proceeds arising from such investment to be added to the sinking fund hereinafter provided for.

**SEC. 3. Tax—proviso.** It shall be the duty of the board of directors on the first Monday in August in each year, during the continuance of said loan, to levy such tax on the taxable property of said district as shall be necessary to pay off the annual interest on said bond, and such incidental expenses as may accrue to said district; and also to raise five per cent. of the sum borrowed by virtue of this act, said five per cent., with the interest and the increase thereof, to constitute a sinking fund for the payment of said loans when they shall become due: provided, however, that said tax shall not exceed one

and one-half per cent. on the taxable property aforesaid in any one year; said tax to be collected in the manner now provided by law for the collection of taxes for school house and district expenses.

SEC. 4. **Control of said money.** The money borrowed by virtue of this act shall not be subject to the control of the school fund commissioner [76] of said county, but shall be under the supervision of the board of directors of said district, and by them expended and used, as hereinafter specified, and not otherwise.

SEC. 5. **Suspend laws.** The provisions of the code of Iowa, and all enactments subsequent thereto so far as they conflict with the provisions of this act, are hereby declared inapplicable to said district.

SEC. 6. This act to take effect from and after its publication in the Davenport Gazette and Lyons Mirror, without expense to the state.

Approved Jan. 21st, 1857.

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## CHAPTER 70.

### STATE ROAD.

AN ACT to change a certain state road in Appanoose county.

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

SECTION 1. **Change—damages.** That so much of the state road, leading from Centerville in Appanoose county to the Wisconsin state line, located in pursuance of an act of the fifth general assembly, be, and the same is hereby so changed, that the center of said road shall be the range line between range seventeen and eighteen for the distance of one mile from the town of Centerville: provided nothing in this act shall prevent any person aggrieved thereby from claiming damages, if application be made within sixty days from the taking effect of this act.

SEC. 2. This act to take effect and be in force from and after its publication in the Iowa Capital Reporter and Weekly Chariton Mail, which shall be done at the expense of the county of Appanoose.

Approved Jan. 21, 1857.

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## [77] CHAPTER 71.

### RECORDS OF KEOKUK COUNTY.

AN ACT authorizing the Judge of Keokuk county to have the road record of said county transcribed and legalized.

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

SECTION 1. **Road records.** That the county judge of Keokuk County, is hereby authorized and required to employ some suitable person to transcribe and index the road record of said Keokuk county, and to make plats of all the roads in said county, and file the same in the office of said county judge.



SEC. 2. **Legalized.** That all the records and plats recorded and filed, as herein provided, are hereby made lawful.

SEC. 3. **Compensation.** That said county judge of Keokuk county is hereby authorized to allow and pay a reasonable compensation for said work.

SEC. 4. This act to be in force and take effect from and after its publication in the Iowa Republican, and Life in the West, without expense to the state.

Approved Jan. 21st, 1857.

I certify that the foregoing act was published in the Life in the West, Feb. 12th, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 72.

### STATE ROAD.

AN ACT to change a part of the State road running from Fairview, in Jones county, to Pioneer Grove, in Cedar county.

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

SECTION 1. **Changed.** That so much of the state road running from Fairview, in Jones county, to Pioneer Grove, in Cedar county, as is located in the town of Fairview, be, and the same is hereby changed as follows: Commencing at a point [78] on said road, where it crosses Madison street in said town, running west on said Madison street to its intersection with the military road running through the said town of Fairview.

SEC. 2. This act to take effect from and after its publication with the laws of Iowa.

Approved January 21st, 1857.

## CHAPTER 73.

### LANDS.

AN ACT authorizing the subdivision of lands in this State.

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

SECTION 1. **Subdivision.** That in case any person owning land in this state shall desire to subdivide the same into lots or parcels, other than the legal subdivisions thereof, he may have the same surveyed by the county surveyor of the county in which the land lies: The said surveyor, when required thereto, shall survey the same into lots of such size as the owner may desire and make a plat thereof, designating appropriately the number of each lot and its contents, and the length and course of its lines, and certify that the same was so surveyed by him in conformity to law, and at the request of the owner, naming him.

SEC. 2. **Record.** The proprietor of lands so surveyed, may have the said plat and certificate recorded in the recorder's office in the county where the

land lies, for which service said recorder shall demand and receive fees, at the same ratio that he does for other services.

SEC. 3. **Assessor's duty.** It shall be the duty of the proper assessor to enter for taxation in his books all lands so platted and recorded by the numbers of the respective lots, designating the value and number of acres in each.

SEC. 4. **Description.** In conveying any of the lots so subdivided and recorded, it shall be a sufficient description to designate the same by numbers and the original United States survey.

[79] SEC. 5. **Proviso as to town lots.** Provided that the provisions of this act shall not interfere with or repeal any laws now in force relating to the laying out of town lots.

SEC. 6. This act to take effect and be in force from and after its publication according to law.

Approved Jan. 21st, 1857.

## CHAPTER 74.

### RECORDS OF WAPELLO COUNTY.

AN ACT to authorize Paul C. Jeffries to transcribe and index certain records of Wapello county.

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

SECTION 1. **Transcribe—index.** That Paul C. Jeffries be, and he hereby is authorized and required to transcribe so much of the records of deeds and mortgages and other public records of Wapello county, and properly index the same, as the county judge of said county may deem of importance to be transcribed and indexed.

SEC. 2. **Books.** That the county judge of said county shall furnish suitable blank books for the purpose contemplated in the first section of this act.

SEC. 3. **Compensation.** That said Paul C. Jeffries shall receive for transcribing said records, eight cents for every hundred words, and a reasonable amount for indexing said records, to be audited by the county judge and paid out of the county treasury of Wapello county.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Demoiné Courier* and *Eddyville Free Press*: provided, that such publication shall not be at the expense of the state.

This act having remained with the Governor three days (Sunday excepted) the General Assembly being in session, has become a law, this 21st day of January, 1857.

ELIJAH SELLS,  
Secretary of State.

## [80] CHAPTER 75.

## FOURTH JUDICIAL DISTRICT.

AN ACT to define the time of holding courts in the fourth judicial district.

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

**SECTION 1. Time of holding courts.** That the terms of court shall be held in the fourth judicial district as follows: In the county of Johnson, on the first Monday of March and June, and the second Monday of October;

In the counties of Linn and Benton as now provided by law;

In the county of Washington as now provided by law for the year 1857, and after the year 1857, on the third Monday of March and August, and the second Monday of November;

In the county of Iowa as now provided by law;

In the county of Tama on the first Tuesday after the third Monday of May, and on the first Tuesday after fourth Monday in October.

**SEC. 2. Time for trial in Johnson and Washington counties.** All pleas, process, proceedings, notices, suits, bills in equity, indictments, recognizances and criminal proceedings now pending, or returnable to the next term of said court, in Johnson and Washington counties, shall be returnable to, and tried at the next March term thereof, as provided herein.

**SEC. 3. Not to affect suits pending.** No dismissal or discontinuance of any civil action or criminal proceeding shall be had in consequence of this act, but all of the business of the said courts shall be disposed of in its regular order.

**SEC. 4.** This act to take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 22nd, 1857.

I certify the foregoing was published in the Iowa City Republican, Jan. 28, 1857, and in the Iowa Capital Reporter.

ELIJAH SELLS,  
Sec'y of State.

## [81] CHAPTER 76.

## PENITENTIARY.

AN ACT to provide for the appointment of Warden of the Iowa Penitentiary, and to amend the several acts relative to the government and discipline of the Penitentiary.

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

**SECTION 1. Warden's appointm't and term—removal.** That the inspectors of the penitentiary shall appoint the warden thereof, who shall hold his office for the term of two years, or until his successor is appointed and qualified; provided, however, that the inspectors may at any time remove the warden from his office for incompetency or gross neglect, and impropriety in the course of his official duties; and the warden appointed to fill a vacancy occasioned by death, resignation or removal, shall hold his office for the full

term of two years, unless sooner removed for misconduct in the performance of his official duties, as above provided; and provided further, that when the warden is removed from his office, it shall be the duty of the inspectors to state the reasons thereof at large, upon the journal of their official proceedings; and provided further, that the present warden shall not be removed before the expiration of his official term of office.

**SEC. 2. Perquisites abolished—compensation forbidden—penalty.** No officer or other person employed in or about the penitentiary, shall be permitted to receive in any way, perquisites for themselves or families, except that the warden shall keep his office, and reside with his family in the penitentiary, and shall be furnished with a garden of a quarter of an acre, and with fuel, and lights, and stationery, from the stock provided for the use of the prison. Nor shall they be permitted to receive any compensation or reward from any contractor, under penalty of dismissal from their office, and forfeiture of one month's pay, or either, as the inspectors shall determine; and if any officer procure the escape of any convict, or connive at, aid or assist in the escape of any convict from the penitentiary, whether such convict escape or not, he shall be guilty of felony; and shall, upon conviction thereof, be sentenced to hard labor in the penitentiary, for any term not less than one, nor more than three years. The deputy warden, clerk, and day and [82] night guards shall be appointed by the warden, subject to the approval or disapproval of the inspectors, and shall hold their offices during the pleasure of the warden; provided, that in every case of the removal of said officers by the warden, he shall state his reason therefor in writing to the inspectors at their next regular meeting.

**SEC. 3. Duty of deputy warden.** It shall be the duty of the deputy warden to keep a book in which shall be entered a record of every infraction of published rules of discipline, with the name of the prisoner so guilty, which record shall be submitted to the inspectors at each quarterly meeting, and every prisoner who shall have been sentenced for a term of years, who shall at the end of the month have no infraction of the discipline recorded against him, shall for the first month be entitled to a diminution of one day from the time he was sentenced to the penitentiary; and if at the end of the second month, no infraction of the rules is recorded against him, two additional days of diminution from his sentence; and if he shall continue to have no such record against him for the third month, his time shall be shortened three additional days; and if he shall so continue for subsequent months, he shall be entitled to four days diminution of time from his sentence for each month he shall so continue his good behavior; and if any prisoner shall so pass the whole term of his service, or the remainder of his sentence after this act take effect, provided, he shall have the term of one year yet to serve, he shall be entitled to a certificate thereof from the warden, and upon the presentation thereof to the governor, he shall be entitled to a restoration of the rights of citizenship, which may have been forfeited by his conviction, and it shall be the duty of the warden to discharge such convict from the penitentiary, when he shall have served the time of his service, less the number of days he may be entitled to have deducted therefrom, in the same manner as if no such deduction had been made; provided, that if such convict shall be guilty of a violation of the printed and published rules of the prison, after he shall, as provided in this sentence, have become entitled to a diminution of his term of service to which he has been sentenced, the inspectors shall have the power to deprive, at their discretion, such convict of a portion, or all (according to the flagrance of the [83] violation of discipline) of the dim-

inution of the term of sentence to which he had been previously entitled by this act.

**SEC. 4. Increase of compensation.** The inspectors may, as the necessities of the case may require, increase or decrease the pay of the officers of the prison, but not beyond the following amounts. that is to say—to the warden, seven hundred dollars; to the deputy warden, five hundred dollars; to the clerk, four hundred dollars; to the inspectors, one hundred dollars each; to the night guards, fifty dollars per month each; to the day guards, forty dollars per month each.

**SEC. 5. Bonds of guards.** The guards shall also each give bonds to the state of Iowa with security to be approved by the inspectors in the sums of five hundred dollars, conditioned for the faithful performance of their duties, which bonds shall be deposited with the warden.

**SEC. 6. Repeal.** All laws or parts of laws now in force contrary to this act are hereby repealed.

**SEC. 7.** This act shall take effect from and after its publication in the Iowa City Republican and the Fort Madison Plain Dealer.

Approved January 22d, 1857.

I certify the foregoing was published in the Fort Madison Plaindealer, Feb. 6, 1857, and in the Iowa City Republican, Feb. 9, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 77.

### STATE ROADS.

AN ACT to establish certain State Roads therein named.

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

**SECTION 1. Commissioners.** That James A. Altorn, Thomas Dibble, Jr., and J. C. Vernon, of the county of Van Buren, be, and they are hereby appointed commissioners to lay out and establish a state road from Farmington, in Van Buren county, to Mt. Sterling, in said county; also to lay out and establish a state road from the west bank of the Des Moines river, opposite the town of Lawrence in said county, to intersect the first de- [84] scribed road at such point west of Farmington as said commissioners shall determine.

**SEC. 2. Meeting of commissioners.** Said commissioners or a majority of them shall meet at the city of Farmington on the first day of April next, or within thirty days thereafter, and proceed to lay out and establish said road according to law.

**SEC. 3. Assistants.** Provided, however, that it shall be lawful for said commissioners to take to their assistance a competent surveyor and other necessary hands, as the case may require, who shall receive such compensation as is provided by law.

**SEC. 4.** This act to take effect from and after its publication in the Democratic Mirror and Keosauqua Republican, without any expense to the state.

Approved January 22, 1857.

I certify that the foregoing act was published in the Democratic Mirror Feb. 13, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 78.

## FIELD NOTES.

AN ACT defining what shall constitute "a copy of the field notes of the original survey," as contemplated in section 112 of the code.

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

SECTION 1. **Copy.** That a copy of the field notes of the original survey, as required in section 112 of the code, is hereby construed and understood to mean a copy of the field book of the original survey as returned to the surveyor general's office, and not merely a copy of the description lists returned to the district land offices.

SEC. 2. **Copy to contain.** Said copy shall give the dates of the surveys in the order in which they appear in the original field books, and the name of each deputy surveyor as signed to the work he performed, and embrace everything in relation to the lines contained in said field books, only excepting the descriptions of the land which follow the notes of each mile of survey and the general description of the township at the end of each book.

Approved January 22, 1857.

## [85] CHAPTER 79.

## CITY OF OTTUMWA.

AN ACT to amend an act to incorporate the city of Ottumwa, approved July 15th, 1856.

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

SECTION 1. **Amendment.** That the charter of the city of Ottumwa, be, and the same is hereby amended as follows: by substituting the words "on the first Monday of April, A. D. 1857, in section 45," instead of "on the first Monday of September, 1856."

SEC. 2. **Term of office.** It is further provided that the officers elected by virtue of the aforesaid act as amended, shall hold their offices until their successors are elected and qualified.

SEC. 3. **Time of election.** That the qualified electors of said city shall on the first Monday of May, A. D. 1858, and annually on the same day thereafter, elect a board of city officers.

SEC. 4. This act to take effect and be in force from and after its publication in the Iowa City Reporter and Des Moines Courier: provided no expense is incurred by the state for publication.

Approved Jan. 22, 1857.

## CHAPTER 80.

## CHANGE OF NAME.

AN ACT to change the name of Pierce township, in Jones county, to Wyoming.

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

SECTION 1. **Pierce changed to Wyoming.** That the name of the township of Pierce, in Jones county, be, and the same is hereby changed to that of Wyoming.

SEC. 2. This act to take effect from and after its publication in the Iowa City Republican, and the Eureka, a paper published in Anamosa, in Jones county, without expense to the state.

Approved January 22, 1857.

## [86] CHAPTER 81.

## FOURTEENTH JUDICIAL DISTRICT.

AN ACT creating the Fourteenth Judicial District, and fixing the time of holding courts therein.

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

SECTION 1. **Counties comprising.** That the counties of Scott, Clinton and Jackson shall constitute the fourteenth judicial district.

SEC. 2. **Terms.** That the terms of court shall be held in the county of Scott on the first Mondays in February, April, June and October in each year;

In the county of Clinton on the first Mondays in March, May, September and November in each year;

In the county of Jackson on the third Mondays in March, May, September and November in each year;

SEC. 3. **District judge.** That there shall be elected a District Judge in said district, on the first Monday in April next, according to the provisions of the act regulating the election of district judges, approved February 16, 1847. The abstract of the votes of the counties composing said district to be returned to the county of Scott, according to the provisions of the third section of said act, and the person elected district judge shall be qualified to act, on receiving a certificate of election, and taking the official oath, as required by the fourth section of said act.

SEC. 4. **Writs and process returnable.** That all writs, processes and proceedings, in the counties composing said judicial district shall be returned as now provided for by law, until such judge is elected and qualified, and no suits, pleas, indictments, processes or proceedings, shall be quashed or discontinued in consequence of the formation of such district, or the change of time in holding courts therein, but all business of said court shall be disposed of in its regular order.

SEC. 5. This act shall take effect and be in force from and after the first day of March next, provided, the same shall be published in the Iowa

City Republican, Iowa State [87] Democrat, and Davenport Gazette, or any two of them, prior to that time.

Approved January 22, 1857.

I certify the foregoing was published in the Davenport Gazette, Feb. 5th, 1857, and State Democrat, Feb. 6, 1857.

ELIJAH SELLS,  
Secretary of State.

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## CHAPTER 82.

### TOOLSBORO.

AN ACT to re-establish a part of the town of Toolsboro, in Louisa county, Iowa.

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

SECTION 1. **Restoration of part of town.** That all that part of the original town plat of the town of Toolsboro, in Louisa county, Iowa, heretofore vacated [by act approved] by acts approved February 16th, 1842, and January 22d, 1853, and being east of Fort street in said town, be, and the same is hereby restored and made a part of said town, and the streets and alleys are made public highways.

SEC. 2. This act to take effect and be in force from and after its publication in the Wapello Intelligencer and Burris Commercial, without expense to the state.

Approved January 22, 1857.

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## CHAPTER 83.

### CHANGE OF NAME.

AN ACT to change the name of Burrington, in Delaware county, to Manchester.

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

SECTION 1. **Change.** That the name of Burrington, in Delaware county, be, and the same is hereby changed to Manchester.

SEC. 2. That this act shall take effect from and after its [88] publication according to law, and a copy of the same being recorded in the office of the recorder of deeds of Delaware county.

Approved January 23, 1857.



## CHAPTER 84.

## LEON.

AN ACT to vacate certain alleys in the town of Leon, Decatur county, Iowa.

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

SECTION 1. **Vacated.** That the alley in block number five, and also the alley between outlots number one and five, in the town of Leon, Decatur county, Iowa, are hereby vacated.

SEC. 2. This act shall take effect from and after its publication according to law.

Approved January 23, 1857.

## CHAPTER 85.

## MEDICAL COLLEGE.

AN ACT concerning the Iowa medical college.

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

SECTION 1. **Diploma.** That the Iowa Medical College, organized and located at Keokuk, Iowa, shall have power to grant diplomas for the degree of doctor of medicine, to such persons as the faculty of said institution may deem qualified for such degree, and power to make such regulation and adopt such rules as may be necessary to maintain the vigor and government of an institution of science.

SEC. 2. **Permission to practice.** All persons having obtained such degree of doctor of medicine from said institution, are permitted to practice physic, surgery and obstetrics within this state, with [89] all the rights and privileges of graduates of other institutions of a similar character.

SEC. 3. This act to be in force from and after its publication in the Keokuk Daily Evening Times, and daily Gate City, which shall be done without expense to the state.

Approved January 23d, 1857.

I certify the foregoing was published in the Daily Evening Times, and Gate City,  
Feb. 10, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 86.

## QUO-WARRANTO AND MANDAMUS.

AN ACT authorizing private persons to sue out writs of quowarranto and mandamus.

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

SECTION 1. **Filing information.** That whenever any citizen of this state shall claim any public office which is usurped, invaded into, or unlawfully

held and exercised by another, the person so claiming such office shall have the right to file in the district court an information in the nature of a qu warranto upon his own relation, and with or without the consent of the prosecuting attorney of the county where such writ is issued out, and such person shall have the right to prosecute said information to final judgment in all other respects as provided in chapter 123 of the code: *provided*, he shall first have applied to the prosecuting attorney of the proper county to file the information, and the prosecuting attorney shall have refused or neglected to file the same.

SEC. 2. **Any person may sue.** Any private person may, on his own relation, sue out writs of mandamus without application to the prosecuting attorney.

SEC. 3. **Liability for costs.** Persons suing out either of said writs under the provisions of this act, shall be liable to costs as in civil cases.

Approved January 23, 1857.

[90] CHAPTER 87.

STATE ROAD.

AN ACT to locate a state road from Clayton City, in Clayton county, to the Des Moines river.

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

SECTION 1. **Commission'rs.** That Isaac Templeton and Charles Hoyt, of Fayette county, and O. W. Clary, of Clayton county, be, and they are hereby appointed commissioners to locate and establish a state road from Clayton City, in Clayton county, via Garnavillo and Elkader, in said county, to Lima, in Fayette county; thence via Fayette, Westfield and Wilson's Grove, to some point near the centre of Bremer county; thence to Clarksville, in Butler county; thence to Thorp's Grove, near the residence of J. D. Leland, in Franklin county; thence to Franklin Grove, in Wright county; thence west to a point near the residence of Dr. Williams, in Kossuth county, on the Des Moines river.

SEC. 2. **Meeting of the com'rs.** That the commissioners herein appointed to locate and establish said road, or a majority of them, shall meet on the third Tuesday in May, 1857, or within four months thereafter, at the first point named on said road or at some other point if agreed upon, and taking to their assistance a competent surveyor, the necessary chainmen and markers, and after having been qualified, shall proceed to the discharge of their duties according to law.

SEC. 3. **Compensation—proviso.** Said commissioners shall have two dollars per day, and the surveyor that may be employed by said commissioners to survey and plat the said road provided for in the foregoing bill, shall be allowed three dollars per day, and all other necessary assistance one dollar and fifty cents per day; *provided*, that in case any of said commissioners shall act as surveyor in laying out said road, he shall be entitled to receive for his services three dollars per day, and nothing more.

SEC. 4. **Expense.** *And be it further enacted*, That the expense of locating and establishing said road shall be paid by the sev- [91] eral counties in which

said road shall be located, in proportion to the time required in each, for said location.

SEC. 5. This act shall be in force from and after its publication according to law.

Approved January 23d, 1857.

## CHAPTER 88.

### STATE ROAD.

AN ACT to authorize the re-survey of a certain road in Keokuk county, Iowa.

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

SECTION 1. **Re-survey.** That the county judge of Keokuk county, be, and is hereby authorized to procure the re-survey of all that part of the state road leading from Iowa City to Oskaloosa, via Sigourney, within the limits of said Keokuk county.

SEC. 2. **Surveyor.** That the county judge of said county of Keokuk is hereby empowered to employ a competent surveyor, with the necessary assistants, to survey and plat the said road upon the same route as now open, and that said survey be made a part of the road record of Keokuk county.

SEC. 3. This act to be in force and take effect from and after its passage: *provided*, said re-survey and the publication of the bill shall be no expense to the state.

Approved January 23, 1857.

## [92] CHAPTER 89.

### STATE ROAD.

AN ACT legalizing a certain state road therein named.

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

SECTION 1. **Legalizing.** That the establishment of the state road running from Bloomfield, Davis county, Iowa, via Albia, in Monroe county, Knoxville, in Marion county, Indianola, in Warren county, to Winterset, in Madison county, Iowa, is hereby declared legal and valid.

SEC. 2. **Duty of county judge.** That it is hereby made the duty of the county judge of Davis county, Iowa, to notify within thirty days from the day this law goes into effect, the various supervisors having jurisdiction along the route of said road, within the limits of the county of Davis, to open said road.

SEC. 3. This act to be in force from and after its publication in the Democratic Standard, Marion county, Iowa, and Iowa Flag, Bloomfield, Davis county, Iowa, and Albia Independent Press, without expense to the state.

Approved January 23d, 1857.

I certify the foregoing act was published in the Democratic Standard, Feb. 13, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 90.

## CITY OF DAVENPORT.

AN ACT to amend an act to incorporate the city of Davenport, and amend the several acts amendatory thereto.

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

**SECTION 1. Boundaries.** That all that district of country embraced within the following boundaries be, and the same is hereby declared to be within the limits of the said city of Davenport, to wit: Beginning in the middle of the main channel [93] of the Mississippi river, due south of the central or half section line of section number thirty, in township seventy-eight, north of range four east, thence north along said central line to the line between sections nineteen and thirty, thence west along said section line and the southern boundary line of section twenty-four in township seventy-eight, north of range three east, to a point due north of the northeast corner of the tract of land reserved by the government of the United States, and donated to Antoine Le Claire, and known as Le Claire's reserve, in said township seventy-eight, north range three east, thence north to the east and west central or half section line of section twenty-four in said last mentioned township, thence west on said central or half section line to the north-west corner of the south west quarter of section twenty-three, thence south to a point half way between said corner and the south-east corner of section twenty-two, thence west to the western boundary line of said south east quarter of section twenty-two, thence south to the county road known as the telegraph road, thence westerly along the north side of said road to the section line between sections twenty-seven and twenty-eight, thence south to the south-west corner of the north-west quarter of section thirty-four, thence east to the south-east corner of said quarter section, thence south to the middle of the main channel of the Mississippi river, and thence up and along the middle of the main channel thereof to the place of beginning.

**SEC. 2. Special tax.** The city council shall have power by ordinance to levy and collect a special tax on the owners of lots, on any street, lane, avenue, alley or block, or the side of a block fronting or lying on any alley, or part of any street, lane, avenue or alley, according to their respective fronts owned by them, for the purpose of paving or grading the side walks, grading, paving, or macadamizing such streets, lanes, avenues and alleys, or parts thereof, and for lighting the same, on being petitioned so to do by the owners of more than half the property so to be taxed.

**SEC. 3. Mayor pro tem.** In case of the sickness of the mayor or of his absence from the city for a less period than two months, said city council may elect one of the aldermen mayor *pro* [94] *tem*, who shall possess all the authority and perform all the duties of the office of mayor during such such sickness or temporary absence of the mayor.

**SEC. 4. Road tax.** From and after the passage of this act, it shall not be lawful for the county authorities of Scott county to levy a road tax on any property or a road poll tax on residents in said city; and the said city council is hereby authorized to levy and collect the road tax, if not more than three mills on the dollar, on all property liable to road tax within said city, the collection and payment thereof into the city treasury to be regulated by ordinance of the said city council.

**SEC. 5. Appeals.** The said city of Davenport shall have the right of appeal to the district court of Scott county from decisions in all cases arising under the provisions of the charter of said city and the amendments thereto or of any ordinance passed in pursuance thereof.

**SEC. 6. Powers of council.** The city council shall have power to lay out public squares or grounds, streets, alleys, lanes or highways, and to make wharves in the river, and alter, widen, contract, straighten, and discontinue the same. They shall cause all streets, alleys, lanes, highways, or public squares, or grounds laid out by them, to be surveyed, described, and recorded in a book to be kept by the clerk, showing particularly the proposed improvements and the real estate required to be taken therefor, and the same when opened and made shall be public highways.

**SEC. 7. Notice.** Whenever any street, alley, lane, highway, or public square, or ground, is laid out, altered, widened, or straightened, by virtue hereof, the city council shall give notice of their intention to appropriate and take the land necessary for the same, to the owner or owners thereof, by publishing said notice for ten days, in some newspaper published in said city, at the expiration of which time, they shall choose by ballot three disinterested freeholders residing in said city as commissioners, to ascertain and assess the damages and recompense the owners of such lands respectively, and at the same time to determine what persons will be benefitted, and assess the damages and expenses thereof on the real estate of persons benefitted, in proportion as nearly as [95] may be the benefits resulting to each. A majority of all the aldermen authorized by law to be elected, shall be necessary to the choice of such commissioners: *provided*, that the provisions of this section shall not apply in any case where such street or alley has already been ordered to be opened and the damages are not yet paid.

**SEC. 8. Damages.** In any case where a grade has been established by the city engineer, and any person has built or made any improvements on a street according to said grade, and the city authorities shall alter said grade in such a manner as to injure or diminish the value of said property said city shall pay to the owner or owners of said property so injured, the amount of such damage or injury.

**SEC. 9. How assessed.** Said damage or injury shall be assessed by three persons, one of whom shall be appointed by the mayor of said city, one by the owner of the property, and one by these two so appointed, or in case of their disagreement, by the mayor and owner, or in case of their disagreement by the city council: *provided*, that if the owner of such property shall fail to appoint one such appraiser in ten days from the time of receiving notice so to do, then the city council shall appoint all said appraisers, and no such alteration of grade shall be made until said damages so assessed shall have been paid or tendered to the owner or owners of the property so injured or damaged.

**SEC. 10. Oath of commissioners.** The commissioners shall be sworn faithfully to execute their duties according to the best of their ability. Before entering upon their duties they shall give notice, to the persons interested, of the time and place of their meeting, for the purpose of viewing the premises and making their assessment, at least ten days before the time of said meeting, by publishing the same in some newspaper published in said city. They shall view the premises, and in their discretion receive any legal evidence, and may adjourn from day to day.

**SEC. 11. Buildings standing.** If there should be any building standing in whole or in part upon the land to be taken, the commissioners, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and

the injury [96] to him in having such building taken from him; and secondly the value of such building to him to remove.

**SEC. 12. Notice to owner.** At least five days personal notice shall be given to the owner, of such determination, when known and a resident of the city, or left at his usual place of residence. If not known, or a non-resident, notice to all persons interested shall be given by publication for ten days in some newspaper of said city. Such notice shall be signed by the commissioners, and specify the building and the award of the commissioners. It shall also require parties interested to appear on a day therein named, or give notice of their election to the city council, either to accept the award of the commissioners, and allow such building to be taken with the land condemned or appropriated, or of their intention to remove such building at the value set thereon by the commissioners, to remove. If the owner shall agree to remove the building, he shall have such time for the removal as the city council may allow.

**SEC. 13. Owner refusing.** If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid, within the time prescribed, the city council shall have power to direct the sale of such building at public auction, for cash, giving ten days public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

**SEC. 14. Assessment.** The commissioners shall thereupon proceed to make their assessment and determine and appraise to the owner or owners the value of the real estate appropriated for the improvement, and the injury arising to them respectively from the condemnation thereof, which shall be assessed to such owners respectively, as damages, after making all due allowances therefrom, for any benefit which such owners may respectively derive from such improvement. In the estimate of damage to the land, the commissioners shall include the value of the building, (if the property of the owner of such land) as estimated by them as aforesaid, less the proceeds of the sale thereof, or if taken by the owner, at the value to remove; in that case they shall only include the difference between such value and the whole estimated value of such building.

[97] **SEC. 15. Different owners.** If the lands and buildings belonging to different persons, or if the land be subject to lease, or mortgage, the injury done to such persons respectively may be awarded to them by the commissioners, less the benefits resulting to them respectively from the improvement.

**SEC. 16. Assessment of damages.** Having ascertained the damages and expenses of such improvement as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings, upon the real estate of them deemed benefitted, in proportion to the benefits resulting thereto from the improvements, as nearly as may be, and shall describe the real estate upon which their assessment may be made. When completed, the commissioners shall sign and return the same to the city council within forty days of their appointment.

**SEC. 17. Notice of return.** The clerk shall give ten days notice in some newspaper of said city that such assessment has been returned, and on a day to be specified therein, will be confirmed by the city council unless objections to the same are made by some person interested. Objections may be heard before the city council, and the hearing may be adjourned from day to day. The council shall have power in their discretion to confirm or annul the assessment, or refer the same back to the commissioners. If annulled, all the proceedings shall be void. If confirmed, an order of confirmation shall be entered, directing a warrant to issue for the collection thereof in ac-

cordance with the provisions of any ordinance then in force, regulating the collection of such assessments. If referred back to the same or other commissioners, they shall proceed to make their assessments and return the same in like manner and give like notices as herein required in relation to the first, and all parties in interest shall have the like notices and rights, and the city council shall perform like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first.

**SEC. 18. Council may remove.** The city council shall have power to remove commissioners, and from time to time appoint others in the place of such as may be removed, refuse, neglect, or be unable, from any cause, to serve.

[98] **SEC. 19. Land not to be taken.** The land required to be taken, for the making, opening, or widening any street, alley, lane, or any other highway, shall not be appropriated until the damages awarded therefor to any owner thereof under this act shall be paid or tendered to such owner or his agent, or in case the said owner or his agent cannot be found in said city, deposited to his or their credit in some safe place of deposit other than the hands of the treasurer, and then, not before, such lands may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys, lanes, highways and squares, may be made and opened.

**SEC. 20. Whole lots taken.** Where the whole of any lot or parcel of land or other premises, under lease or other contract, shall be taken for any of the purposes aforesaid, by virtue of this act, all of the covenants, contracts, and engagements between landlords and tenants, or any other contracting parties, touching the same, or any part thereof, shall, upon confirmation of such report, respectively cease, and be absolutely discharged. Where part only of any lot or parcel of land or other premises under lease or other contract, shall be taken for any of the purposes aforesaid, all the covenants, contracts, agreements and engagements respecting the same upon confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for, or in respect to the same, shall be so proportioned as that the part thereof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for in any respect of the same.

**SEC. 21. Appeal.** Any person interested may appeal from any final order of the city council for opening or widening any street, alley, lane, public ground, or highway, to the district court of Scott county, by notice in writing to the mayor or clerk, at any time before the expiration of twenty days after the passage of such final order. In case of appeal, the city council shall make return within thirty days after notice thereof, and the court shall at the next term after return filed in the office of the clerk thereof, hear and determine [99] such appeal, and confirm or annul the proceedings. Upon trial of the appeal, all questions involved in said proceedings, including the amount of damages, shall be open to investigation by deposition or oral testimony, and the burden of proof shall in all cases be upon the city to show that the proceedings are in conformity with this act.

**SEC. 22. Minors.** In all cases when any known owner residing in said city or elsewhere, shall be an infant, and any proceedings shall be had under this act, the district court, or the judge thereof, or the county judge of Scott county may, upon the application of the city council, or such infant, or his next friend, appoint a guardian for such infant, taking security from such guardian for the faithful execution of such trusts; and all notices and summons required by this act shall be served on such guardian.

**SEC. 23. Limitation.** Nothing herein contained, or in the acts to which this is amendatory, shall authorize the city council to discontinue or contract any street, lane, alley or highway, or any part thereof, without the consent, in writing, of all persons owning land adjoining said street, lane, alley or highway.

**SEC. 24. Owners pay assessments.** In all cases where there is no agreement to the contrary, the owner, or landlord, and not the occupant or tenant, shall be deemed the person who ought to pay and bear every assessment made for the expense of the public improvement. Where any such assessment shall be made upon or paid by any person, when by agreement or by law, the same ought to be borne or paid by another person, it shall be lawful for one so paying to sue for and recover of the person bound to pay the same, the amount so paid, with interest. Nothing herein contained shall impair or in any way affect any agreement between any landlord and tenant or other persons respecting the payment of such assessments.

**SEC. 25. Compensation.** Said city council is hereby authorized to grant and allow by ordinance, such compensation to the aldermen of said council for their services as shall be approved by a vote of two-thirds of all the members elected.

**SEC. 26. Police magis'e.** At the first election for mayor and aldermen [100] after the taking effect of this act, and every second year thereafter, there shall be elected by the legal and qualified voters of said city a justice of the peace, who shall reside in and be a qualified voter of said city, who shall be called a police magistrate, who shall have and possess all the powers and jurisdiction of other justices of the peace in Scott county and concurrent jurisdiction with the mayor of said city in all cases arising under the ordinances of said city, who shall take the same oath of office and qualify as other justices of the peace of Scott county and who shall hold his office for the term of two years and until his successor is elected and qualified.

**SEC. 27. Repeal.** That the whole of article seven of said act to incorporate the city of Davenport, and all other acts and parts of acts inconsistent with the provisions of this act, be, and the same are hereby repealed.

**SEC. 28.** This act to be in force and take effect from and after its publication in the Davenport Gazette, Iowa State Democrat, and Evening News, or any two of them, at the expense of the city of Davenport.

Approved January 23, 1857.

I certify that the foregoing act was published in the Iowa State Democrat, Feb. 10, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 91.

### STATE ROAD.

AN ACT to locate a State road from Newton, Jasper county, via Saylorville, to Adel, in Dallas county.

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

**SECTION 1. Commission'rs.** That Albert Ship, of Jasper county, John Saylor, of Polk county, and Peter T. Russell, of Dallas county, be, and are hereby appointed commissioners to locate a state road from Newton, in Jasper county, to Adel in Dallas county, via Saylorville, in Polk county.



[101] **SEC. 2. Time & place of meeting.** That the commissioners appointed to locate said road, or a majority of them, shall meet at Newton, on the second Monday in April, A. D. 1857, or in six months thereafter, and taking to their assistance a surveyor, the necessary chainmen and markers, and having been qualified, shall proceed to the discharge of their duties according to law.

**SEC. 3. State not liable.** The state shall not be liable to any charge for locating said road.

**SEC. 4.** This act to be in force from and after its publication in the Iowa City Republican and Iowa Citizen, without expense to the state.

Approved January 23, 1857.

## CHAPTER 92.

### SCHOOL FUND COMMISSIONERS.

AN ACT requiring the School Fund Commissioners of this State to file a copy or transcript of the school lands sold in their respective counties, with the Register of the State land office.

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

**SECTION 1. List of lands sold.** That it shall be, and is hereby made the duty of each school fund commissioner in this state, to file in the office of the state land office, within six months after the taking effect of this act, a full and complete list or abstract of all the lands which have been sold in his county, showing, by different tables, that which belonged to the sixteenth sections as lands selected in lieu thereof; also, the lands belonging to the five hundred thousand acre grant made by the general government to the state of Iowa on her admission into the Union; also, the saline lands, showing the date of sale, the price per acre at which the land was sold, the terms upon which said land was sold, showing the amount of money paid on said land, and the amount yet due; the interest the money is bearing, and when it will become due; also the name of purchaser, and whether a final certificate of payment, or a certificate of purchase has been issued.

[102] **SEC. 2. Annual report.** It shall be the duty of the school fund commissioners of this state, after they have furnished the list or abstract as required by the first section of this act, to continue to furnish such list or abstract of all the sales of lands hereafter made, on the 30th day of June, annually, thereafter, and file the same with the register of the state land office.

**SEC. 3. Penalty for a failure.** If any school fund commissioner in this state shall fail or refuse to comply with the provisions of this act, he shall forfeit and pay to the school fund of his county the sum of one hundred dollars; and it is hereby made the duty of the attorney general to see that the provisions of this act are complied with by the several school fund commissioners of this state, and to institute suit for the violation of its provisions.

**SEC. 4.** This act take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 23, 1857.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter Jan. 31st, 1857, and in the Iowa City Republican Feb. 3, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 93.

## RECORDS OF JEFFERSON COUNTY.

AN ACT to authorize the Judge of Jefferson county to have the surveys of said county transcribed and indexed.

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

SECTION 1. **Transcribe and index.** That the judge of Jefferson county is hereby authorized to employ the surveyor of said county to transcribe and index so much of the record of surveys in said county, as the county judge may deem of importance to be transcribed and indexed.

SEC. 2. That the county judge shall furnish a suitable [103] blank book for the purpose contemplated in the first section of this act.

SEC. 3. **Expenses.** That the expenses incurred in carrying into effect the foregoing sections, shall be paid out of the treasury of said county, on the order of the county judge.

SEC. 4. This act to take effect and be in force from and after its publication in the Iowa City Republican and the Fairfield Ledger, which publication shall be without expense to the state.

Approved January 23d, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 11, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 94.

## SCHOOL DISTRICT.

AN ACT to organize School District No. 1, in Barclay township.

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

SECTION 1. **Notice of election.** That James Barclay, of school district No. 1, in Barclay township, Blackhawk county, state of Iowa, be, and he is hereby authorized to give notice, by posting written or printed notices in at least five public places within said district, of the time and place of holding a meeting therein, for the election of district officers.

SEC. 2. **Powers of electors.** The electors of said district, when assembled in pursuance of the aforesaid notice, shall have all the powers granted to electors when assembled in district meetings by section 1111 of chapter 69 of the code of Iowa.

SEC. 3. This act shall take effect from and after its passage.

Approved January 23, 1857.

## [104] CHAPTER 95.

## ADEL.

AN ACT to vacate High street in the town of Adel.

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

SECTION 1. **Vacated.** That High street, in the town of Adel, in Dallas county, be, and the same is hereby vacated.

SEC. 3. This act shall be in force from and after its publication according to law.

Approved January 23, 1857.

## CHAPTER 96.

## STATE ROAD.

AN ACT to locate a State road from the Missouri to Fort Des Moines.

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

SECTION 1. **Commission'rs.** That Edmund Fisher, of Fremont county, George Kibble, of Page county, and Samuel Baker, of Montgomery county, be, and they are hereby appointed commissioners to locate a state road, as follows: beginning at a point on the Missouri river, in Fremont county, opposite Nebraska City, in Nebraska territory; thence running on the nearest and best route to the town of Sidney, in said county; thence running on the most practicable route to the city of Fort Des Moines, in Polk county.

SEC. 2. **Meet.** Said commissioners, or a majority of them, shall meet at the town of Sidney, in Fremont county, on the first day of June next, or within six months thereafter, and after taking with them the necessary assistants, and being qualified according to law, they shall proceed to the discharge of their duties.

SEC. 3. This act to take effect by publication in the [105] Iowa Capital Reporter and Iowa City Republican, without expense to the state.

Approved Jan. 23, 1857.

I certify that the foregoing act was published in the Iowa City Republican March 13, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 97.

## CERRO GORDO COUNTY.

AN ACT to locate the Seat of Justice of Cerro Gordo county.

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

SECTION 1. **Commission'rs to locate county seat.** That Stephen H. Henderson, of Mitchell county, James Taggart and George McCoy, of Benton

county, be, and they are hereby appointed commissioners to name and locate the seat of justice of Cerro Gordo county.

SEC. 2. **Meeting.** That said commissioners or any two of them shall meet at Cedar Lake village, in said county, on the first Monday in February next, or within ninety days thereafter, and after being duly sworn before some persons authorized to administer an oath, faithfully and impartially to discharge their duties according to the provisions of this act, they shall proceed to locate and name said seat of justice, taking into consideration the present and future welfare of said county.

SEC. 3. **Report.** That said commissioners shall make out a report in writing of their doings in the premises, particularly describing the tract of land selected, and file the same with the county judge of said county, and it shall be the duty of said county judge to record the same in his office.

SEC. 4. **Compensation.** That the said commissioners shall receive for their services the sum of two dollars and fifty cents per day each, for the time necessarily employed in making said location, and five cents per mile in going to and returning from said county, to be paid out of the treasury of said county.

SEC. 5. That this act shall take effect and be in force [106] from and after its publication in the Iowa City Republican and St. Charles Intelligencer, without expense to the state.

Approved January, 1857.

I certify the foregoing act was published in the Iowa City Republican, Feb. 3, 1857.  
ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 98.

### RECORDER.

AN ACT supplemental to an act to establish a Recorder's office at the city of Keokuk.

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

SECTION 1. **Transcribe records—retain in Fort Madison—original transferred to Keokuk.** That the act to which this is supplemental be, and is hereby so modified as to make it the duty of the county judge of Lee county to cause to be made a transcript of all the records in the recorder's office at Fort Madison, relating to the real estate and other matter of records within said county, and north of the half-breed reservation and so much of said reservation as lies east of the sectional line in the center of township No. sixty-seven (67) north, range 5 west, and all included within township number 75 north, range 4 west, which shall be in lieu and instead of a transcript of the records relating to the real estate and other matters of record within said half-breed reservation, except as above excepted, and said transcript hereby ordered shall be retained in the recorder's office at Fort Madison, and all the original records be transferred to the recorder's office established at Keokuk. The expense to be paid as provided in the bill to which this is a supplement.

SEC. 2. This act shall take effect from and after its publication in the Keokuk Daily Evening Times, Daily Gate City, and Fort Madison Plain Dealer, which shall be without expense to the state.

Approved January 23, 1857.

I certify the foregoing was published in the For Fort Madison Plain Dealer Feb. 27, 1857.

ELIJAH SELLS,  
Sec'y of State.

[107] CHAPTER 99.

BRIDGE.

AN ACT to make the bridge across North Skunk River at Union Mills, a part of the public highway.

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

SECTION 1. **Bridge made a highway.** That the bridge across North Skunk river at Union Mills, on the state road leading from Oskaloosa, in Mahaska county, to Montezuma, in Poweshiek county, is hereby declared, and shall hereafter be considered a part of said road.

SEC. 2. This act to take effect from and after its publication in the Iowa City Republican and Oskaloosa Herald, without expense to the state.

Approved January 23d, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 11, 1857, and Oskaloosa Herald, Feb. 13, 1857.

ELIJAH SELLS,  
Sec'y of State.

CHAPTER 100.

CENTERVILLE.

AN ACT to incorporate the town of Centerville.

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

SECTION 1. **Boundaries.** That the north-east quarter of section thirty-six, and the east half of the north-west quarter of section thirty-six, also a tract of land lying immediately south of said last described tract of land, described as follows, to wit: commencing at the south-east corner of the north-east quarter of section thirty-six, thence south twenty rods, thence west two hundred and forty rods, thence north twenty rods, thence east to the place of beginning, all in township sixty-nine, north, of range eighteen west, together with all additions that have been regularly recorded, or that may hereafter be made and recorded according to law, be, and the [108] same is hereby made and constituted a body corporate, under the name and style of the town of Centerville; and that said corporation shall have all the rights, powers and duties of corporations, and may sue and be sued, contract and be contracted with, in the name of the town of Centerville, and have perpetual succession.

**SEC. 2. Officers—elections.** Said town shall annually elect, on the first Monday of April in each year, one mayor, six councilmen, one marshal, who shall hold their office for one year, and until their successors shall be elected and qualified according to law, who shall be elected by the legal voters of said town. The first election herein contemplated may take place at any time after ten days from the publication of this act: provided, five days' notice thereof be given by posting up such notice in at least three public places in said town, and at all subsequent elections the same notice shall be given of such election, or by publication in some newspaper published in the county; said first election may be conducted by any persons appointed for that purpose by the county judge of Appanoose county, Iowa, and subsequently by the mayor and recorder, and any three of the council, or by persons appointed by the mayor for that purpose after being duly qualified; and in case of a failure to elect said officers at any annual election, it shall be the duty of said judge to call an election for that purpose, as is provided herein for said first election, when notified of such failure of such election, by at least six of the legal voters of said town, but the same notice shall be given as at the annual election.

**SEC. 3. Duties of mayor.** It shall be the duty of the mayor to see that the laws and ordinances of the town are executed and their violation prohibited, to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses and permits granted by the town council, and to perform such duties and exercise such powers as pertain to the office of mayor of a town, and such as may be granted or imposed by the ordinances of the town, consistent with law.

**SEC. 4. Judicial powers.** He shall be a conservator of the peace, within the town, and ex-officio a justice of the peace, and is invested with jurisdiction for the violation of the ordinances of [109] the town, and with criminal jurisdiction of offenses against the laws of the state, committed within the town and with civil jurisdiction limited to the town in the same manner as that of a justice of the peace is or may be limited to his or their townships; he shall not be disqualified from acting in such judicial capacity, by any proceedings being in the name or in behalf of the town: provided, that in case of the inability of the mayor, or absence, any justice of the peace of Ceter township may take cognizance and jurisdiction of cases arising under any of the ordinances of said town, such inability being entered of record of the justice acting in such cases.

**SEC. 5. Appeals.** Appeals to the district court in the same county shall be allowed, from the judgments and decisions of the mayor, in the same cases, time and manner as may at any time be allowed by law from those of justices of the peace, and they shall be tried as in other cases: provided, nothing herein shall preclude the rights of trial by jury, or change of venue, as authorized by law; and the mayor shall receive the same fees for like services, and be governed by the same rules as justices of the peace. He shall be the presiding officer of the town council, when present, and in his absence the council may appoint a president for the time being, from their own body.

**SEC. 6. Recorder's duty.** The recorder shall record the doings and acts of the board of councilmen, and attest and publish all ordinances passed by the same, and shall receive such fees for his services as the council may direct.

**SEC. 7. Marshal's duty.** The marshal of said town shall be the ministerial officer of the mayor, and conservator of the peace, and may exercise the

duties of constable in Center township, in Appanoose county, who shall have the same fees as constable.

**SEC. 8. Council make ordinances.** The city council is invested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace, to suppress riots, gambling and drunkenness, or indecent or disorderly conduct, to punish lewd behavior in public places, and generally to provide for the safety and prosperity and good order of the town, and the health, morals, comfort, and [110] convenience of the inhabitants; and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the town, or by complaint before the mayor, as in criminal proceedings before a justice of the peace; and the law of the state relating to carrying into effect a judgment of a justice of the peace imposing a fine, shall be applied to judgments in the case, but the charges thereof must be borne by the town.

**SEC. 9. Power to levy taxes.** The council shall have power to levy and collect a tax not to exceed one per cent. on the taxable property of said town, provided the same be adopted by a majority of the votes cast at an election held in said town for such purpose, under such regulations as the board of councilmen may adopt; and provided further, that no law or ordinance shall be passed by said council unless a majority of the whole six councilmen shall vote for the same.

**SEC. 10. License shows, etc.** The council have exclusive authority to provide for license, regulation and prohibition of all exhibitions, shows, theatrical performances, billiard tables, ball and ten-pin alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character; and prohibit the retail of intoxicating liquors, unless such prohibition would be inconsistent with the laws of the state at the time existing; and the said council is authorized to revoke or suspend any of the above licenses when it deems the good order and the welfare of the town require it. The council may also prohibit hogs from running at large in the streets, alleys, and public grounds, whenever the public convenience may require it.

**SEC. 11. Council meets.** The council shall hold its meetings as it sees fit, having fixed stated times, and provide the manner of calling them together by ordinance, and its meetings shall be public.

**SEC. 12. Repeal.** All former charters or articles of incorporation coming in opposition to this act are hereby repealed.

**SEC. 13.** This act shall take effect from and after its [111] publication in the Iowa Flag and the Iowa City Republican, at the expense of the said town of Centerville.

Approved January 23, 1857.

I hereby certify that the foregoing act was published in the Iowa City Republican, March 18, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 101.

## STATE ROAD.

AN ACT to establish a State road from Fort Des Moines to the south line of the State of Iowa.

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

SECTION 1. **Commission'rs.** That Samuel L. Shaw, of Polk county, Solomon Perkins, of Warren county, and John Clark, of Clark county, in this state, be, and they are hereby appointed commissioners to survey and locate a state road commencing at Fort Des Moines, in Polk county, via Greenbush, in Warren county, Osceola, in Clark county, thence in a south-westerly direction via Hopeville, in Clark county, thence to Mount Ayer, Ringgold county, Iowa, to the south line of the state of Iowa, in the direction of St. Joseph, in the state of Missouri.

SEC. 2. **Meeting.** That the commissioners above appointed, or a majority of them, meet on the first day of April next, or within three months thereafter, at the first named place on said road, or any other place that may be agreed upon, and taking to their assistance a surveyor, the necessary chainmen and markers, and after having been qualified, shall proceed to the discharge of their duties according to law.

SEC. 3. **Consider farming interests.** That the commissioners shall take into consideration the situation of the county for farming, and locate said road so as to do as little damage to the farming community as possible, so as to obtain a reasonable road route for said road.

SEC. 4. **Per diem.** The commissioners shall receive such per diem [112] as is allowed by law: provided, that in case any of said commissioners should act as surveyor in laying out said road, he shall be entitled to receive such per diem for his services as is allowed by law to county surveyors, and nothing more: provided, that the state shall in no case be responsible for any expenses created or growing out of the establishment of said road.

SEC. 5. This act shall take effect from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 23d, 1857.

I certify that the foregoing Act was published in the Iowa City Republican, Jan. 28th, and in the Iowa Capital Reporter.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 102.

## COUNCIL BLUFFS.

AN ACT to amend the charter of the city of Council Bluffs.

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

SECTION 1. **Boundaries.** That the boundaries of the city of Council Bluffs shall hereafter be as follows: commencing in the middle of the main channel of the Missouri river, at the point where the east and west line between



fractional sections numbers four (4) and nine (9), in township seventy-four (74) north, of range forty-four (44) west, would cross said channel, if extended far enough to do so; thence north up the channel of said river, to the point where the section line running east and west between sections fifteen (15) and twenty-two (22) in township seventy-five (75) north, of range forty-four (44) west, would strike the same if continued to the center of said river, thence east along said sectional line to the north-east corner of section nineteen (19), in township seventy-five (75) north, of range forty-three (43) west, thence south along the sectional line, to the south-east corner of section number six, in township seventy-four (74) north, of [113] said last mentioned range, and thence west to the place of beginning in the center of the channel of said river; and the said corporation, council, and all its officers, shall have the same jurisdiction, rights, privileges, and authority, over the territory, property and people within said limits, that they now have over the present limits of said city, or as is conferred by this act.

**SEC. 2. Wards.** The said city shall be divided into four wards, as follows: that portion lying east of Madison street shall constitute the first ward; that portion lying north of Broadway, and west of Madison street, shall constitute the second ward; that portion lying south of Broadway, and west of Madison street, and east of Bancroft street and the continuation thereof due south, shall constitute the third ward; and that portion lying south of Broadway, and west of Bancroft street, shall constitute the fourth ward: provided, that the council of said city may change, unite, or divide, the said wards, or any of them, and increase their number whenever it may think it for the interest of the city.

**SEC. 3. Alderman.** Two aldermen shall be elected in each ward by the legal voters thereof, at the first election after the passage of this act, which said election shall be held on the second Monday of March next, and annually thereafter.

**SEC. 4. Aldermen to draw lots.** At the first meeting of the city council after the first election under this act, or as soon thereafter as conveniently may be, the two aldermen from each ward, shall, in the presence of the council, determine by lot which one of them shall serve for the long term and which for the short term, and the one who is to serve for the long term shall remain in office for two years, and until his successor is elected and duly qualified; and the one who is to serve the short term shall remain in office for one year, and until his successor is elected and duly qualified; and annually thereafter at the times now appointed by law for the election of city officers, one alderman shall be elected from each ward to serve for two years, and until his successor is elected and qualified.

**SEC. 5. Wharves and wharfage.** The city of Council Bluffs shall have the exclusive right to make wharves, and collect wharfage and ton- [114] age of wharves and ferries used and exercised on the river and banks of the Missouri river, which is added to said city by this act; and the said city of Council Bluffs shall grant and revoke ferry privileges and licenses, and have exclusive jurisdiction and control over the same within said city limits.

**SEC. 6. Recorder's court—mayor's powers and duties.** There is hereby established in and for the city of Council Bluffs, a court called the recorder's court, the judge of which shall be the recorder of said city; which court shall have within the said city of Council Bluffs, all the jurisdiction, both civil and criminal, with the rights, powers and authority of a justice of the peace, and all the judicial powers now by law or by city ordinances vested in the mayor, are hereby vested in said recorder's court of said city; and

hereafter the mayor of said city shall exercise no judicial functions whatever, but shall be the executive officer of said city, and as such, shall have the power to remit fines and pardon offences committed against the municipal ordinances and regulations of said city.

SEC. 7. **Appeals.** Appeals to the district court in the same county shall be allowed from the judgments and decisions of the recorder's court, in the same cases, time and manner as may at any time be allowed by law from those of justices of the peace, and they shall be tried as in other cases.

SEC. 8. **Qualification.** Before the said recorder shall enter upon the discharge of his duties as recorder, he shall take the usual oath of office, and shall give the bond with approved security, to perform his duties as justice of the peace, which the law requires of justices of the peace, to be approved and filed with the county judge, and also a bond in the penalty of one thousand dollars, to the city of Council Bluffs, to perform his duty of recorder of said city, and judge of the recorder's court, to be approved by the mayor of said city.

SEC. 9. **Compensation.** The said recorder shall receive a compensation for his services, the same fees that are allowed to justices of the peace for similar services, and such additional compensation as the city council shall from time to time determine.

SEC. 10. **Punish offenders.** The city council shall have power to provide for the punishment of offenders by imprisonment in the county jail, or workhouse, or city prison, in all cases where [115] such offenders shall refuse or neglect to pay the fines and forfeitures which may be adjudged against them; and the city council may also make further provisions by ordinances, for all such offenders, to work out the fine and costs of prosecution, on the streets, alleys, and public works of the city.

SEC. 11. **Actions in the name of the city.** All suits, actions, and prosecutions, instituted, commenced, or brought by the corporation, created by this act and the act hereby amended, shall be instituted, commenced, and prosecuted in the name of the city of Council Bluffs.

SEC. 12. **Ordinances.** All ordinances and by-laws passed by the city council, signed by the mayor and attested by the recorder, shall be received and read in evidence in all courts and places upon the production of the original record or a certified copy thereof, or of a book, pamphlet, or newspaper, in which the same purport to be published by authority, without further proof.

SEC. 12. **Powers of council.** In addition to the powers now vested by law in the city council of said city, said council shall also have power to prevent the introduction of contagious diseases into the city, and to enforce the same within three miles of the city limits; to establish hospitals, and make regulations for the government of the same; to declare what shall be a nuisance, and to prevent, remove, or abate the same; to tax dogs, or prevent them from running at large in the city; to open, abolish, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes, and alleys; to provide for lighting the streets; to establish, support, and regulate night watches, and the police of the city; to erect market houses and places, and provide for the government of the same; to provide all needful buildings for the use of the city; to improve and regulate all public grounds belonging to the city; to regulate or prohibit the erection of any wooden building, or any block, or half block, and to cause any wooden building to be removed or torn down, where the same is shown to be necessary for the safety of the property or lives of the inhabitants; to fix

the compensation of all city officers, and other persons in the employ of the city; to license, tax, and regulate auction- [116] eers, transient merchants, hawkers, pedlars, and pawnbrokers; to license and regulate porters, and fix the rate of portorage; to regulate partitions, fences, and walls, in common, not otherwise regulated by law; to provide for the inspection and measurement of lumber and other building material, and for the measurement of all kinds of mechanical work; to provide for the inspection and weighing of hay, the measuring of coal, wood, and other fuel used in the city; to prohibit the discharge of firearms and other fire works, and the racing, immoderate running or driving of horses; and to impose fines, forfeitures, and penalties for the breach of any ordinance, not exceeding one hundred dollars and imprisonment not exceeding fifty days in the county jail, workhouse, or city prison, and provide for the recovery and appropriation of such fines and forfeitures.

**SEC. 14. Hold real estate.** The city of Council Bluffs shall have power to acquire and hold all necessary real estate for the erection of public buildings thereon, and it shall have power to acquire, hold and regulate a city cemetery, either within or without the limits of the city, and to provide for the burial of the dead.

**SEC. 15. R. R. stock.** The said city shall have power to subscribe to the capital stock of any railroad company, and may pay the same with the bonds of the city; and shall be empowered and required to levy and collect all the necessary taxes to pay the principal and interest of said bonds: provided, such subscriptions shall be authorized by a majority vote of the legal voters of said city, cast at an election ordered for that purpose.

**SEC. 16. Taxes—errors—returns—marshal's duty.** The city council shall have power and authority to levy and collect taxes upon all taxable property, real, personal, and mixed, within the city, subject to taxation for county purposes, including money at interest or on deposit, not exceeding five mills on the dollar, in any one year. It shall be the duty of the assessor of the city, on or before the first day of July in each year, to list and value all the taxable property above specified, within the limits of the city, and he shall, within the limits of the city, have all the power and authority conferred upon county assessors by law, and in discharge of his duties, shall conform, as far as possible, [117] sible, to the duties of those officers. On the first Monday of July he shall attend at some public place, to hear the complaints of any person concerning himself aggrieved by his assessment, and may, if he deems proper, correct the same. Immediately thereafter, he shall make his returns to the city council, and said council shall, on a day to be fixed for that purpose, of which one week's notice shall be given, proceed to equalize, correct and confirm the same. The city council, after having corrected and confirmed the assessment roll, as aforesaid, shall levy the requisite tax, and the recorder shall, as soon as practicable thereafter, make out from said assessment, the tax list of the city for the current year. The mayor of the city shall attach to the list aforesaid, his warrant under his hand, countersigned by the recorder, with the seal of the city, in general terms, requiring the city marshal to collect the taxes therein levied, according to law, on or before a day to be fixed by the council, and which may be extended from time to time, and such list shall constitute a full and sufficient authority for the marshal to collect all taxes therein contained. The marshal, upon receiving said tax list and warrant, shall make a personal demand upon every resident charged with tax, if to be found within said city, and shall give at least one publication in some newspaper, that if the taxes are not paid within thirty [days] thereafter, the same will be collected by sale of property of delinquents. At

the expiration of said thirty days, the marshal is hereby authorized to collect said taxes by distress and sale of the personal property of such delinquents, and such sale shall be conducted in the same manner as constables on execution.

**SEC. 17. Real estate—notice — sell — certificate—redemption.** Where no personal property can be found, out of which to collect said taxes, the marshal shall proceed to sell the real estate upon which the same is assessed, and such sale may be made at any time within one year from the time tax was levied. The marshal shall give notice by publication in one of the newspapers of said city, four consecutive weeks, stating the amount of said tax, cost and printer's fee, as near as may be, and the number of the lot, or the description of the piece of land or property on which the same are due; and the owner's name, if known, and [118] that the said lot, piece of land or property, will be sold on the day and at the place mentioned in said notice, unless payment is made of the taxes, cost, and printer's fee, on or before the day of sale, and if such payment should not be made according to said notice, then said marshal shall proceed and sell the same in accordance with said notice for said amount due, the bidder who will take the least quantity of the lot, piece of land or property, off of the side which the marshal shall designate, or the whole, if there be no bid for a less quantity, and he shall give to the purchaser a certificate stating the description of the piece of land, or the number of the lot, or the portion thereof, or the property purchased, and the price paid therefor, and the day of sale; and if the owner or claimant shall not redeem the same by paying the amount for which the same was sold, together with fifty per cent. per annum to the purchaser or to the city treasurer, for said purchaser's benefit, within eighteen months from the day of sale, the said purchaser or his heirs or assigns shall be entitled to a deed therefor, and the mayor of the city, shall, on demand, and the presentation of said certificate, make, execute and deliver to the holder or owner of each certificate, a deed for said property in said certificate mentioned, which when acknowledged or approved as other deeds are acknowledged or proven, shall be good and valid in law or equity to pass a valid title to such lot, piece of land, ground or other property, and shall be prima facie evidence in all courts, that all things have been complied; nor shall the same ever be enquired into, until the amount for which said property or real estate, together with the interest aforesaid, shall have been tendered to the holder thereof, or deposited in the city treasury for his benefit. If for any reason the taxes shall not be collected upon any real estate or property in any year, as above provided, the same may be re-assessed and added to the tax list of the subsequent year, and collected in the same manner as the taxes for the current year.

**SEC. 18. Increase of ratio.** If at any time it shall be deemed necessary to increase the ratio of taxation provided for in the preceding section, the city council shall call a meeting of the taxable inhabitants of said city, by giving two weeks' notice thereof in the newspapers published in said city, and by posting two [119] notices in each of the wards thereof. At such meetings the mayor or other person appointed by the council shall submit a statement of the finances of the city, and the taxable inhabitants then present shall have power by a majority vote to increase the ratio of taxation for the current year, to such an amount as they may determine, not exceeding one per cent. on the whole amount of taxable property.

**SEC. 19. Private property taken.** When the property of individuals is taken for the laying out, changing, or widening of streets, as heretofore provided by this act, the city shall pay such damages as may be assessed by a

jury or commission organized in the same manner as is now provided by the law granting to railroad companies the right of way, approved January 18th 1853.

SEC. 20. **Repeal.** Sections four (4), ten (10), twelve (12), thirty-five (35), thirty-six (36), thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40), forty-one (41), of the present charter of said city of Council Bluffs, together with all other parts of said charter or of any other act inconsistent with the provisions of this, are hereby repealed; but such repeal shall not extend to any suit or proceeding already commenced, or the collection of any tax already levied and in process of collection.

SEC. 21. This act shall take effect immediately after its passage, so far as it relates to the division of said city into wards and the election of city officers, and in all other respects from and after its publication in the Bugle and Chronotype newspapers of said city, or either of them, without expense to the state.

Approved January 23, 1857.

[120] CHAPTER 103.

GEOLOGICAL SURVEY.

AN ACT making provisions for the continuance of the Geological Survey of the State.

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

SECTION 1. **Appropriation.** That there be and is hereby appropriated from the treasury of the state out of any monies not otherwise appropriated, the sum of ten thousand dollars, to aid in the further prosecution of the geological survey of the state, and to be expended under the direction of the governor.

SEC. 2. **Specimens.** All geological specimens and fossils collected during said survey are hereby granted to the state university, and shall be deposited and carefully kept in a cabinet to be by that institution devoted to this purpose.

SEC. 3. This act shall take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 24, 1857.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter, and Iowa City Republican, Feb. 2, 1857.

ELIJAH SELLS,  
Sec'y of State.

CHAPTER 104.

CHANGE OF NAME.

AN ACT to change the name of Bremen, in Monroe county, Iowa, to Lovilia, and to provide for the enlargement, without a vote.

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

SECTION 1. **Change.** That the name of Bremen, in Monroe county, Iowa, be, and is hereby changed to Lovilia.

SEC. 2. **Enlarge boundaries.** The citizens of said town of Lovilia are authorized to enlarge the boundaries of said town without taking a vote for that purpose.

[121] SEC. 3. This act to take effect and be in force from and after its publication according to law.

Approved January 23, 1857.

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CHAPTER 105.

COLUMBUS CITY SEMINARY.

AN ACT authorizing W. W. Garner, J. M. Robertson, and Wm. L. Toole, to sell certain real estate.

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

SECTION 1. **Authorized to sell lot No. 4.** That Wesley W. Garner, James M. Robertson, and Wm. L. Toole, of the county of Louisa, be and they are hereby authorized and empowered to sell, either at public or private sale, on such terms as they or a majority of them shall deem best, out-lot No. four (4), as surveyed within the limits of the town of Columbus City, in Louisa county, state of Iowa, and to execute conveyances therefor.

SEC. 2. **Apply proc'ds.** It shall be the duty of said parties named in the first section of this act, to apply the proceeds of such sale, or so much thereof as may be necessary to the payment of the debts created by the trustees of the Columbus City seminary, and if any money shall remain after the payment of such debts and expenses of sale, such remainder shall be by them invested in books for the use of some public library in Columbus City.

SEC. 2. This act to take effect from and after its publication in the Wapello Intelligencer, and Burris Commercial, without expense to the state.

This bill having been in the hands of the Governor three days (Sunday excepted) the General Assembly being in session, has become a law this 24th day of January, 1857.

ELIJAH SELLS,  
Secretary of State.

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[122] CHAPTER 106.

DAVID ROWLES.

AN ACT to perfect the title of David Rowles in and to out-lot No. twelve in Albia, Monroe county, Iowa.

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

SECTION 1. **Confirm title.** That the acts of the county judge and prosecuting attorney of the county of Monroe, Iowa, in the transfer of out-lot No. twelve in said town, is hereby legalized, and the title of David Rowles in and to said lot is hereby confirmed and made legal.

SEC. 2. This act to take effect from and after its publication according to law.

This act having remained with the Governor three days (Sunday excepted) the General Assembly being in session, has become a law, this 24th day of January, 1857.

ELIJAH SELLS,  
Secretary of State.

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## CHAPTER 107.

### SCHOOL LANDS.

AN ACT to legalize the sale of school lands made by John Jordan, School Fund Commissioner of Decatur county, Iowa.

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

SECTION 1. **Sale made legal.** That all private sales of school lands, made by John Jordan, school fund commissioner of Decatur county, Iowa, from the first day of February, to the fifteenth day of the same month, in the year 1855, are hereby declared legal and valid, to all intents and purposes, the same as if said commissioner had sold the same at public sale, with notice, as required by chapter 136 of the act of the fifth general assembly of the state of Iowa.

SEC. 3. This act to be in force from and after its publication according to law.

This act having remained in the hands of the Governor three days (Sundays excepted) the General Assembly being in session, has become a law this 24th day of January, A. D. 1857.

ELIJAH SELLS,  
Sec'y of State.

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## [123] CHAPTER 108.

### SUPREME COURT REPORTS.

AN ACT to amend chapter 161 of the laws of the Fifth General Assembly, entitled an act to provide for the appointment of a reporter of the decisions of the Supreme Court, and for other purposes.

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

SECTION 1. **Clark's reports.** That section 5th of chapter 161 of the 5th general assembly, entitled an act to provide for the appointment of a reporter of the decisions of the supreme court, and for other purposes, approved January 25th, 1855, be, and the same is hereby amended, so as to read 400 copies of each volume in place of 200 copies of each volume.

SEC. 2. **Reports.** It shall be the duty of the secretary of state to send one copy of each volume of such reports to each of the county judges of this state, and also one copy thereof to the state librarian of each of the United States.

SEC. 3. This act to take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

This act having remained in the hands of the Governor three days (Sunday excepted) the General Assembly being in session, has become a law this 24th day of January A. D. 1857.

ELIJAH SELLS,  
Sec'y of State.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 9, 1857, and Iowa Capital Reporter, Jan. 31, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 109.

### SCHOOL DISTRICT.

AN ACT to create school district No. 5, out of parts of Washington township, Dubuque county, and Otter Creek township, Jackson county, Iowa.

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

SECTION 1. **Boundaries.** That the following described territory, situated in Washington township, Dubuque county, and Otter Creek township, Jackson county, Iowa, viz: Commencing at the east line of said township, at the south-east corner of section one, in Otter Creek township in Jackson county, thence north on said line two miles, to the north-east corner of section thirty-six, in Washington township, Dubuque county, thence west on the section line two miles and one half, thence south one mile to the county line, thence east eighty rods, thence south one mile, to the south section line and Otter Creek townships, Jackson and Dubuque counties: provided, that and one quarter miles, to the place of beginning, shall be, and is hereby created a school district, to be known as school district No. 5, of Washington and Otter Creek townships, Jackson and Dubuque counties: provided, that nothing herein contained, shall be so construed as to deprive the citizens of said new school district of the benefit of the teacher's fund during the ensuing year.

SEC. 2. This act to take effect and be in force from and after its publication in the Iowa Capital Reporter and Express & Herald, of Dubuque.

Approved January 24, 1857.

I certify that the foregoing act was published in the Iowa Capital Reporter January 27, 1857, and in the Express & Herald at Dubuque.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 110.

### PLATTSMOUTH FERRY COMPANY.

AN ACT defining the rights and privileges of the Plattsmouth Ferry Company.

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

SECTION 1. **Pay \$50 for privilege.** That the Plattsmouth Ferry Company, of Nebraska territory, shall pay annually the sum of fifty dollars to the road



fund of Mills county, for the privilege of exercising their franchise within the border of said county.

SEC. 2. **Mills county may grant additional license.** This act shall not be construed in such manner as will deprive the proper authorities of said county of [125] any power which they had previous to the passage of this ac, of granting license for additional ferries within said county, nor to prevent the general assembly of the state of Iowa from repealing this law.

SEC. 3. This act to be in force from and after its publication according to law.

Approved January 24, 1857.

## CHAPTER 111.

### COPIES OF ORIGINAL ENTRIES.

AN ACT providing for a county record of the original entries of land within its boundaries, and allowing such record to be received and read in evidence in all the courts of this state.

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

SECTION 1. **Records of counties.** That it shall be the duty of the recorder, in each of the several counties in this state, to cause to be procured a book entitled "copies of original entries," to be kept as a record in his office, in which shall be copied a list of the original entries of lands within his county, with the name of the person or persons entering the same, and the date of such entry, for which he shall receive a reasonable compensation to be audited and allowed by the county judge of his county.

SEC. 2. **Shall be deemed a matter of record.** Said book containing a copy of such entries, when compared with the originals and certified to as true copies by the register of the land office at which such original entries were made, shall be deemed a matter of record; and certified copies thereof under hand of said recorder, may be received and read in evidence in all the courts in this state with like effect as other certified copies of original papers recorded in his office.

SEC. 3. **Copies of additional entries.** Said recorder shall, from time to time as he may deem it necessary, procure in some manner copies of any additional entries under the same restrictions, and with like [126] effect, until all the lands in his county shall have been entered, and certified copies of the entries thereof procured.

Approved January 24, 1857.

## CHAPTER 112.

### STATE ROAD.

AN ACT entitled an act to lay out and establish a State road from Fort Madison to Keokuk.

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

SECTION 1. **Commission'rs.** That Joel C. Walker, Josiah Kent, and Noah Hewett, of the county of Lee, be, and are hereby appointed commissioners

to lay out and establish a state road leading from Fort Madison, on the most practicable route to the Charleston road near the residence of W. H. Griswold, thence on the most practicable route to the Keokuk and Fairfield plank road, at or near the residence of Richard Brown.

SEC. 2. **Meeting.** That said commissioners, or a majority of them shall meet at Fort Madison on the first day of April next, or within one month thereafter, and taking with them a competent surveyor, chainmen and markers, and proceed to locate and establish said road according to law as provided for in chapter 38 pages 94 and 95 of the code of Iowa.

SEC. 3. This act shall take effect from and after its publication in the Fort Madison Argus and Fort Madison Plain Dealer, and the cost of such publication shall be paid out of the county treasury of Lee county.

Approved January 24, 1857.

I certify that the foregoing was published in the For Fort Madison Plain Dealer Feb. 6, 1857, and Fort Madison Argus, Feb. 12, 1857.

ELIJAH SELLS,  
Sec'y of State.

[127] CHAPTER 113.

WEST POINT.

AN ACT to vacate certain alleys in the town of West Point, Lee county.

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

SECTION 1. **Vacated.** That all the alleys in block No. thirty, and the alleys running east and west through block No. fifteen and block No. four in the town of West Point, be, and are hereby vacated.

SEC. 2. This act to be in force from and after its publication according to law.

Approved January 24, 1857.

CHAPTER 114.

ROCKVILLE.

AN ACT vacating a street in the village of Rockville, in Delaware county, Iowa.

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

SECTION 1. **Vacated.** That Marion street, in the village of Rockville, in Delaware county, and state of Iowa, be, and is hereby vacated according to law or usages in such cases.

SEC. 2. This act shall take effect from and after its publication according to law.

Approved January 24, 1857.

## CHAPTER 115.

## SWAMP LANDS.

AN ACT in relation to the swamp lands of this State.

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

SECTION 1. **Repeal.** That all acts and parts of acts now in [128] force allowing the right of pre-emption on the swamp lands of this state, be, and the same are hereby repealed: provided, this act shall not apply to the actual settlers on said lands at the time of the passage of this act.

SEC. 2. This act to take effect from and after its publication according to law.

Approved January 24, 1857.

## CHAPTER 116.

## STATE ROAD.

AN ACT to vacate a State road.

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

SECTION 1. **Vacated.** That so much of the Camanche and Anamosa state road as is situated in the county of Jones, be, and the same is hereby declared vacated.

SEC. 2. This act to take effect from and after its publication with the laws of this session.

Approved Jan. 24, 1857.

## CHAPTER 117.

## CITY OF BURLINGTON.

AN ACT to amend the charter of the city of Burlington.

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

SECTION 1. **Qualification of voters.** That in all future elections held under the charter of the city of Burlington, for city officers or otherwise, no person shall be deemed a qualified voter who is not a citizen of the United States, and who has not resided in said city six months immediately preceding the election at which such person shall offer to vote.

SEC. 2. **Oath.** That the oath to be administered to any voter who may be challenged, or who shall be suspected of not [129] possessing the requisite qualifications of an elector at such city election, shall be as follows: You do solemnly swear (or affirm as the case may be) that you are a citizen of the United States, that you have been a resident of the city of Burlington for six months immediately preceding this election; that you are now a resident

of the ward in which you offer to vote; that to the best of your knowledge and belief you are twenty-one years of age, and that you have not voted at this election.

**SEC. 3. Property qualifications.** That no persons except those who are owners of real estate, or tax payers in the city for other than poll tax, shall be entitled to vote at any special or other election, holden for the purpose of voting a tax or loan upon the owners of real estate and other property in said city; provided, that any white male inhabitant over the age of twenty-one years, and who shall have been a resident of said city six months immediately preceding said election, owning real estate or paying other than poll tax, shall be deemed a legal voter at any election holden for the purpose aforesaid.

*Be it further enacted,*

**SEC. 4. Repeal.** That all acts or parts of acts repugnant to the provisions of this act, are hereby repealed.

**SEC. 5.** This act shall take effect from and after its publication in the Iowa State Gazette, and Burlington Hawkeye and Telegraph, without expense to the state.

Approved January 24, 1857.

#### CHAPTER 118.

##### COUNTY SEAT OF FLOYD COUNTY.

AN ACT to legalize the acts of the commissioners who located the seat of justice of Floyd county.

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

**SECTION 1. Legalize act of locating.** That the acts of Martin V. Burdick, of Howard county, and Daniel E. Maxon, of Mitchell county, who were appointed by Samuel Murdock, judge of the tenth ju- [130] dicial district, to locate the seat of justice of Floyd county, in the state of Iowa, be, and the same is hereby legalized as such commissioners.

**SEC. 2.** This act shall take effect from and after its publication in the St. Charles Republican Intelligencer, and Iowa City Republican, without expense to the state.

Approved January 24, 1857.

I hereby certify that the forgoing act was published in the Iowa City Republican,  
Feb. 2, 1857.

ELIJAH SELLS,  
Sec'y of State.

#### CHAPTER 119.

##### CORONER'S FEES.

AN ACT to amend so much of chapter 136 of the Code as refers to coroners' fees.

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

**SECTION 1. Repeal section 2539 code.** That section 2539 chapter 136 of the code, be amended as follows:

**Fees.** 2539. For a view of each body, and for taking and returning inquest, \$5.00. For a view of each body and for examination without inquest, \$3.00.

**Mileage.** For each mile traveled to and returning from an examination or inquest, 10 cents. For all other services, the same fees as are allowed to sheriffs in similar cases.

SEC. 2. This act shall take effect from and after its publication according to law.

Approved January 25, 1857.

[131] CHAPTER 120.

COUNTY FUNDS.

AN ACT in relation to County Funds, and the manner of drawing the same from the County Treasury.

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

SECTION 1. **Appropriation.** That where any money has been or shall hereafter be appropriated by the county court, to any work of internal improvement in any county, for the erection of any bridge, or the construction of any highway, no part of said appropriation shall be drawn from the county treasury, for the purpose aforesaid, until the work shall have been actually commenced in good faith, and then only in such sums as may be necessary to pay for the work as it progresses, on regularly certified estimates made by the engineer, superintendent or agent having charge of the work.

SEC. 2. **Not made if co. judge is interested.** No county judge shall make any appropriation of the county funds, nor draw any warrant on the county treasury in favor of any partnership, firm, company, association or incorporation of which the said county judge is an officer, agent or attorney, and any appropriation made, or warrant drawn as aforesaid, and in contravention of the provisions of this act, shall be entirely null and void, and shall not be paid from the county treasury.

SEC. 3. **Pay into county treasury.** All moneys belonging to any county, arising from the sale of any property owned by the county, shall be paid into the county treasury by the person holding the same, and no payment of the same to any other person than the county treasurer shall be of any binding force or effect.

SEC. 4. **Judge pay over.** It shall be the duty of the county judges in making settlements of any moneys received by them for the sale of any property of the county, to state distinctly the time when any moneys shall have been received by them, and if the same has not been paid into the county treasury by them, in twenty days from the time of receiving the same, in accordance with the first section of the act approved July 15, 1856, the said county judges shall be charged interest on such moneys, while in their hands, at the rate of twenty per centum per annum.

[132] SEC. 5. **Pros. attorney must enforce.** It shall be the duty of the prosecuting attorneys of each county to see that this act is strictly enforced, and to prosecute all violation of the same.

SEC. 6. This act shall be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

SEC. 7. **Repeal.** Provided, nothing in this act shall be so construed as repealing any part of the act in relation to swamp lands, approved July 15, 1856, or with any appropriations of said swamp land funds as contemplated by the swamp land act, approved 1853.

Approved January 26, 1857.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter, Feb. 16, 1857, and in the Iowa City Republican Feb. 18, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 121.

### CLINTON CITY.

AN ACT to incorporate the city of Clinton.

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

SECTION 1. **Corporation.** That all that portion of the state of Iowa included within the township of Clinton, and county of Clinton, Iowa, to wit: the original plat of the town of Clinton, including the north and south additions, as recorded upon the records in the recorder's office of said county, be, and the same is hereby declared a city, and the inhabitants thereof are created a body corporate and politic by the name and style of Clinton city, and by that name shall have perpetual succession, and shall have and use a common seal, which they may alter and change at pleasure.

SEC. 2. **Wards.** That said city is hereby divided into three wards as follows: that part of the city which lies north of the middle of second avenue on the old plat and including north addition, to be the first ward. That part lying between the middle of second avenue and the middle of eighth ave- [133] nue, is the second ward. That part which lies south of the middle of eighth avenue, is the third ward. Provided, that the city council may change, unite, or divide the said ward, or any of them, whenever they shall think it for the interest of the city.

SEC. 3. **Charter submitted.** On the passage of this act the county judge shall order an election for the purpose of submitting this charter to the citizens of said city, which election shall take place on the first Monday in March A. D. 1857, and shall be conducted in all respects as now provided by law, the township trustees conducting said election as in other cases. The returns of said election shall be made to the county judge, and in the event that a majority of all the votes polled are in favor of said charter, then it shall be the duty of said judge to order and provide for an election in each ward in said city, to be held at such places as he may think proper for the election of the officers, as provided in section seven and eight, which election shall be held on the first Tuesday in April A. D. 1857, and shall be conducted, in all respects, as now provided by law, and returns made to the county judge. whose duty it shall be to notify the persons elected to the respective offices named in the seventh section of this charter, who shall enter upon their duties as prescribed in this act.

SEC. 4. **Citizenship.** Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the

city three months, and of the ward in which he offers to vote ten days next preceding a city election, is declared a citizen of said city, and is entitled to vote at all elections thereof.

**SEC. 5. Challenge.** A person offering to vote may be challenged as in the election in the township, and an oath may be administered to him under like circumstances, naming the qualifications herein prescribed.

**SEC. 6. Who eligible.** No person shall be eligible to the office of mayor unless he be a citizen of the city as above defined, and have been a resident thereof six months next preceding his election. Nor shall any person be eligible to any other office mentioned in this act, unless he be a citizen of the city, as [134] above defined, and has been a resident thereof three months next preceding his election.

**SEC. 7. City officers.** The officers of the city shall be a mayor, two aldermen from each ward, a marshal, recorder, treasurer, assessor and wharf master, for the choice of whom election shall be holden annually, on the first Tuesday in April: and each of whom will hold his office for the term of one year, (except in the case of aldermen, as hereinafter provided,) and until their successors are elected and qualified.

**SEC. 8. Aldermen.** Two aldermen shall be elected in each ward, and such one of the two as receives, at the first election, the highest number of votes, shall hold his office for the term of two years, and the other one year; and thereafter one shall be elected each year in each ward, to hold for the term of two years. If there be a tie in the above case, the matter to be decided by lot.

**SEC. 9. Mayor's duty.** It is the duty of the mayor to see that the law and ordinances of the city are executed and their violation punished, to superintend and direct the official conduct of the subordinate officers, to keep the seal of the city, and to sign and seal all commissions, license and permits granted by the city council, and to perform such duties and exercise such powers as pertains to the office of mayor of a city, and such as may be granted by the ordinances of the city, consistent with law.

**SEC. 10. Judicial powers.** He is by virtue of his office a justice of the peace, and is invested with exclusive original jurisdiction of cases arising under ordinances of the city, with criminal jurisdiction of offences against the laws of the state, committed within the city, and with civil jurisdiction limited to the city, in the same manner as that of justices is or may be limited to their township; and he will not be disqualified to act in such judicial capacity, by any proceeding being in the name or in behalf of the city. He will be entitled to demand and receive, in civil actions, and actions for the breach of the laws of the state, such fees as are at the time allowed by law to justices of the peace.

**SEC. 11. Appeals.** Appeals to the district court in the same county shall be allowed, from the judgment and decision of the mayor, in the same cases, time and manner as they are at [135] the time allowed by law from those of other justices, and they shall be tried in the same manner.

**SEC. 12. Preside.** He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie. In his absence the council may appoint a president for the time being, who shall have authority to sign ordinances and orders on the treasurer, and to administer oaths, and to do all other things pertaining to the office of mayor, (except as a justice of the peace), stating, in connection with his signature, the absence or inability of the mayor.

SEC. 13. **Absence, &c.** In case of the absence of the mayor from the city, or in case of his inability to act as a justice, any justice of the peace in the township of Clinton, may take cognizance of cases arising under ordinances of the city, such absence or inability being made to appear on the docket of the justice.

SEC. 14. **Recorder's duty.** The recorder is required to keep a true record of all the official proceedings of the council, and such record shall at all times be open to the inspection of any citizen, and he shall perform such other duties as may be required by the council.

SEC. 15. **Marshal's duty.** The marshal is made a conservator of the peace; he is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for the violation of the criminal laws of the state, and of the ordinances of the city, may execute such process in any part of the county. He is invested with the same authority within the city to quell riots and disturbances, to prevent crimes and arrest offenders, that the sheriff has within his county. He shall perform such other duties as the council prescribe, and with its approval may appoint one or more deputies, for whose official acts he will be responsible, and whom he may discharge. For the service of legal process he will be entitled to the same fees as a constable, and for services required by the council such compensation as it may allow.

SEC. 16. **Legislative authority.** The legislative authority of the city is vested in a city council, consisting of the mayor and a board of aldermen composed of two from each ward of the city.

[136] SEC. 17. **Meetings.** The council may hold its meetings as it sees fit, having stated times fixed, or having provided by ordinances for the manner of calling them. Its meetings shall be public.

SEC. 18. **Quorum.** A majority of the council will be necessary to constitute a quorum. It is the judge of the election and qualification of its own members; it may determine the rules of its own proceedings, it may compel the attendance of its members at its meetings, in such manner and by such penalties as it may adopt, and it shall cause a record of its proceedings to be kept.

SEC. 19. **Powers.** The council is invested with the following power:

1st. **Ordinances.** To make ordinances to secure the inhabitants against fire, against violations of the law and public peace, to suppress riots, drunkenness, gambling and indecent and disorderly conduct, and generally to provide for the safety, good order and prosperity of the city, and the health, morals, and convenience of the inhabitants.

2d. **Penalties.** To impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the city, or by complaint before the mayor, as in the case of complaint before a justice of the peace; and the laws of the state in relation to carrying into effect a judgment of a justice of the peace, under a complaint, shall be applied to judgment in the above cases, but the charges thereof must be borne by the city.

3d. **Fire companies.** To establish and organize fire companies, and to provide them with engines and other fire apparatus.

4th. **Gunpowder.** To regulate the keeping of gunpowder within the city, and to provide that no building of wood shall be erected within such part of the city as may be designated, and to declare such buildings a nuisance and cause their removal.



5th. **Wharves.** To remove obstructions from, and have entire control of the landing of the Mississippi river, and to build wharves and regulate the landing, wharfage and dockage of boats and all other water crafts, goods, lumber, and other things landed at, or taken from the same: provided, [137] nothing in this section shall be so construed as to affect the rights of the state or counties, or to prevent the county of Clinton from granting ferry charters in said county.

6th. **Licenses.** To exercise, exclusively, the power to provide for the license, regulation or prohibition of exhibitions, shows, and theatrical performances, billiard tables, ball and ten-pin alleys, and places where any games of skill or chance are played; but this power extends to no exhibition of a properly literary, scientific or artistical character; and when the laws of the state permit license for the sale of intoxicating liquor, that subject shall be within the exclusive authority of the council, and it may at all times prohibit the retail of the above liquors, unless such prohibition would be inconsistent with the law of the state at the time existing; and it may revoke or suspend any of the licenses above mentioned when it considers that the good order and welfare of the city require it.

7th. **Nuisances.** To make all requisite ordinances in relation to the cleanliness and health of the city, and to require the owners of lots on which water becomes stagnant, to drain or fill up, or drain and fill up the same, and in default thereof, after reasonable notice, to cause the same to be done at the expense of the city, and assess the cost on the specific lots, and cause them to be sold by the city collector, as in the case of unpaid taxes; but the owner may redeem the same as in that case.

8th. **Cartage and drayage.** To regulate cartage and drayage within the city, and may license therefor, and may also make a prohibition of animals running at large within the city.

9th. **Schools.** To provide for the establishment and support of public schools in the city, when there has been a legal vote of the citizens in favor thereof, and to provide for the government of the same.

10th. **Receipts and disburs'm'ts.** To audit all claims against the city; to provide for the keeping of the public money of the city; and the manner of drawing the same from the treasury; and all the officers of the city are accountable to the council in such manner as it directs; and it is the duty of the council to publish annually a particular statement of the receipts and expendi- [138] tures of the city, and of all debts owing to and from the same.

11th. **Grade streets.** To establish the grade of the streets, alleys, and wharves, and to change that of the wharves at pleasure, and that of a street or alley upon the petition of two-thirds the value of the real property on both sides the street where the change is desired.

12th. **Meetings.** To prescribe the manner of calling the meeting of the citizens, except for the election of officers.

13th. **Subordinate officers.** To appoint in such manner as it determines, and during pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it deems advisable, and may prescribe their duties, powers and qualifications, and may provide for any of those officers by the citizens.

14th. **Pavement.** To cause the streets and alleys of the city to be paved and the pavement to be repaired, and in that end it may require the owners of lots adjacent to which it is to be done, to pave and repair one half in width of the street contiguous to their respective lots; and in case of neg-

lect, after a reasonable time named in the order, the same may be done by the city, and the expense may be assessed on such lots, which shall have the effect of a tax levied thereon, and they may be sold therefor as for a tax, subject to the same right of redemption.

15th. **Borrow money.** To borrow money for any object in its discretion, if at a regular notified meeting, under a notice stating distinctly the nature and object of the loan, and the amount thereof, as nearly as practicable, the citizens determine in favor of the loan by a majority of two-thirds of the votes given at the election.

16th. **Vacancy.** To fill vacancies occurring in any of the city offices, by appointment of record to hold, in the case of elective officers, until the next regular election and the qualification of the successor.

17th. **Streets and alleys.** To establish and locate streets and alleys, and to vacate the same upon the petition of two-thirds the value of the real property on both sides the street or alley where the change is desired.

[139] **SEC. 20. Ordinances.** Ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect, be published in one or more newspapers printed in the city, at least ten days, or be posted in each ward for fifteen days. They shall be recorded in a book kept for that purpose, and signed by the mayor and attested by the recorder; an affidavit made by the recorder, marshal, or mayor, or by the printer or publisher of a newspaper in which an ordinance may be published, stating the time and manner of the publication of an ordinance, and sworn to before the mayor or any justice of the peace in the county of Clinton, and filed in the recorder's office, made and signed on the face of the record of ordinances, shall be prima facie evidence of the publication therein stated.

**SEC. 21. Conducting elections.** The election of the officers shall be conducted in a manner as similar to that in which the elections are conducted in the township, as the nature of the case permits.

**SEC. 22. Challenge.** A person offering to vote may be challenged as in the election in the township, and an oath may be administered to him under like circumstances, naming the qualifications herein prescribed.

**SEC. 23. Ineligible.** No member of the city council shall be eligible to any office in the gift of the council during the term for which he is elected, nor shall he be interested, directly or indirectly, in the profits of any contract or job for work, or service to be performed for the city.

**SEC. 24. Proclamation.** For all elections for city officers the mayor is directed to issue a proclamation to the voters of the city or of the several wards, as the case may be, naming the time and place or places of the election and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days before the election; or instead thereof, he may cause a copy to be published in a newspaper printed in the city the same length of time.

**SEC. 25. Polls open.** The polls shall be open (the council having appointed judges and clerks) between the hours of eight and ten in the forenoon, and continue open till four o'clock in the afternoon. Within two days after election, the judges of the election shall make their returns to the city council, [140] which shall examine them, and cause an abstract of the votes to be recorded in a book kept for that purpose.

**SEC. 26. Oath of office.** The mayor, aldermen, marshal, treasurer, recorder and assessor, shall take an oath to support the constitution of the United States and of the state of Iowa, and faithfully and impartially to perform their duty to the best of their ability. The oath of office may be

administered by the mayor or recorder, when he is qualified, and in the transaction of the business of the corporation, those officers and the president for the time being, may administer oaths which shall be of the same effect as if administered by other officers authorized thereto.

SEC. 27. **Bond.** Such of the officers as the council determine, shall give bond in such penal sum, and with such condition as may be prescribed, and to be approved as required.

SEC. 28. **Duties.** The duties of all the officers (in addition to the duties herein prescribed) shall be such as are provided by ordinance, and they will be entitled to such compensation for their services, and subject to such penalties and forfeitures for their violation of duty (except as herein provided) as the ordinances may prescribe.

SEC. 29. **Taxes.** The city council is further authorized to levy and collect taxes, not exceeding one per cent. on the value of all property within the city which is liable for state and county taxes, including improvements on real property. The council may also levy a tax on dogs, or prohibit their being kept in the city.

SEC. 30. **Basis of assessment.** The latest assessment rolls shall form the basis of assessment, but the city assessor may add thereto any property omitted, assessing the same himself.

SEC. 31. **City collector.** The marshal, or such person as, in case of his absence or disability, the council may appoint of record, shall be the collector of taxes, and before proceeding to collect the same, shall give thirty days' notice of the assessment and levy of the tax and rate thereof in general terms, without names or the description of the property in a newspaper printed in the city if there be one, and if none then by two written notices posted in public places in each ward. Upon taxes remaining unpaid for two months from the time [141] of giving said notice, interest shall be paid after the expiration of said two months, at the rate of fifty per cent. per annum.

SEC. 32. **Correct assessment.** During the thirty days any person aggrieved by his assessment or taxation may appear before the council, which may correct the same if found erroneous.

SEC. 33. **Warrant.** The mayor shall affix his warrant to the tax list in general terms, requiring the collector to collect the taxes therein, according to law; and such warrant and list shall be a justification to the collector.

SEC. 34. **Sale.** When any person's tax is not paid within a reasonable time after demand, the collector may distrain upon personal property liable to taxation, and sell the same as the county collector may sell in like cases.

SEC. 35. **Lien.** Taxes on real property shall be a lien thereon, and it may be sold therefor (if no personal property be found) when the taxes remain unpaid for four months after publication of the notices of the tax; but demand of the tax must be made a reasonable time before sale, if the supposed owner be found in the city.

SEC. 36. **Auction—notice.** Such sale must be at public auction, and there must be thirty days' notice given as above provided for, notifying the assessment and tax; and in such sale he who bids to pay the amount due for the least quantity of land will be the highest bidder, and the manner of ascertaining the portion purchased, shall be as directed in the state revenue law now or hereafter existing.

SEC. 37. **Tax deed.** The collector shall execute and deliver to the purchaser a deed running in the name of the state, which shall have the same force and effect of the deed of the treasurer of the county, on sale for county and state taxes, under the law existing at the time. That the land so sold, may be redeemed within the same time and upon the same conditions that lands may be redeemed when sold for county and state taxes under the general revenue law of the state now or hereafter existing, by making payment to the collector of taxes or the purchaser, and the purchaser may proceed in the same manner to perfect his title to said lands as is or may be provided by the general revenue law of the state.

SEC. 38. **Road tax.** It shall not be lawful for the county authori- [142] ties of Clinton county to levy a road tax on any property or a road poll tax on residents in Clinton city, and the city council of said city is hereby authorized to levy and collect annually a road tax, not exceeding three mills on the dollar, on all property liable to road tax in said city, and road poll tax not exceeding three dollars for each resident under the age of fifty years and over the age of twenty-one years, the collection and payment of said taxes to be made or enforced in the same manner as other taxes in said city.

SEC. 39. **Vacancy.** When vacancy or vacancies occur in any of the elective offices of said city, the council shall order a special election for the purpose of filling such vacancy; said election to be conducted as nearly as practicable in the same manner as now provided by law.

*Be it further enacted,*

SEC. 40. **Road district.** That the territory embraced within the limits of said Clinton city shall constitute one road district, and that the street commissioner now or hereafter appointed in said city shall act as supervisor of said road district, and for that purpose is invested with all the powers of road supervisor; and that the council of said city may at any time divide the same into two or more road districts, and appoint a street commissioner in each of said districts, who shall act as supervisor in their respective districts.

SEC. 41. **Public act.** This act may be taken and may be pleaded as a public act.

SEC. 42. This act shall take effect from and after its publication in the Iowa Republican and Clinton Herald, without expense to the state.

Approved January 26, 1857.

I certify that the foregoing act was published in the Clinton Herald, February 12, 1857, and in the Iowa City Republican, March 14, 1857.

ELIJAH SELLS,  
Secretary of State.

[143] CHAPTER 122.

NEWTON.

AN ACT to incorporate the town of Newton, in Jasper county.

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

SECTION 1. **Boundaries.** That the tract of land lying in township eighty-one north, range nineteen west, in the county of Jasper, which is comprised in the original town plat of the town of Newton, together with all additions

that have been regularly recorded or that may hereafter be made and recorded according to law, together with all tracts or parcels of land situated on the north half of the northeast quarter of section thirty-four, and the south-east quarter of the south-west quarter, and the south-west quarter of the south-east quarter of section twenty-seven, township and range aforesaid, be, and the same is hereby constituted a town corporate, and shall be known by the name and title of the town of Newton.

SEC. 2. **Election—quorum.** That the qualified voters for members of the general assembly, who have resided within the limits of said corporation for twenty days immediately preceding such election, shall meet at some suitable place within such incorporation, on the first Monday in May next, and annually thereafter, and then and there proceed to elect by ballot a mayor, six councilmen, and a recorder, who shall be citizens of said town, who shall hold their offices one year, and until their successors are elected and qualified. The mayor and any three of the councilmen shall be a board for the transaction of business, but a less number may adjourn from time to time: provided, that in the case of the absence of the mayor, the councilmen may choose a mayor pro tem, from their own body; and provided further, that when the mayor councilmen, recorder, or any other officer created by ordinance or otherwise, in pursuance of this act, shall remove out of the corporation limits of said town, such office shall become vacant, and in case of such vacancy, if it be that of mayor, a councilman or recorder, a special election shall be held to fill the same; ten days' notice at least shall [144] be given of said special election, notice to be given in the same manner of the annual election of said town.

SEC. 3. **First election.** At the first election to be held under this act, there shall be chosen by the electors present three judges and a clerk of said election, who shall each take an oath or affirmation faithfully to perform the duties required of them by this act, and at all subsequent elections any two of the councilmen shall be judges and the recorder shall be clerk of said election. At all elections holden under this act the polls shall be opened between the hours of nine and ten o'clock in the forenoon and close at five in the afternoon of the same day, and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall give notice to the persons elected of their election; and it shall be the duty of the recorder, at each annual election, to give at least five days notice thereof, by posting up notices at three of the most public places in said town, or causing the same to be published in some weekly newspaper printed in said town.

SEC. 4. **Meetings of council.** The regular meetings of the board of mayor and councilmen shall be held on the fourth Monday of each month, but said board may change the time of such meetings: provided, the same be held regularly once in each month, and the board may provide by ordinance for calling special meetings. The mayor, if present, shall preside, and in his absence, the mayor pro tem. The recorder shall keep a correct record of all proceedings of said board, and may under his hand and seal, appoint a deputy, for whose acts he shall be responsible.

SEC. 5. **Corporate powers.** The mayor and councilmen and inhabitants of said town, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the town of Newton, and shall be capable in law in their name, to acquire property, real and personal, for the use of said town, and sell and convey the same, may have a common seal, which they may alter at pleasure, may sue and be sued, defend and be defended in any court having competent jurisdiction, and when any suit shall be commenced against said corporation, the first process

shall be by [145] summons, which shall be served by an attested copy to be left with the recorder.

**SEC. 6. Oath of office.** The officers elected under this act shall each take an oath or affirmation to support the constitution of the United States and the constitution of this state, and faithfully to discharge the duties of their respective offices.

**SEC. 7. Ordinances.** The mayor and councilmen shall have power to make and establish ordinances for the government of said town, and to alter, repeal or re-enact the same, to provide for the election of a treasurer, assessor, marshal and other subordinate officers necessary for the good government and well being of the town, to proscribe their duties and decide their qualifications and period of service, fix their fees and compensation, and require them to take an oath or affirmation faithfully to discharge the duties of their respective offices, and may request of them security for the performance of their official duties. Said mayor and councilmen shall also have power to affix such reasonable fines, forfeitures and penalties as they may deem proper, for violation of the ordinances, and to provide for the disposition of the same; provided, that no ordinance of said corporation shall have any effect, until the same shall have been published in some weekly newspaper, published in said town, or posted up in three of the most public places therein; and provided further, that nothing done under the provisions of this section, shall be incompatible with the laws of this state.

**SEC. 8. Receipts and disbursements.** The mayor and councilmen shall, at the expiration of each six months, cause to be made out and published, a correct statement of the receipts and expenditures of the preceding six months.

**SEC. 9. Judicial powers.** That the mayor of said town, who shall be elected by the provisions of this act, shall be, and is hereby invested with all powers now granted by law to justices of the peace within this state, for the purpose of hearing, trying and determining all offences committed against the ordinances of said town, and shall have jurisdiction, within said corporation, over all subjects, civil and criminal, as is now or hereinafter may be conferred by law on justices of the peace in this state, and the same right of appeal from the [146] judgment of said mayor, in civil cases, shall be allowed, as is now or may hereafter be authorized by law, from the judgment of justices of the peace within this state, and said mayor shall also be a conservator of the peace within the limits of said town. That the said mayor shall, as near as may be, conform to, and be governed by the several acts in relation to justices of the peace, now in force; that the said mayor shall be allowed such fees for his services, as justices of the peace are now, or that may hereafter be allowed by law to justices of the peace for like services.

**SEC. 10. Wards.** The mayor and councilmen first elected under the provisions of this act shall, before the expiration of their term, divide said town into three wards, apportioning the inhabitants as equally as practicable between said wards, and thereafter there shall be elected two councilmen from each ward. The number of said wards may from time to time be increased, and the boundaries thereof changed.

**SEC. 11. Taxes.** The mayor and councilmen shall have power to levy by ordinance a tax on all real and personal estate, within the limits of said corporation, not exceeding one-half of one per centum in any one year; but such ordinance shall have no force or effect until the same be submitted to the legal voters of said town, at an election specified and called for that purpose by the same ordinance, of which two weeks notice shall be given

by publication of the ordinance, as provided in section seven, and receive a majority of the votes cast at said election.

**SEC. 12. Conducting elections.** The election provided for in the preceding section shall be conducted, so far as practicable, in the same manner as the regular elections, and the vote shall be taken for the tax or against the tax.

**SEC. 13. Streets and alleys.** The mayor and councilmen shall have power by ordinance, to regulate and improve the streets and alleys, and determine the width of sidewalks; provided, that no property shall be taken from any individual until such individual shall be paid the value thereof, to be ascertained by six disinterested freeholders, to be summoned by the marshal for that purpose and duly sworn, previous notice thereof being given to the owner. They shall also have power to remove all nuisances and obstructions from the streets [147] and commons, and all other places within said town and provide for the removal of the same.

**SEC. 14. Road district.** The streets and alleys of said town, together with the highways within one-half mile of the outer boundaries of the same, shall constitute one road district, the overseer of which shall be appointed by the mayor and councilmen, and shall hold his office for one year, unless sooner removed by said mayor and councilmen; said overseers shall perform the same duties as are, or may be imposed, by the laws of the state upon overseers or supervisors of roads and highways, but shall make his report to the mayor and councilmen; and the road tax and labor of said district shall be laid out and expended within said district under the direction of the mayor and councilmen.

**SEC. 15. Fees and salaries.** The fees and salaries of officers shall be fixed by ordinance, and shall be such as the board of mayor and councilmen may deem proper; but may be changed as circumstances may require.

**SEC. 16. Tax duplicate.** It shall be the duty of the mayor and councilmen, to cause to be made out each year, within twenty days after the county list of taxes shall be made out, a duplicate of taxes, charging each individual therein the amount of tax in proportion to the real and personal estate of such individual within said town; which duplicate shall be signed by the mayor and recorder, and delivered to the marshal, whose duty it shall be to collect the same, within such time, and in such manner as the ordinance shall direct.

**SEC. 17. Sale of property for taxes.** The marshal shall have power to sell personal property, and for want thereof to sell real estate, for non-payment of taxes within said corporation, giving the purchaser of such real estate a certificate of such sale, setting forth a brief description of the property so sold, the time of sale, and the amount of such 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 seven. Said taxes shall be deemed to be due on the first Monday of September in each [148] 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. interest per annum upon the same, which payment may be made to the recorder, as the agent for the purchaser, or to the legal holder of the certificate of sale. If any real estate so sold remain unredeemed at the expiration of two years from the date of sale, the marshal, upon the payment of his legal fees, shall make, execute and deliver to the purchaser, his

assignee or legal representatives, 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. 18. Amendments.** The board of mayor and councilmen may propose amendments to this act of incorporation, which shall be submitted to the legal voters at the annual election, and if a majority of the votes cast for or against the amendment be for it, the amendment shall thereafter become a part of this act of incorporation: provided, that such amendment be published in the manner provided for in section seven of this act: and provided further, such amendment be not inconsistent with the constitution and laws of this state.

**SEC. 19. Submission of charter.** The county judge of the county of Jasper is hereby authorized to issue an order for an election to be held in said town of Newton, on the first Monday of April next for the adoption or rejection of this act of incorporation, and the election board of the township of Newton in said county, shall on said day, open a separate poll for the reception of such votes; said election to be held in accordance with the laws governing county elections, those in favor of the adoption of this act, shall write on their tickets "for incorporation"; those opposed to the adoption of this act, shall write on their tickets "against incorporation." Only the resident voters of said town shall be eligible to vote at said election.

**SEC. 20. Take effect.** If a majority of said votes are in favor of incorporation, then this act to be in force; provided, it shall first have been published in the Iowa City Republican, and [149] Jasper County Express, without expense to the state. If a majority of such votes are opposed to incorporation, then this act to be null and void.

Approved, January 26, 1857.

## CHAPTER 123.

### CITY OF MUSCATINE.

AN ACT amendatory to the act incorporating the city of Muscatine.

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

**SECTION 1. Revenue—how expended.** That all taxes hereafter levied and collected in the city of Muscatine for the purpose of improving the streets and alleys thereof, shall be expended in the different wards in proportion to the amount of tax levied and collected in such ward respectively.

**SEC. 2. Assessor.** For the purpose of putting the above provision into execution, it shall be the duty of the city assessor to return to the city council, at the same time that he returns his assessment of property in said city, the total amount of taxable property in each ward separately, which shall form the basis for making the apportionment of moneys to be expended in the respective wards.

**SEC. 3. Current expenses.** After paying all the current expenses and debts of said city, due for the fiscal year, the excess of taxes collected in said city, to be expended by the city authorities upon the streets and alleys, shall be divided and applied pro rata in the different wards thereof.



SEC. 4. **Repeal.** All acts and parts of acts conflicting herewith are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its publication in the Muscatine Journal and Democratic Enquirer, without expense to the state.

Approved January 26, 1857.

[150] CHAPTER 124.

NAME CHANGED.

AN ACT to amend section thirty-eight, chapter one hundred and six, of the fourth General Assembly of the State of Iowa.

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

SECTION 1. **Name chang'd.** That the name West Point, in section thirty-eight, chapter one hundred and six, of the fourth general assembly of the state of Iowa, be, and the same is hereby changed to West Union.

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

Approved January 26, 1857.

CHAPTER 125.

EIGHTH JUDICIAL DISTRICT.

AN ACT fixing the time of holding courts in the Eighth Judicial District.

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

SECTION 1. **Time of holding court.** That the terms of the district court in the eighth judicial district shall hereafter be held

In the county of Muscatine on the first Monday in February, the third Monday of May and the third Monday in October:

In the county of Cedar on the second Monday of January, the second Monday of April, and the second Monday of September;

And in the county of Jones on the fourth Monday of April, and the fourth Monday of September, of each year.

SEC. 2. **Length of time.** The county of Muscatine shall be entitled to three weeks at each term, and the counties of Cedar and Jones shall be entitled to two weeks each, at the term of said district court.

SEC. 3. **Proceeding not affected.** That no process, plea, petition, indictment, writ or subpoena heretofore issued out of or filed in any of the [151] courts of said district, and made returnable or triable at any time now fixed by law for holding the terms of court in any of the counties composing said district, shall be quashed, set aside or held invalid, because of anything contained in this act, but the same shall be taken and held to be returnable and triable at the next regular term of said court, which shall be held in the proper county, succeeding the passage of this act.

SEC. 4. This act shall take effect and be in force from and after its publication in the Iowa Republican, and Capital Reporter, without expense to the state.

Approved January 26, 1857.

I certify that the foregoing act was published in the Iowa City Republican, March 10, 1857, and Iowa Capital Reporter, March 12, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 126.

### CHANGE NAME.

AN ACT to change the name of New Haven, in Buchanan county.

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

SECTION 1. **Change.** That the name of New Haven, in Buchanan county, be, and the same is hereby changed to Stoughton, and McClure's second addition to Independence, and that all additions to the said New Haven be designated and known as additions to Independence.

SEC. 2. **Recorded.** Within sixty days after the passage of this act, a copy of the same shall be filed for record, in the office of the recorder of deeds of Buchanan county, and from and after such filing in all conveyances of lots in any of the said additions, the descriptions shall be in accordance with the changes made by this act: provided, that nothing in this act shall be so construed as to vitiate the title to any lot heretofore conveyed in the said New Haven or any addition thereto.

SEC. 3. This act shall take effect from and after its publication in Independence Civilian and Iowa City Republican, without expense to the state.

Approved January 27, 1857.

## CHAPTER 127.

### GUTTENBURG.

AN ACT to amend an act entitled "an act to incorporate the town of Guttenberg.

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

SECTION 1. **Charter officers elected.** That the qualified voters for members of the general assembly, residing within the limits of the corporation of the town of Guttenberg, shall, on the first Saturday of April, A. D. 1857, and annually thereafter, at such place in said town as the town council shall direct, proceed to elect by ballot a mayor, a recorder and five trustees; also a treasurer, marshal and assessor, who shall hold their offices for the term of one year, and until their successors are elected and qualified.

SEC. 2. **Judges of election.** It shall be the duty of the mayor, together with any two of the trustees, to sit as judges at all subsequent elections, 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 ten and eleven of the forenoon, and closed at three o'clock in the afternoon; and at the close of the polls the votes shall be counted, and the poll books be certified by the judges of the election, and filed in the office of the recorder, whose duty it shall be, within seven days thereafter, to give publicity to the result of said election in the columns of some newspaper published in the county of Clayton, and the persons elected shall, within ten days after their election, take and subscribe an oath to support the constitution of the United States, and that of the state of Iowa, which oath shall be administered by some person duly authorized by law to administer oaths, and when so administered and subscribed shall be deposited with the recorder of said town.

SEC. 3. The mayor, recorder and trustees of said town [153] shall be a body politic and corporate, with perpetual succession, to be known by the name of the town of Guttenberg, and shall be capable in law to acquire property, real and personal, for the use of said town, and sell and convey the same under the provisions hereinafter contained. They may have a common seal, and may alter the same at pleasure; may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in this state: and when any suit shall be commenced against said corporation, the first process shall be a summons, a certified copy of which shall be left with the recorder, and in his absence, with the mayor, at least ten days previous to the return day thereof.

SEC. 4. **Legislative powers.** That the mayor, recorder, and trustees, or a majority thereof, of whom the mayor or recorder shall always be one, shall have authority to make, ordain and publish all by-laws and ordinances not inconsistent with the constitution of the United States, or of this state, as they shall deem necessary and proper for the promotion of morality, as well as for the good regulation, interest, safety, health, cleanliness and convenience of said town and the citizens thereof. They shall have power to fill all vacancies that may happen by death or otherwise, of any of the officers herein named. They shall also have power to prescribe the duties of the marshal, assessor, and treasurer. They shall also have power to appoint such other subordinate officers as they may deem needful; to prescribe their duties, and require surety for their performance, to remove them at pleasure, and to establish the fees or salary of all officers in the corporation, including the fees or salary of the recorder, treasurer, marshal and assessor. They shall have power to impose fines for the breach of their ordinances; but no fine shall be imposed on any person for any one breach of any one ordinance, of more than ten dollars, which fine may be recovered with costs, before a justice of the peace, by an action of debt in the name of the corporation, and the party so fined may be committed to the county jail until such fine and costs be satisfied: provided, such commitment shall be at the cost of the corporation, and shall not exceed a period of five days. All fines collected in pursuance of this act [154] shall by the officer collecting the same, be paid over to the treasurer of the corporation.

SEC. 5. **Mayor execute laws.** It shall be the duty of the mayor to see that the laws and ordinances of the town are executed and their violation punished; to superintend and direct the official conduct of the subordinate officers; to sign and seal all commissions, licenses and permits granted by the town council. He shall be the presiding officer of the town council when present, and shall give the casting vote when there is a tie; and in [his] absence the council may appoint a president for the time being, who shall be one of the trustees of the corporation.

SEC. 6. **Council—qualification & election.** The council shall be the judge of the qualification and election of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen; and may compel the attendance of its members in such manner and by such penalties as it may adopt.

SEC. 7. **Marshal's duties.** The marshal shall be a conservator of the peace, and shall execute and return all process directed to him by a justice of the peace; and in cases for the violation of the town ordinances, and of the criminal laws of the state, may execute the same in any part of the county; and he shall have the same authority within the corporation to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the sheriff has in his county. For the service of legal process he will be entitled to the same fee as a constable, and for the service required by the council to such compensation as it may allow.

SEC. 8. **Bonds.** The recorder, treasurer, marshal, and assessor, shall each give such bonds as may be required of them by the ordinances of the town, with surety to be approved by the town council or a majority of them.

SEC. 9. **Ineligibility.** No member of the town council shall be eligible to any office within the gift of the council during the term for which he is elected, nor shall he be interested, directly or indirectly, in the profit of any contract or job for work or service to be performed by the town. The recorder shall officiate as clerk during the session of the town council; and in his absence the trustees shall have power to fill the vacancy by appointment for the time being.

[155] SEC. 10. **Ordinances.** The ordinances passed by the town council shall be signed by the mayor and attested by the recorder, and before they take effect be published in some newspaper in the county, at least five days, or they shall be posted up in the town limits the same length of time. They shall also be recorded by the recorder in a book to be kept for that exclusive purpose, and signed by the mayor and attested by the recorder. It shall also be the duty of the recorder to make and preserve in a separate volume an index of the several ordinances of the town. He shall also keep a minute book, in which he shall record the proceedings of each session of the town council, which books shall be open to the inspection of any person.

SEC. 11. **Meetings.** The regular meetings of the town council shall be on the first Tuesday in every month. They may, however, be convened by the mayor or a majority of the trustees, whenever, in his or their opinion the same may be necessary.

SEC. 12. **Taxes.** Said corporation shall have power to assess for corporation purposes, an annual tax on all property in said town, made subject to taxation by the laws of this state for state and county purposes, not exceeding in any one year one percentum on the value thereof, which value shall be ascertained by the assessor, a duplicate of which shall be made out and signed by the recorder, and delivered to the collector within thirty [days] from the time of the completing of said assessment. They shall have power to equalize any injudicious assessment thus made, on complaint of the person aggrieved.

SEC. 13. **Collector.** The town marshal shall be the collector of any tax assessed, and he is hereby authorized and required, by distress and sale of property, as sheriff on execution, to collect and pay over to the treasurer within three months after the time of receiving the duplicate thereof, and the treasurer's receipt shall be his voucher. The town marshal shall make personal demand of every resident charged with tax, and shall give ten

days' notice by advertisement in some newspaper published in the county, of the time when he will commence the collection of said tax; and if the tax on any lot or lots, or piece of land on which no personal prop- [156] erty can be found, belonging to the owner of said lot or lots or piece of land, shall remain unpaid three months from the time of the publication of the foregoing notice, it shall be the duty of the marshal to give notice in the nearest newspaper, stating the amount of such tax, together with the description of said lot or lots or piece of land as set forth in the recorded plat of said town, and that the same will be sold to discharge such tax and costs, unless the payment thereof be made within three months from the date of such advertisement; and if such tax be not paid within that time, the marshal shall proceed to sell at public auction, so much of said lot or lots or piece of land as will discharge said tax and costs.

**SEC. 14. May redeem.** If the owner of such lot or lots or piece of land shall appear at any time within two years after such sale, and pay to the recorder of said town, for the use of such purchaser, the purchase money, with twenty per centum interest thereon per annum, together with the value and ten per centum on such value of all improvements on such lot or lots or piece of land, made by such purchaser, then he shall be entitled to the right of redemption; the value of such improvement to be ascertained by three disinterested persons appointed by the mayor. From their decision an appeal may be taken to the district court, as in cases originating in a justice's court: provided, that nothing in this act shall affect the right of minors to the benefit of the right of redemption when they shall arrive at full age.

**SEC. 15. Publish acc't of rec'ts—disbursements.** It shall be the duty of the town council annually, in the month of March, to publish in the nearest newspaper, or to post on some conspicuous place within the limits of the corporation, an accurate account of the moneys received and expended by said corporation, with the sources from which they were derived, and the objects on which they were expended, which report shall be signed by the mayor and attested by the recorder.

**SEC. 16. Road districts.** The streets alleys and roads within the limits of the corporation shall constitute two road districts, together with so much of the roads leading from said town not exceeding two miles from the corporation limits, as the town council may think proper to order road labor to [be] expended upon, and the town council shall have the exclu- [157] sive right of appointing the supervisors and determining the boundaries of their districts.

**SEC. 17. Improve str'ts—fire departm't.** Said corporation shall have the power to regulate and improve all streets, alleys, side-walks, drains or sewers, to sink and keep in repair public wells, remove nuisances, regulate markets, improve the public landing, and do all other things for the improvement of said town, and for the protection and health of the citizens thereof, not inconsistent with the laws of the United States and of the state of Iowa. They may lease or rent a given number of lots on the public landing of said town for ware house, mill and manufacturing purposes, not exceeding one lot in front of each block of town lots along said landing. They shall have the power to establish and organize a fire department, to procure an engine, hose, hooks, ladders and other implements of use in the arrest and extinguishment of fire. They shall have power to license or prohibit shows or public exhibitions, except those of an artistic or literary character; also to license or prohibit the peddling of clocks, watches, jewelry or merchandise, within the limits of said corporation.

**SEC. 18. Town property.** The town council, or a majority of them, shall have power to submit to the legal voters of said town, the question whether town property may be sold: provided, however, that said corporation shall have no power or right to exercise any control over or right to the flouring mill claim on Miner's Creek, in the limits of said corporation, owned by Bernard H. Pelzer & Brother, embracing four acres of land; and further, if town bonds shall be issued, or money may be borrowed, to aid in the erection of public buildings or for other public purposes, within the limits of said corporation, or whether town property may be sold, bonds issued, or money be borrowed or appropriated to aid in the construction of any railroad, or bridge, within the limits of the county of Clayton.

**SEC. 19. Special elect'n.** When any of the foregoing questions shall be submitted to the legal voters of said town, it shall be at a special election, called by order of the town council, of which public notice shall be given in the nearest newspaper at least thirty days prior to said election. Said notice shall contain the whole question, including the amount to be raised, and [158] the object upon which it is to be expended. It shall also contain a provision to lay a tax for the payment, in addition to the usual taxes. The rate of tax shall in no case be more than one per cent. nor less than one mill on the county valuation. When it is supposed the levy of one year will not pay the entire amount and interest, the proposition and the vote must be to continue the proposed rate from year to year until the amount is paid. Such special tax shall be paid in money, and shall constitute a fund distinct from all others in the hands of the treasurer, until the obligation assumed is discharged. Provided, that in no case the town council shall be authorized to issue bonds, to borrow money, or to make appropriations, or levy a tax for any of the purposes named in this and the preceding section, unless the same shall be authorized by the votes of at least two-thirds of the legal voters of said town at such special election; and further provided, that nothing in the foregoing section be so construed as to prevent the town council from selling any lot or lots or piece of ground of the town property for manufacturing purposes without taking such vote.

**SEC. 20. Compensation.** The mayor and trustees shall receive no compensation unless the same shall be authorized by a vote of the inhabitants of said town at some annual election of the mayor and officers thereof.

**SEC. 21. Notice of election.** Every annual election shall be preceded by five days' notice thereof published in a newspaper in the county, or put up in three public places in said town.

**SEC. 22. Repeal.** That all but section one of an act entitled "An act to incorporate the town of Guttenberg," approved February 5th, 1851, be, and the same is hereby repealed.

**SEC. 23.** This act to take effect from and after its publication in one or more of the newspapers published in Clayton county, which publication shall be free of cost [to] the state of Iowa.

Approved January 27, 1857.

I certify that the foregoing act was published in the Clayton County Herald, February 26, 1857.

ELIJAH SELLS,  
Secretary of State.

## [159] CHAPTER 128.

## TIPTON.

AN ACT to incorporate the town of Tipton, in Cedar county.

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

**SECTION 1. Boundaries.** That the north west quarter of section six, in township No. eighty north, of range No. two west, the south half of the south-west quarter of section No. thirty-one, in township No. eighty-one north, of range No. two west, the south-east quarter of the south-east quarter of section No. thirty-six, in township No. eighty-one north, of range No. three west, and the east half of the north-east quarter of section No. one, in township No. eighty north, of range No. three, west of the fifth principal meridian, situate in the county of Cedar, together with all the additions that may hereafter be made and recorded according to law, be, and the same is hereby constituted a town corporate, and shall be known by the name and title of the town of Tipton.

**SEC. 2. Election.** That the qualified electors who shall have resided within the limits of said corporation for twenty days immediately preceding any such election, shall meet at the court house, or some other suitable place within said corporation, on the first Monday in March next, and annually thereafter, and then and there proceed to elect by ballot a mayor, six councilmen and a recorder, who shall be citizens of said town, who shall hold their offices for one year, and until their successors are elected and qualified; the mayor and any three of the councilmen shall be a board for the transaction of business, but a less number may adjourn from time to time: provided, that in case of the death or absence of the mayor, the council may choose a mayor pro tem from their own body: and provided further, that when the mayor or any councilman, recorder, or any officer, created by ordinance or otherwise, in pursuance of this act, shall remove out of the corporate limits of the said town of Tipton, such office shall become vacant, and in case of said vacancy, if it be that of mayor a councilman or recorder, a special election shall be held to fill the same, ten days' notice at least shall be given of said special election; [160] notice to be given in the manner as in case of the annual election of said town.

**SEC. 3. Judges & clerk of election.** At the first election to be held under this act, there shall be chosen by the electors present, three judges and a clerk of said election, who shall each take an oath or affirmation, faithfully to discharge the duties required of them by this act; and at all subsequent elections, the councilmen, or any two of them shall be judges, and the recorder, clerk of election at all elections holden under this act. The polls shall be open from one to five o'clock P. M., and at the close of the polls the votes shall be canvassed and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall give notice to the persons elected of their election, and it shall be the duty of the recorder, at each annual election, to give at least five days' notice thereof, by posting up notices at three of the most public places in said town, or causing the same to be published in some weekly newspaper printed in said county.

**SEC. 4. Meetings.** The regular meeting of said mayor and councilmen shall be held on the first Monday in each month, and the board may provide by ordinance for calling special meetings, and at all meetings, the mayor, if present, shall preside, and in his absence, the mayor pro tem. The re-

recorder shall keep a correct record of all the proceedings of the board, and of the result of all elections of said corporation, and may under his hand and seal appoint a deputy, for whose acts he shall be responsible.

**SEC. 5. Corporate powers.** The mayor, councilman and inhabitants of said town shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the "town of Tipton," and shall be capable in law in their corporate name, to acquire property, real and personal, for the use of said town, and sell and convey the same, may sue and be sued, defend and be defended, in any court of competent jurisdiction; and when any suit shall be commenced against said corporation, the first process shall be by summons which shall be served by an attested copy to be left with the recorder.

**SEC. 6. Oath of office.** The officers elected under this act shall each take an oath or affirmation to support the constitution of the [161] United States, and that of the state of Iowa, and faithfully to discharge the duties of their respective offices.

**SEC. 7. Ordinances.** The mayor and councilmen shall have power to make and establish ordinances for the government of said town; and to alter, repeal, or re-enact the same, to establish by-laws and ordinances for the good regulation, health and safety of the citizens, and cleanliness of the town; to provide against fires, gambling, breaches of the peace, and disorderly and indecent conduct and houses, to license, regulate or prohibit shows and exhibitions; to establish grades and regulate and improve the streets, side-walks and alleys, and provide for drains, sewers and public wells; to provide for the election of a treasurer, assessor, marshal and other subordinate officers, necessary for the good government and well being of the town, to prescribe their duties and declare their qualifications and period of service, to fix their fees and compensation, and may require of them security for the performance of their official duties; said mayor and councilmen shall have power to affix such reasonable fines, penalties and forfeitures as they may deem proper for violations of the ordinances, and to provide for the disposition of the same: provided, that no ordinance of said corporation shall have any effect until the same shall have been published in some weekly newspaper published in said county, or copies posted up in three public places in said town: and provided further, that nothing done under the provisions of this section shall be incompatible with the laws of this state: and provided, that no license shall be claimed or exacted on shows or exhibitions of a purely scientific or literary character, and such shows or exhibitions shall not be prohibited.

**SEC. 8. Contracts.** All contracts shall be made, or approved and ratified by the council before the same shall be legally binding, and all deeds and contracts shall, by direction of the council, be signed by the mayor and countersigned and sealed by the recorder.

**SEC. 9. Debts.** The town council shall never have power to contract a debt beyond the amount of the town revenue, for the then current year, or borrow money on the credit of the town, unless the question of borrowing money or contracting indebtedness shall first have been submitted to the legal voters at a regular or special election, and approved by a majority of two-thirds of the votes cast, and in no case whatever, shall it have power to create an indebtedness in the aggregate, beyond five thousand dollars.

**SEC. 10. Treasurer's duty.** It shall be the duty of the treasurer to receive and safely keep, without using or lending, any and all money which may come into his possession by virtue of his office, and shall pay none out, except by order of the council, signed by the mayor and countersigned by the recorder; he shall keep a book in which he shall keep a correct account of all



money by him received, and from whom received, and on the payment of money, the order shall be delivered up to the treasurer, to be cancelled, and shall be his voucher on settlement; he shall make settlement with whenever required so to do by the council.

SEC. 11. **Marshal's duty.** The marshal is the ministerial officer of the town, and a conservator of the peace; he shall execute all orders and process directed to him by the mayor and councilmen, and in all cases of the violation of the town ordinances, may execute the same in any part of the county, and in cases of violation of criminal laws, he shall have such powers as are now, or may be given to constables by statute: provided, that in any case of his inability to act, any constable within said town may perform the duties of said officer.

SEC. 12. **Receipts & expenditures.** The mayor and councilmen shall at the expiration of each year, cause to be made out and published, a correct statement of the receipts and expenditures of the preceding year.

SEC. 13. **Judicial powers—appeals—fees.** The mayor of said town of Tipton shall be, and is hereby invested with all the powers now granted by law to justices of the peace within the state of Iowa, for the purpose of hearing, trying and determining all offences committed against the ordinances of said town, and shall have jurisdiction within said corporation, over all subjects civil and criminal, as is now or hereafter may be conferred by law upon justices of the peace in this state, and the same right of appeal from the judgment of said mayor in all cases shall be allowed as is now or may be hereafter authorized by law, from the judgments of justices of the peace within this state, and the said mayor shall be a conserva- [163] tor of the peace within the limits of said town; that the mayor shall, as near as may be, conform to and be governed by the several acts in relation to justice of the peace, in force at the time; that the said mayor shall be allowed such fees for his services, as justices of the peace are at the time allowed for like service: provided, that in all cases of sickness, absence, or inability of the mayor to act, any justice of the peace within said town, shall have jurisdiction co-extensive in all cases with the mayor.

SEC. 14. **Taxes.** The mayor and councilmen shall have power to levy by ordinance a tax on all real and personal property within the limits of said corporation, not exceeding four mills on the dollar valuation in any one year, but such ordinance shall have no force or effect until the same be submitted to the legal voters of said town, at an election specified and called for that purpose by the same ordinance, of which two weeks' notice shall be given by publication of the ordinance as provided in section seven of this act, and receive a majority of the votes cast at said election.

SEC. 15. **Conducting elections.** The election provided for in the preceding section shall be conducted so far as practicable, in the same manner as the regular elections, and the form of vote shall be, "for the tax," or "against the tax."

SEC. 16. **Streets and alleys.** The mayor and councilmen shall have power by ordinance to regulate and improve the streets and alleys, and to determine the width of sidewalks, and to require the property-holders of any street or part of street to pave the side-walks thereof, each in front of his own property, whenever the owners of two-thirds of the lots on such street or part of street petition therefor, and upon the neglect of any such owner, after a reasonable time and notice, to pave his portion of the sidewalk, in the manner described by the council, the council may cause the same to be paved, and collect the expense thereof from the owner of the lot or part of lot, by action in the name of the town, and until paid, it shall be a lien on

the lot or part of lot in front of which the same is paved: provided, that not less than one block in length shall be construed to be a part of a street: and provided further, that in all cases the curb-stone shall be put in at the expense of the town: and provided further, that after the town council shall have caused the curb- [164] stone to be set in front of any block at the expense of the town, it shall then have full power to direct the property-holders of said block to construct such pavement, each in front of his own property, as the said council shall determine, and on neglect or refusal to do so, the council may proceed as above provided.

**SEC. 17. Road district.** The streets and alleys of said town, shall constitute one road district, the overseer or supervisor of which, shall be appointed by the council, and shall hold his office for one year, unless sooner removed by the said council: said overseer shall perform the same duties as are or may be imposed by the laws of the state upon the overseer or supervisor of roads and highways, but shall make report to the mayor and councilmen, and the road tax and labor of said district, shall be laid out and expended within said district under the direction of the council.

**SEC. 18. Fees.** The fees of the officers shall be fixed by ordinance, but the mayor in his capacity as president of the council, and the councilmen, shall receive no compensation, unless the same shall be voted by the electors of the corporation.

**SEC. 19. Tax duplicate.** It shall be the duty of the mayor and council to cause to be made out in each year in which a tax shall have been voted within twenty days after the county assessment list shall be made out, a duplicate of taxes, charging to each individual therein the amount of tax in proportion to the real and personal property of such individuals within said town, which duplicate shall be signed by the mayor, and recorder, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the ordinance shall direct.

**SEC. 20. Sale of real estate — publication — redemption — tax deed.** The marshal shall have power to sell personal property, and for want thereof to sell real estate for the taxes remaining due and unpaid within said corporation, giving the purchaser of such real estate, a certificate of such sale setting forth a brief description of the property sold, the time of sale the amount of the purchase money which certificate shall be assignable by endorsement thereon; but no real estate shall be sold for 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 at least [165] four successive weeks in the manner provided for the publication of ordinances in section seven of this act, said taxes shall be deemed to be due on the first day of September in each year, and shall draw twenty-five per cent per annum interest after the first day of November of the then current year, and any real estate sold under this section, may be redeemed at any time within two years from the date of the sale thereof by the owner 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, or the legal holder of the certificate of sale, if any real estate so sold, remain unredeemed at the expiration of two years from the date of sale, the marshal shall upon the payment of his legal fees, make, execute and deliver to the purchaser, his assignee or legal representatives a deed for such real estate, the mayor and councilmen may within thirty days after the assessment of taxes make such changes or corrections thereof as they shall think just and equitable upon the application of any person who may deem the valuation of his property unjust.

**SEC. 21. Amendments.** The town council may propose amendments to this charter which shall be submitted to the legal voters at the annual election, and if a majority of the votes cast for and against the amendment be for it, the amendment shall therefore become a part of this charter: provided, that such amendment shall be published as herein provided for publishing ordinances, before it is submitted for approval by the citizens: and provided, nothing in said amendment shall be contrary to the laws of said state of Iowa.

**SEC. 22. Submit charter to vote.** Within one month from the publication of this act the county judge of said county of Cedar shall order an election for the acceptance or rejection of this charter, which election shall be conducted in a manner similar to township elections, the said county judge appointing judge and a clerk of said election, said vote shall be "for the charter" or "against the charter," and shall be by ballot, and if the vote be in favor of its acceptance, such result shall be declared and be entered on the records of the county judge, [166] after which this act shall be the charter of said town of Tipton.

**SEC. 23.** This act to take effect from and after its publication in the Tipton Advertiser and Cedar Democrat without expense to the state.

Approved January 27, 1857.

I certify that the foregoing was published in the Tipton Advertiser, February 14, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER. 129.

### RAILROAD GRANT.

AN ACT authorizing the McGregor, St. Peters and Missouri river Railroad company to accept and appropriate a grant of land.

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

**SECTION 1. May accept a grant.** That the McGregor, St. Peters and Missouri railroad company is hereby authorized and empowered in the name and behalf of the state of Iowa, to accept any grant of land which may be made to said state by the present or any subsequent congress for the purpose of aiding in the construction of a railroad from McGregor's landing westerly through said state.

**SEC. 2. File certificate.** The acceptance of said grant shall be signified by said company filing a duplicate certificates to that effect under the seal of said corporation, signed by the president and secretary thereof; one in the office of the secretary of state of the state of Iowa, the other in the office of the secretary of the interior, at Washington, which shall be held and regarded as an acceptance by the state, which shall bind said company to the performance of the conditions of such grant.

**SEC. 3. Rights conferred.** All the rights, title and interest in the lands so granted to the state of Iowa for the purpose aforesaid are hereby granted and conferred upon the said company to as full and complete extent as the same may exist in the state, subject to all the qualifications and restrictions contained in such grant, and it shall be the duty of the governor of the

[167] state, whenever called upon, to execute to the company the proper patents and acquittances therefor.

SEC. 4. **Agents.** The governor is hereby authorized and required to appoint such agent or agents as may be required, to select or locate any of the lands so granted, which said agent or agents shall each receive three dollars per day for the time actually employed in making such selections, to be paid by said company.

SEC. 5. **Route to be fixed.** The line and route of said road shall be definitely fixed and located within one year after the approval of such grant, and maps and plats showing such line and route shall be filed in the office of the governor, and also in the office of the secretary of state of the state of Iowa. It shall be the duty of the governor, after fixing his official signature thereto, with the seal of the state, to cause the same to be filed in the office of the secretary of the interior at Washington.

SEC. 6. **Laws applied.** All that part of sections 9, 10, 11, 12, 14, 15, and 16, of an act entitled an act to accept of the grant and carry into execution the trust conferred upon the state of Iowa, by an act of congress entitled an act making a grant of land to the state of Iowa, in alternate sections, to aid in the construction of railroads in said state, approved May 15, 1856, which act was approved July 14, 1856, as may be applicable to the terms and conditions of said grant; are hereby declared to be in force, and binding on said company.

SEC. 7. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa City Republican, without expense to the state.

Approved January 27, 1857.

[168] CHAPTER 130.

RE-SURVEY OF ROADS.

AN ACT to authorize the re-survey of roads.

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

SECTION 1. **Resurvey.** That when by reason of the loss or destruction of the field notes of the original survey, or in cases of defective surveys or record, or in cases of such numerous alterations of any public highway since the original survey, that its location cannot be accurately defined by the papers on file in the proper office, that the county judge of the proper county may, if he deem it necessary, cause such road or roads to be re-surveyed, platted and recorded as hereinafter provided.

SEC. 2. **File plat.** That a copy of the field notes together with a plat of any highway surveyed under the provisions of this act, shall be filed in the office of the county judge, and thereupon the county judge shall give public notice by publication in some newspaper published within the county, or if no paper is published in his county, by posting such notice in five of the most public places in the vicinity of such survey, that such survey has been made and that at some term of the county court not less than twenty days from the publication, he will unless good cause be shown against so doing, approve of such survey and plat, and order them to be recorded as in cases of the original establishment of a public highway.

**SEC. 3. Co. judge hear complaints.** In case objections shall be made by any person claiming to be injured by the survey made, the county judge shall have full power to hear and determine upon the matter, and may, if deemed advisable, order a change to be made in the survey, upon the final determination of the county judge, or in case no objection be made at the term of the court named in the said notice of the survey, he shall approve of the same, and cause the field notes and plat of the highway to be recorded as in cases of the establishment or alteration of highways, and thereafter such record shall be received by all courts as conclusive proof of the establishment and existence of such highway, according to such survey and plat.

[169] **SEC. 4.** This act to take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 27th, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 17, 1857, and Iowa Capital Reporter, Feb. 16, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 131.

### TOWN PLATS.

AN ACT requiring the proprietors of town plots to record the same.

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

**SECTION 1. Town plats to be recorded—forfeiture.** That any person or persons who shall dispose of, or offer for sale or lease, for any time, any out or in lots in any town or addition to any town or city, or any part thereof, which has been or shall be hereafter laid out, until the plat thereof has been duly acknowledged and recorded, as provided for in chapter forty-one (41) of the code of Iowa, shall forfeit and pay fifty dollars for each and every lot or part of lot so sold or disposed of, leased or offered for sale.

**SEC. 2. Unrecorded plats to be recorded.** That every person who has heretofore thus laid out any town or addition to any town, and sold lots within the same, without having the plat of the same recorded according to law, shall have the said plat so recorded within three months from the taking effect of this act, and in case of failure so to do, shall be subject to the penalty in this act provided.

**SEC. 3.** This act to take effect and be in force from and after its publication according to law.

Approved January 27, 1857.

## [170] CHAPTER 132.

### REPRESENTATIVE APPORTIONMENT.

AN ACT to apportion the State and define the boundaries of the representative districts therein.

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

**SECTION 1. 1st dis't.** That the county of Allemaque shall constitute the first representative district, and have one representative.

SEC. 2. **2d dist.** The county of Winneshiek shall constitute the second representative district, and have one representative.

SEC. 3. **3d dist.** The county of Fayette shall constitute the third representative district, and have one representative.

SEC. 4. **4th dist.** The county of Clayton shall constitute the fourth representative district, and have two representatives.

SEC. 5. **5th dist.** The county of Buchanan and Fayette shall constitute the fifth representative district, and have one representative.

SEC. 6. **6th dist.** The county of Black Hawk shall constitute the sixth representative district, and have one representative.

SEC. 7. **7th dist.** The county of Dubuque shall constitute the seventh representative district, and have three representatives.

SEC. 8. **8th dist.** The county of Delaware shall constitute the eighth representative district, and have one representative.

SEC. 9. **9th dist.** The counties of Dubuque, Jones, and Clayton, jointly, shall constitute the ninth representative district, and have one representative.

SEC. 10. **10th dist.** The county of Benton shall constitute the tenth representative district, and have one representative.

SEC. 11. **11th dist.** The counties of Howard, Chickasaw and Bremer, jointly, shall constitute the eleventh representative district, and have one representative.

SEC. 12. **12th dist.** The counties of Mitchell, Floyd and Butler, jointly, shall constitute the twelfth representative district, and have one representative.

SEC. 13. **13th dist.** The counties of Worth, Cerro Gordo, Frank- [171] lin, Wright, Hancock, Winnebago, Kossuth, Webster, Hamilton, Calhoun, Pocahontas, Palo Alto, Sac, Buena Vista, Clay, Dickinson, and Emmet, jointly, shall constitute the thirteenth representative district, and have one representative.

SEC. 14. **14th dist.** The counties of Pottawattamie, Harrison, Shelby, Monona, Crawford, Woodbury, Ida, Plymouth, Cherokee, O'Brien, Osceola, and Buncombe, jointly, shall constitute the fourteenth representative district, and have one representative.

SEC. 15. **15th dist.** The counties of Guthrie, Dallas, Cass, Adair, jointly, shall constitute the fifteenth representative district, and have one representative.

SEC. 16. **16th dist.** The counties of Boone, Greene, Carrol and Audubon, jointly, shall constitute the sixteenth representative district, and have one representative.

SEC. 17. **17th dist.** The counties of Hardin, Grundy and Story, jointly, shall constitute the seventeenth representative district, and have one representative.

SEC. 18. **18th dist.** The counties of Tama and Marshal, jointly, constitute the eighteenth representative district, and have one representative.

SEC. 19. **19th dist.** The county of Polk shall constitute the nineteenth representative district, and have one representative.

SEC. 20. **20th dist.** The county of Jasper shall constitute the twentieth representative district, and have one representative.

SEC. 21. **21st dist.** The counties of Iowa, Powesheik and Mahaska, shall constitute the twenty-first representative district, and have one representative.

SEC. 22. **22d dist.** The county of Johnson shall constitute the twenty-second representative district, and have two representatives.

SEC. 23. **23d dist.** The county of Linn shall constitute the twenty-third representative district, and have two representatives.

SEC. 24. **24th dist.** The county of Jones shall constitute the twenty-fourth representative district, and have one representative.

SEC. 25. **25th dist.** The county of Cedar shall constitute the twenty-fifth representative district, and have one representative. [172]

SEC. 26. **26th dist.** The county of Jackson shall constitute the twenty-sixth representative district, and have two representatives.

SEC. 27. **27th dist.** The county of Clinton shall constitute the twenty-seventh representative district, and have two representatives.

SEC. 28. **28th dist.** The county of Scott shall constitute the twenty-eighth representative district, and have three representatives.

SEC. 29. **29th dist.** The county of Muscatine shall constitute the twenty-ninth representative district, and have one representative.

SEC. 30. **30th dist.** The counties of Muscatine and Cedar jointly shall constitute the thirtieth representative district, and have one representative.

SEC. 31. **31st dist.** The county of Louisa shall constitute the thirty-first representative district, and have one representative.

SEC. 32. **32d dist.** The county of Des Moines shall constitute the thirty-second representative district, and have two representatives.

SEC. 33. **33d dist.** The counties of Des Moines and Louisa jointly shall constitute the thirty-third representative district, and have one representative.

SEC. 34. **34th dist.** The county of Washington shall constitute the thirty-fourth representative district, and have one representative.

SEC. 35. **35th dist.** The county of Keokuk shall constitute the thirty-fifth representative district, and have one representative.

SEC. 36. **36th dist.** The counties of Washington and Keokuk jointly shall constitute the thirty-sixth representative district, and have one representative.

SEC. 37. **37th dist.** The counties of Iowa and Poweshiek jointly shall constitute the thirty-seventh representative district, and have one representative.

[173] SEC. 38. **38th dist.** The county of Mahaska shall constitute the thirty-eighth representative district, and be entitled to one representative.

SEC. 39. **39th dist.** The county of Marion shall constitute the thirty-ninth representative district, and have two representatives.

SEC. 40. **40th dist.** The county of Warren shall constitute the fortieth representative district, and be entitled to one representative.

SEC. 41. **41st dist.** The county of Madison shall constitute the forty-first representative district, and have one representative.

SEC. 42. **42d dist.** The counties of Lucas, ——— jointly, shall constitute the forty-second representative district, and have one representative.

SEC. 43. **43d dist.** The counties of Fremont, Mills and Montgomery, jointly, constitute the forty-third representative district, and shall have one representative.

SEC. 44. **44th dist.** The counties of Adams, Union, Page, Taylor, and Ringgold, jointly, shall constitute the forty-fourth representative district, and have one representative.

SEC. 45. **45th dist.** The county of Decatur shall constitute the forty-fifth representative district, and have one representative.

SEC. 46. **46th dist.** The county of Davis shall constitute the forty-sixth representative district, and have one representative.

SEC. 47. **47th dist.** The counties of Wayne, Appanoose and Davis, jointly, shall constitute the forty-seventh representative district, and have one representative.

SEC. 48. **48th dist.** The county of Appanoose shall constitute the forty-eighth representative district, and shall have one representative.

SEC. 49. **49th dist.** The county of Van Buren shall constitute the forty-ninth representative district, and have two representatives.

SEC. 50. **50th dist.** The county of Monroe shall constitute the fiftieth representative district, and have one representative.

SEC. 51. **51st dist.** The county of Wapello shall constitute the fifty-first representative district, and have two representatives.

[174] SEC. 52. **52d dist.** The county of Jefferson shall constitute the fifty-second representative district, and have two representatives.

SEC. 53. **53d dist.** The county of Henry, shall constitute the fifty-third representative district, and have two representatives.

SEC. 54. **54th dist.** The county of Lee shall constitute the fifty-fourth representative district, and have three representatives.

SEC. 55. **55th dist.** The counties of Lee, Henry and Van Buren shall jointly constitute the fift fifth representative district, and have one representative.

SEC. 56. **Elections.** The elections in said districts shall be conducted in all respects as now provided for by law.

SEC. 57. This act shall be in force from and after its publication according to law.

Approved January 27, 1857.

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## CHAPTER 133.

### SCHOOL DISTRICT.

AN ACT establishing a school district in Van Buren township, Van Buren county.

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

SECTION 1. **Boundary.** That a school district composed of the following described section and parts of section, viz: 16 and 21, (except 40 acres in the south-east corner of said section 21,) and the north half of section 22 and the south half of section 15, be, and the same is hereby established to be subject to all the laws and regulations now in force respecting the organizing of school districts. All acts and parts of acts contrary to the provisions of this act, are hereby repealed.

SEC. 2. This act to take effect and be in force from and after its publication in the Keosauqua Republican and Democratic Mirror, without expense to the state.

Approved January 27, 1857.



## [175] CHAPTER 134.

## TIPTON COURT HOUSE SQUARE.

AN ACT to authorize the town of Tipton to convey a certain public square.

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

SECTION 1. **Council deed court house square to co—revert when not used.** That the town council of the town of Tipton, Cedar county, and state of Iowa, is hereby authorized and empowered to convey unto Cedar county all of the block in said town, known as court house square, upon which the court house now stands, to be used and occupied by said county for the purpose of erecting the county buildings thereon: provided, that whenever said county shall cease to use said block for the aforesaid purposes, the said block shall revert to said town of Tipton.

SEC. 2. This act to be in force and take effect after its publication in the Tipton Advertiser and Cedar Democrat, without expense to the state.

Approved January 29, 1857.

## CHAPTER 135.

## JUSTICE OF THE PEACE.

AN ACT to elect an additional justice of the Peace in West Point township, Lee county.

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

SECTION 1. **Additional justice.** That it is hereby made the duty of the trustees of West Point township, Lee county, to order, at the next April election, the election of one additional justice of the peace, to the two now holding office in that township, and thenceforth there shall be three justices of the peace in said township, elected in accordance with the existing laws.

SEC. 2. This act to take effect and be in force from and [176] after its publication in the Iowa Republican and Iowa Capital Reporter, without expense to the state.

Approved January 27, 1857.

I certify that the foregoing act was published in the Iowa City Republican  
March 7, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 136.

## CHANGE NAME.

AN ACT to change the name of West Point, Lee county, to Lee City.

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

SECTION 1. **Name changed.** That the name of West Point, Lee county, be, and the same is hereby changed to Lee City.

SEC. 2. **Proviso.** Provided, however, that this change of name shall be recorded in the recorder's office of Lee county, within six months from and after the passage of this act.

SEC. 3. This act shall take effect from and after its passage and publication in the Fort Madison Plain Dealer, and Fort Madison Argus, without expense to the state.

Approved January 29, 1857.

I certify the foregoing was published in the For. Fort Madison Plain Dealer Feb. 27, 1857, and Fort Madison Argus, Feb. 26, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 137.

### CITY OF MAQUOKETA.

AN ACT to incorporate Maquoketa, in Jackson county, Iowa.

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

SECTION 1. **Corporate name.** That the town of Maquoketa, in Jackson county, Iowa, be, and the same is hereby constituted a city, by the name of the "city of Maquoketa."

SEC. 2. **Boundaries.** The limits of said city shall embrace the south-half of section No. thirteen, and the whole of section No. twenty-four (24), and the north half of section No. twenty-five (25), in township eighty-four (84) north, range two east of the fifth principal meridian; and also the south-half of section No. eighteen (18), and the whole of section No. nineteen (19), and the north-half of section No. thirty (30), in township eighty-four (84) north, range three east of the fifth P. M., and the limits may be enlarged by additions in accordance with the provisions of the act in relation to "village plats."

SEC. 3. **4 wards.** The said city shall be divided into four wards, as follows, to wit: by a line running east and west along the centre of Pleasant street, and continue to the east and west boundary lines of the city, and a line running north and south along the centre of Main street. The north-east ward shall be ward No. one, the north-west ward shall be ward No. two, the south-east ward shall be ward No. three, and the south-west ward shall be ward No. four, but the city council may change the limits of said wards or create new wards.

SEC. 4. **Rights and privileges.** All the rights, powers, privileges, duties, (including those conferred by chapter 29 of the session laws of the special session of the general assembly, passed July 15, 1856,) and property of the town of Maquoketa, are hereby conferred upon the said city, except as herein repealed or qualified, and the same may be enforced by or against the said city as they might have been by or against the said town, and the present seal of said town shall be the seal of the said city until abolished by the city council.

SEC. 5. **Officers.** The officers of said city shall be a mayor, two aldermen from each ward, a recorder, a marshal, and an assessor, all of whom, except the aldermen shall be elected annually, and shall hold their offices one year,

and until their successors are elected and qualified. The aldermen shall hold their offices, except as hereinafter provided, two years, and until their successors are elected and qualified, and one alderman shall be elected each year in each of the wards.

SEC. 6. **Charter election.** The annual charter election shall be held on the first Monday in February in each year, but a failure to [178] hold said election on said day, or a neglect to exercise any of the powers or privileges herein granted, shall not work a forfeiture of this charter.

SEC. 7. **Qualification.** All legal voters of the state who reside within the limits of the said city, and who have resided therein ten days next preceding the election, shall be entitled to vote at any election in said city.

SEC. 8. **Legislative authority.** The legislative authority of said city shall be vested in a council, composed of the mayor and aldermen, which shall possess the power to make ordinances to secure the city against fire, against violations of the law and the public peace, to suppress riots, and to punish gambling, drunkenness, and indecent or disorderly conduct, and generally to provide for the health, morals, safety, prosperity, and good order of the city, and to enforce penalties for the violation of its ordinances, not exceeding one hundred dollars fine and twenty days imprisonment in the county or city jail; and all fines may be recovered by action in the name of the city, or by complaint in the name of the state of Iowa, before the mayor or any justice of the peace residing in the said city, as the council shall by ordinance provide, and the laws of the state relating to carrying into effect the judgments of a justice of the peace; imposing a fine shall be applied to judgments in the above cases, but the expenses thereof shall be borne by the city, if not collectable by the defendant.

SEC. 9. **Fire companies—wood building.** The council may organize fire companies, establish rules for their regulation, provide them with fire engines, and other apparatus; and may regulate the keeping and sale of gunpowder within the city, and may provide that no building of wood, or other combustible material shall be erected in such parts of the city as may be designated, and any building erected contrary to the provisions of any ordinances in existence at the time of such erection, may be declared nuisances, and removed in such manner as shall be provided by the ordinances thus violated.

SEC. 10. **Shows & gaming.** The council shall have exclusive authority to provide for the license, regulation and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball and ten pin alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific or artistical character.

SEC. 11. **Sale of liquors—nuisances.** When the laws of the state permit or require [179] license for the sale of intoxicating liquors, that matter shall be within the exclusive authority of the said council, and it may at all times prohibit the retail of such liquors, unless such prohibition would be inconsistent with the law of the state at the time existing; and the said council is authorized to revoke or suspend any of the above named licenses when it deems the good order and welfare of the city require it. The council shall have authority to suppress tippling houses or dram shops, bawdy houses and disorderly houses, and nuisances of every kind within the limits of said city, and within one mile thereof.

SEC. 12. **Market houses—drayage.** The said council shall have authority to establish and regulate market houses, and to license, tax and regulate auction sales, transient merchants, retailers and grocers, taverns, ordinaries, bankers, peddlers, brokers, pawn brokers, money changers, hackney carriages,

wagons, carts and drays, and fix the rate to be charged for the carriage of persons, and for wagonage, cartage and drayage of property, and to prohibit the discharge of firearms, and the racing and immoderate driving of horses or other animals in said city.

**SEC. 13. Private property for public use.** The council shall have the right to take and appropriate private property to the use of said city, or destroy or remove the same when it shall be necessary to carry out the above provisions by paying to the owners the full value thereof, to be ascertained by disinterested appraisers, as shall be provided by ordinance.

**SEC. 14. Cleanliness.** The council may make and enforce all necessary ordinances in relation to the cleanliness and health of the city, and may require the owners of lots, on which water becomes stagnant, to drain or fill up the same, and on default thereof after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots, and cause them to be sold by the city collector, as in case of taxes, and subject to the same power of redemption.

**SEC. 15. Schools.** The council may provide for the establishment and support of public schools within the city, and may constitute and regulate the school districts therein, and may form school districts embracing territory partly within and partly without the limits of said city, wherever the school [180] fund commissioner, or other officer or officers having authority to form or alter school districts, shall concur therein: provided, that the powers granted in this section shall only be exercised in pursuance of a vote of the citizens and persons interested in the exercise of said powers, and may provide by ordinance for the government of any and all schools established by said council.

**SEC. 16. Public money.** The council shall provide by ordinance for keeping and disbursing the public money of the city, and shall audit all claims against the city, and all officers of the city are accountable to the council in such manner as it shall direct.

**SEC. 17. Grade streets.** It shall have the exclusive authority to establish the grade of streets and alleys of the city, and may change the same upon the petition of the owners of two-thirds of the value of the real property on both sides of the streets or alleys upon which such change is desired; and may cause the streets and alleys of the city to be paved, and the pavement to be repaired, and may require the owners of lots adjoining to pave or repair one half of the street in width, contiguous to the respective lots, and in case of the neglect, after reasonable time named in the order, the same may be done by the city, and the expense assessed on the contiguous lots, the owners of which have so failed, which shall have the effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption.

**SEC. 18. Taxes—loans—proviso.** The council shall have power to levy and collect taxes not exceeding one per cent. on all the property within the city, which is liable for state and county taxes, and shall have power to borrow money for any of the purposes or improvements herein enumerated, and such sum or sums shall be applied to no other purpose or purposes than those for which it was borrowed, except by a vote of the people of the city therefor, and shall have power to pledge the faith of the city for the payment of any sum so borrowed: provided, the question of borrowing is first submitted to the legal voters of the city, a notice of the length of time as for a regular city election being first given, stating the manner and object of said loan, and if a majority decide in favor of said loan, and that the said sum,

together [181] with any indebtedness for loans of a similar character, shall not exceed the sum of two thousand dollars, and the council shall, before borrowing such sum, provide by ordinance for the payment thereof, which ordinance shall be irrevocable till the sum borrowed thereon shall be paid.

SEC. 19. **Tax dogs.** The council may levy a tax on dogs, or may prohibit their being kept in the city, and may restrain any domestic animal from running at large therein.

SEC. 20. **Salaries & fees.** The council shall have power to fix and regulate salaries and fees of all officers of the city, and persons in its employ, to remove any officers appointed or elected by said council, or in pursuance of any ordinance thereof, and to order the mayor to commence proceedings upon the official bond of any officer of the city, when it shall deem there has been a forfeiture upon said bond, and to order the mayor to commence criminal proceedings against any officer or person for any neglect or malfeasance in office, or violation of law.

SEC. 21. **Proceedings.** All prosecutions and actions, either civil or criminal, prosecuted or defended by or in behalf of the said city, shall be prosecuted or defended in the name of the "city of Maquoketa;" but this provision shall not be so construed as to prevent the mayor or other officer of the city from prosecuting in the name of "the state of Iowa," for any violation of the laws of the state.

SEC. 22. **Mayor's duty.** It shall be the duty of the mayor to see that the laws and ordinances of the city are executed, and violations of them punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, license and permits granted by the city council, and to perform such duties, and exercise such powers as pertain to the office of mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with laws; and he shall make and publish annually a report showing the receipts and expenditures of the city, and the debts owing to and from the same; the said report shall be made on the first day of January, or at the next meeting of the common council thereafter, and shall be published in some newspaper published in said city, or by being posted in three conspicuous places therein; he shall be a conservator of peace within the city, and ex-officio a jus- [182] tice of the peace, and is invested with exclusive original jurisdiction for the violation of laws, ordinances and regulations of the city, and with concurrent criminal jurisdiction of, for offenses against the laws of the state committed within the city, and with concurrent civil jurisdiction limited to the city in the same manner as that justice is or may be limited to their township: he shall not be disqualified from acting in such judicial capacity by any proceeding being in the name of, or in behalf of the city.

SEC. 23. **Appeals.** Appeals to, and writs of error from the district court shall be allowed from the judgment and decisions of the mayor, in the same cases, time and manner as is allowed by law from those of other justices, and they shall be tried as in other cases; he shall receive the same fees and be governed by the same rules in relation to costs and all other matters as other justices of the peace.

SEC. 24. **Presiding officer.** He shall be the presiding officer of the city council, when present, and shall give the casting vote when there shall be a tie, and in his absence the council may appoint a president, pro tem.

SEC. 25. **Marshal's powers and duties.** The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for the

violation of the city laws or ordinances, and of the criminal laws of the state, may execute the same in any part of the county, and he shall have the authority within the city to quell riots and disturbances, to prevent crimes and arrest offenders, that the sheriff has within his county, and may in the same cases and under the same penalties require the aid of the citizens, and perform all duties lawfully required of him by the council; he may with the approval of the council, appoint one or more deputies, and remove them, and he shall be responsible for their official acts; for the service of legal process, he shall be entitled to the same fees as a constable, and for services required by the council such compensation as it may allow.

SEC. 26. **Official bond.** The marshal, treasurer, recorder, assessor, and any or all other officers elected or appointed according to law, shall give such bonds and perform such duties an exercise such powers as may be required of them by the ordinances, not inconsistent with law.

[183] SEC. 27. **Recorder's duty.** It shall be the duty of the recorder to keep a true record of all the proceedings of the city council, and such record shall at all times be open to inspection.

SEC. 28. **Notice of election—conducting elections.** The recorder shall give notice by publication in some newspaper printed in the city, or by posting a notice in each of the wards, of the time and place or places of any election to be held within the city, at least five days previous to the day of holding said election; and if the election be a special one, the said notice shall specify the particular purpose for which said election is to be held, the hour of holding the election shall be fixed by ordinance; within two days after holding the election, the judges thereof shall make their returns thereof to the president of the council, which shall examine them at the next meeting of the council, and cause an abstract of the votes to be recorded in a book to be kept for that purpose. The council shall be the sole judge of the election of its own members and all other city officers, and may fix the place of holding elections.

SEC. 29. **Ineligibility.** No member of the council shall be eligible to any office within the gift of the council, during the term for which he was elected; nor shall he be interested directly or indirectly in any contract or job for work or services to be performed for the city, except such as pertain to his office.

SEC. 30. **Ordinances.** Ordinances passed by the council shall be signed by the mayor and attested by the recorder, and before they take effect shall be published in one or more newspapers printed in the city at least ten days, or shall be posted in each ward the same length of time; they shall also be recorded in a book kept for that purpose, and shall be there signed by the mayor and attested by the recorder.

SEC. 31. **Oath of office.** The city officers shall each take an oath to support the constitution of the United States and of the state of Iowa, and to faithfully and impartially perform the duties of their respective offices to the best of their knowledge and ability. The oath of office may be administered by the mayor or recorder when he is qualified in the transaction of the business of the city; those officers and the president of the council may administer oaths which shall have the same effect as if administered by the officers authorized thereto.

[184] SEC. 32. **Compensation of officers.** The city officers shall be allowed such compensation and fees, and shall be subject to such fines and penalties and forfeitures for violation of duty as the council shall by ordinance or resolution provide.

SEC. 33. **Fill vacancy.** When a vacancy shall occur in any of the elective officers, the council may fill the vacancy by appointment of record, until the next regular election and qualification of their successor.

SEC. 34. **Assessor.** The assessor shall assess property within the city, subject to state and county taxes, in such manner as the council shall by ordinance direct, return the said assessment to the recorder, on or before the first day of March of each year, and the recorder shall lay said assessment roll before the council at its next meeting; whereupon the council shall proceed to equalize and correct said assessment roll, if such equalization or correction be necessary, and may add any property to said roll which has been omitted by the assessor, or may strike therefrom any property which has been erroneously entered thereon. And the council shall then proceed to fix the rate of tax, and the recorder shall immediately make out a tax list in such form as shall be by ordinance directed, and shall deliver the same within two weeks thereafter, to the marshal or other officer authorized to collect the said taxes. The said tax list shall have attached to it the certificate of the recorder in the following words, to wit: "I, (name of recorder,) hereby certify that the foregoing is the tax list of the city of Maquoketa for the year A. D." Which certificate shall have the seal of the city attached, and shall be authority to the collector to collect said taxes, as hereinafter provided.

SEC. 35. **Collector.** The marshal, or in case of his absence or disability, such person as the council shall appoint in his stead, shall be the collector of taxes; and before proceeding to collect the tax, he shall give thirty days notice of the assessment and levy of the tax, and the rate thereof in general terms, without the names or description of property, in a newspaper printed in the city, or by posting such notice in a conspicuous place in each ward, during the said thirty days. Any person aggrieved by the assessment or taxation, may file objections thereto in the recorder's office, which objections the recorder shall lay before the council at its next meeting. [185] At the expiration of said thirty days, and as often prior to that time as they shall think proper, the council shall hold a meeting for the purpose of further correcting the said assessment roll and tax list; and any person feeling himself aggrieved by said assessment roll, or tax list, may appear before the council at any of said meetings, whether such person has filed objections or not, and point out and urge any alteration which he may desire; and the council shall make such alterations in said assessment roll and tax list, as shall be just and proper.

SEC. 36. **Collection of taxes.** Immediately after the last meeting of the council above mentioned, the collector shall proceed to collect the taxes. He shall make a personal demand, or leave a written demand at the residence of each resident of the city, for his taxes, and may proceed to collect the same by levy and sale of the personal property of the delinquent, wherever found in the city, five days after such demand. The collector shall, within two days after levying upon any property for delinquent taxes, give notice of the time and place of the sale thereof, by posting written notices in each ward of the city; and such sale shall be at public auction, and within not less than ten, nor more than fifteen days, from the time of such issue. The collector shall receive the same fees for collecting delinquent taxes by levy and sale as constables receive for collecting money on execution. And he shall collect such fees in the same manner as the taxes.

SEC. 37. **Taxes a lien.** Taxes on real property shall be a lien thereon, and it may be sold therefor when the taxes remain unpaid for four months after posting the notices of the tax; but demand of the tax must

be made before the sale of the owner or his agent be known to reside within the city; such sale shall be at auction, and there must be thirty days notice prior to the sale given, as above provided for notifying the assessment and tax. In such sale, he who bids to pay the amount due for the least quantity of land, will be the highest bidder; and the manner of ascertaining the portion bid for, shall be as in the state revenue law.

**SEC. 38. Certificate of purchase.** The collector shall execute and deliver to the purchaser a certificate. And the purchaser or his assigns may proceed to perfect his title to the premises thus pur- [186] chased, in the same manner as purchasers at sales for county or state tax, and the same rules respecting interest, pre-emption, &c., shall apply as in case of such sales.

**SEC. 39. Fees.** The collector shall receive the same fees for advertising the sale of real estate as the sheriff receives for like services on execution, and the same shall be collected with the taxes.

**SEC. 40. Road districts.** The territory embraced within the city limits, shall constitute one road district; but the supervisor thereof shall not have the disposal of any funds raised or appropriated by the city council, and shall in no way interfere with the grade of streets, or with any drains, culverts, bridges, side-walks, pavements or sewers established by the council, and shall, when repairing or working upon any streets where a grade has been established, conform to and expend the labor as far as possible, in accordance with such grade.

**SEC. 41. Election for the adoption or rejection of the city charter.** As soon as notified of the passage of this act, the town council shall cause an election to be held in the town of Maquoketa, for the adoption or rejection of this charter. At which election all the legal voters residing within the limits of the proposed city shall be entitled to vote; and notice of such election, and who is entitled to vote, shall be posted in three conspicuous places within the proposed limits of said city, ten days previous to such election, and returns made in the same manner as regular elections in the town of Maquoketa, and the votes shall be "for the charter," or "against the charter;" and if a majority of the votes cast shall be "for the charter," it shall become law, and be in force from and after such adoption.

**SEC. 42. First election under charter—cast lots.** If this charter shall be adopted as provided in the preceding section, the mayor shall cause notice of such adoption, and the time and place of holding the first election under said charter, to be posted up in three conspicuous places in said city, at least five days previous to such election. The election shall be conducted and returns made, in the same manner as regular charter elections of the town of Maquoketa, and the persons receiving the highest number of votes for the respective offices shall be declared duly elected to such offices, and shall receive certificates of election from the mayor of "the town of Ma- [187] quoketa," attested by the recorder, and shall immediately enter upon the duties of their respective offices, upon taking the necessary oaths of office. At the first meeting of the city council, the aldermen shall proceed to determine by lot, which one from each ward shall hold his office for one year, and the term of office of such shall expire at the next annual election, if their successors shall be regularly elected and qualified.

**SEC. 43. Judges of election.** The mayor and any two of the aldermen shall be the judges, and the recorder and clerk at all the municipal elections, either regular or special, held within the city; and in case of the absence of any of them, the vacancy may be filled by the said officer or officers who may be present; and should none of the said officers be present,



or being present they should refuse to act, their places may be supplied by a vote of the electors present.

SEC. 44. **Call meeting after election.** The mayor, or in case of his absence or inability to act, the recorder, shall call a meeting of the council, within three days after any city election authorized by law, has been held, at which any officer or officers have been elected, and the council shall examine the returns of said election, and the mayor shall give to the person or persons duly elected certificates of their election, which certificate shall bear the seal of the city, and be attested by the recorder, and shall be authority for the person or persons therein named, to enter upon the duties of the respective offices to which they have been elected, upon taking the necessary oath of office, and filing the necessary official bonds.

SEC. 45. **Non feasance.** Any officer wilfully neglecting or refusing to perform any duties herein required of him, shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county or city jail, not exceeding six months, or by both such fine and imprisonment, and shall be subject to an action for damages in behalf of any person or corporation, aggrieved by such neglect or refusal; and any conviction or judgment under this section, shall work a forfeiture of any office held by the person so convicted, and shall forever disqualify him from holding office under this charter.

[188] SEC. 46. This act shall take effect from and after its approval by the governor.

Approved January 24, 1857.

## CHAPTER 138.

### STATE ROAD.

AN ACT to re-locate part of a state road.

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

SECTION 1. **Names of commissioners.** That William F. Morgan, Darius Maloney, and John Hunter, of Keokuk county, be, and they are hereby appointed commissioners, to locate a part of a state road, leading from Lancaster, in Keokuk county, to Iowaville, in Van Buren county, commencing said change at the south east corner of the north-east quarter of section 24, in township 74, range 12; thence west, 160 poles; thence north, till it intersects the state road leading from Lancaster, in Keokuk county, to Agency City, in Wapello county; thence with said last named road to Lancaster aforesaid.

SEC. 2. This act shall take effect from and after its publication according to law, provided the state incur no expense thereby.

Approved January 27, 1857.

## CHAPTER 139.

## STATE ROAD.

AN ACT to establish a state road from Osage, in Mitchell county, by Glenmary and Bristol, to the state line in Worth county.

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

**SECTION 1. Names of commissioners.** That Sumner B. Chase, of Mitchell county, and Chauncey S. Lane, of Worth county, and Calhoun Goddard, of Floyd county, be, and they are hereby appointed commissioners to locate and establish a state road, commencing at Osage in Mitchell county, thence by Glenmary and Bristol, in Worth county, to the state line in said Worth county.

**SEC. 2. Place and time of meeting.** That the commissioners appointed to locate and establish said road, or a majority of them, shall meet on the first Monday of April A. D. 1857, or within six months thereafter, at the first-named point of said proposed road, taking to their assistance a competent surveyor and the necessary chainmen and markers, and after having qualified by oath, shall proceed to the discharge of their duties according to law.

**SEC. 3. Per diem.** The commissioners shall receive two dollars per day, the surveyor three dollars per day, and the necessary attendants one dollar and fifty cents per day each, for the time actually and necessarily employed in locating such road.

**SEC. 4.** This act shall take effect from and after its publication in the Iowa City Republican and Capital Reporter.

**SEC. 5. Counties pay expense.** That the counties through which said road be located, shall defray all expenses of the same, including the costs of publication of this act.

Approved January 27, 1857.

I certify the forgoing act was published in the Iowa City Republican, March 6, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 140.

## VACATE ROAD.

AN ACT entitled an act to re-locate a portion and to vacate a portion of a certain territorial road mentioned therein.

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

**SECTION 1. Re-location—vacate.** That a portion of a territorial road leading from Fort Madison to the town of West Point in Lee county, be re-located as follows: commencing at the south-east corner of the north-west qr. of section 11, in township 68, [190] R. 5, thence 55 rods north, to the railroad; thence on the south side of the Iowa Southern railroad, until it intersects the now traveled road at West Point, and that so much

of said road as will become useless by said re-location, is hereby declared vacated.

SEC. 2. This act shall take effect and be in force from and after its publication in the Fort Madison Plain Dealer and Argus, without expense to the state.

Approved January 27, 1857.

I certify the foregoing was published in the For Fort Madison Plain Dealer Feb. 27, 1857, and Fort Madison Argus, Feb. 26, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 141.

### NOTARY PUBLIC.

AN ACT to legalize the acts of Francis H. Watton, notary public.

**Legalizing acts of F. H. Watton.** Whereas, on the tenth day of July, A. D. 1856, Francis H. Watton, of Lee county, was appointed by James W. Grimes, governor of Iowa, notary public, in and for Lee county, and whereas section 83, chapter 10 of the code requires each notary public to have a seal made, on which are to be engraven the words "notarial seal," and "Iowa," with his surname at length, and at least the initials of his christian name; and, whereas, in pursuance of said act, the said Francis H. Watton had made a seal, on which were engraven the words "notary public," instead of "notarial seal," the said seal in all other respects being in accordance with the requirements of law, and, whereas, the said Francis H. Watton has certified all his acts as notary public by the impression of said seal, now, therefore,

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

SECTION 1. That each and every act of the said Francis H. Watton, a notary public, shall have the same force and effect in law and equity as if section 83, chapter 10 of the code, had been strictly complied with.

[191] SEC. 2. That this act shall be in full force from and after its publication once in the Keokuk Evening Times, and the Keokuk Daily Post, without expense to the state.

Approved January 27, 1857.

I certify that the foregoing was published in the Keokuk Evening Times, March 4, 1856.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 142.

### FEEES.

AN ACT allowing additional fees to the clerk of the supreme court.

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

SECTION 1. **Clerk supreme court fees.** That in addition to the fees now allowed by law to the clerk of the supreme court of this state, he shall be

allowed the sum of eight cents per hundred words for recording the opinion of said court, to be paid for by the state.

SEC. 2. This act shall be in force from and after its publication in the Iowa Capital Reporter and Iowa City Republican.

Approved January 27, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 17, 1857, and Iowa Capital Reporter, Feb. 16, 1857.

ELIJAH SELLS,  
Secretary of State.

#### CHAPTER 143.

##### CHANGE NAME.

AN ACT to change the name of Abbis Jane Kidd to Abbis Jane Hiatt.

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

SECTION 1. **Change name.** That the name of Abbis Jane Kidd, of Monroe county, an infant, is hereby changed to Abbis Jane Hiatt, by which name she shall be hereafter designated and known.

Approved Jan. 27, 1857.

#### [192] CHAPTER 144.

##### REPEAL SESSION LAWS, 1855.

AN ACT repealing sections three and four of chapter 67, of the session laws of 1855, approved January 23, A. D. 1855.

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

SECTION 1. **Repeal.** That sections three and four of chapter 67, of the session laws of 1855, approved January 23, 1855, be, and the same are hereby repealed.

SEC. 2. This act to be in force from and after its publication according to law.

Approved January 27, 1857.

#### CHAPTER 145.

##### THIRTEENTH JUDICIAL DISTRICT.

AN ACT fixing the boundaries of the thirteenth judicial district of the state of Iowa, and the time of holding courts therein.

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

SECTION 1. **Boundaries.** That the counties of Marshall, Story, Hardin, Grundy, Butler, Franklin, Hamilton, and Wright, shall constitute the thirteenth judicial district.

SEC. 2. **Election of dist. judge.** There shall be elected a district judge in such district on the first Monday of April next, according to the provisions of the act regulating the election of district judges, approved 16th January, 1847, and the abstract of the votes of the said election in the counties comprising said district, shall be returned to the county of Marshall, according to the provisions of said act, and the judge elected shall be qualified to discharge the duties of judge of said district, on receiving a certificate of election, and taking the oath of office, as provided by the fourth section of the act aforesaid.

SEC. 3. **Process not affected.** All writs, processes, and proceedings in the counties comprising said district herein mentioned, shall be returned as now directed by law, until the judge of said dis- [193] trict is elected and qualified, and no writs, pleas, indictments or proceedings shall be quashed or discontinued in consequence of the formation or alteration of the district herein mentioned, or of change of the time of holding courts in any county in said district.

SEC. 4. **Times of holding courts.** The time of holding said courts shall be as follows, to wit: in the county of Hamilton on the first Monday in April and September; in the county of Story, on the second Monday of April and September, in the county of Marshall on the third Monday of April and September, in the county of Hardin on the fourth Monday of April and September, in the county of Butler on the first Monday of May and October, in the county of Franklin on the second Monday in May; in the county of Wright on the third Monday of May; in the county of Grundy on the fourth Monday of May.

SEC. 5. This act to take effect and be in force from and after its publication in the Iowa City Republican and Muscatine Journal.

Approved, January 27, 1857.

## CHAPTER 146.

### ASSESSMENT OF PROPERTY.

AN ACT in relation to the assessment of property.

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

SECTION 1. **Assessor.** That there shall be elected by the legal voters of each organized county, in this state, on the first Monday of April, 1857, one assessor, who shall hold his office until the first day of January, 1859, and until his successor shall be elected and qualified.

SEC. 2. **Election.** There shall be elected by the legal voters of each organized county, in the state, on the first Monday of August, 1858, and every two years thereafter one assessor, who shall hold his office for two years, commencing on the first day of January after his election, and until his successor shall be elected and qualified.

[194] SEC. 3. **Bond.** Each assessor, before entering upon the duties of his office, shall give bond to the county judge of the proper county, with two or more sufficient sureties, to be approved by said judge, in the sum of five thousand dollars, conditioned for a faithful discharge of the duties of his office, which bond shall be filed with the county judge.

**SEC. 4. Vacancy.** In all cases of vacancies in the office of assessor of any county, by death or otherwise, the proper county judge shall forthwith appoint some suitable person to fill such vacancy, which appointee shall hold said office the balance of the term for which the last incumbent may have been elected or appointed.

**SEC. 5. Oath.** Any person elected or appointed an assessor as herein provided, shall, at the time of filing his bond with the county judge, take and subscribe an oath the same in substance as the condition of his bond, which oath shall be administered by the county judge and filed in his office.

**SEC. 6. Suit on bond.** Suit may be instituted in the name of the proper county, or in the name of any person injured, against the assessor, or his bond, for any neglect on his part to properly discharge his office, before any tribunal having jurisdiction of the same, and in such suit the sureties shall be made parties defendant, and judgment may be rendered against them with their principal.

**SEC. 7. Per diem.** The assessor and deputy assessor shall each be allowed two dollars and fifty cents for every day he shall have been faithfully and necessarily employed in the discharge of the duties of his office.

**SEC. 8. Deputies.** The county judge of the proper county, upon application to him for that purpose by the assessor, and being fully satisfied that the assessor cannot by a faithful and diligent application of his time, complete the assessment of the county, within the time herein prescribed, shall appoint one or more deputies to assist him in the discharge of such duty, and the person or persons so appointed by said judge shall, before he or they enter upon the discharge of their duty, execute a bond to the said judge, with like conditions as that of his principal, and with like sureties, in such sum as the said judge may fix; and shall also take and subscribe an oath like that of the principal, which said bond and oath shall be filed with the judge of the proper county, and each [195] deputy's district shall be determined by the said judge, and coincide with township lines, and his appointment shall expire upon the completion upon his assessment and return: provided, that no deputy shall be appointed where the population of the county shall not exceed ten thousand, except in case of vacancy or inability of the assessor to act.

**SEC. 9. Books.** The county judge shall furnish each assessor of his county with suitable books properly headed and ruled with columns for each description of property and its value, and the name of the person by whom listed, in which to enter the names of all persons assessed, the kind of property assessed, and its value, on or before the first day of February in each year.

**SEC. 10. Assessment.** The assessor shall enter upon the discharge of the duties of his office on or before the first day of February in each year, and shall with the assistance of each person assessed, write in the book furnished him for that purpose, the name of each person assessed, the kind of property assessed, and the value thereof, including monies and credits, and shall return said assessment book to the office of the county judge of his county on or before the first day of July.

**SEC. 11. Real and personal property.** The real and personal property in this state subject to taxation shall be assessed in the year 1857—but real property is only to be assessed each alternate year thereafter: provided, that in each year in which real estate is not regularly assessed, the assessor shall list such real property as may not be included in the previous assessment.

**SEC. 12. Refusal to list.** Any person refusing to give in all his taxable property to the assessor, or to take the oath prescribed by the 14th section

of this act when required to do so by the assessor, the assessor shall proceed and ascertain by the best means he can obtain, the kind and value of taxable property belonging to such person, and shall assess the same at double its ordinary assessable value.

SEC. 13. **Correct errors.** The county judge of each county is required to hold a session on the second Monday of July, and for two days thereafter, each year, to hear any person who may feel aggrieved at anything in the assessment of his property, and may correct the same according to right and justice, and immediately after such corrections may have been [196] made, the judge, clerk, surveyor, assessor and sheriff of the county, who constitute a board for the equalization of the assessment roll, shall meet at the office of the judge, and proceed to equalize said assessment; and it shall be their duty to add thereto any real estate in said county not included in the assessment as returned by the assessor, and assess the value of the same.

SEC. 14. **Assessor's duty.** It is hereby made the duty of the assessor to administer an oath or affirmation to each person assessed, to the effect that he has given in a full, true and correct inventory of all the assessable property owned by him, and all such property as may be held by him, as agent, guardian, or otherwise, and any assessor is authorized to administer such oath or affirmation.

SEC. 15. **Abstract.** Each county clerk shall, on or before the first day of August A. D. 1857, and every second year thereafter, make out and transmit by mail or otherwise, to the auditor of state, an abstract of the real property in his county, in which he shall set forth—

First. **No. of lands, lots, &c.** The number of acres of land in his county and the aggregate value of the same, exclusive of town lots returned by the assessors or assessors as corrected by the county board of equalization.

Second. **Value of real property.** The aggregate value of the real property in each town in his county returned by the assessor or assessors, as corrected by the county board of equalization, and the aggregate value of personal property in his county.

SEC. 16. **Census board.** The census board, constituted the state board of equalization, and shall meet at the seat of government on the first Monday of September A. D. 1857, and every second year thereafter, and shall take an oath faithfully and impartially to discharge the duties of his office. The auditor shall be ex-officio clerk of the board, and shall lay before it the abstracts furnished to him by the county clerks, as required by this act, and then the board shall proceed to equalize the valuation of real property among the several counties and towns in the state, according to the existing laws for the valuation of real property, in the following manner:

First. **Valuation.** They shall add to the aggregate valuation of real property of every county which they shall believe to be [197] valued below its proper valuation, such per centum in each case as will raise the same to its proper valuation.

Second. **Deduction.** They shall deduct from the aggregate valuation of the real property of every county, which they shall believe to be valued above its proper valuation, such per centum in each case as will reduce the same to its proper valuation.

Third. **By towns.** If they believe that right and justice require the valuation of real property of any town or towns in any county, or of the real property in such county not in towns, to be raised or reduced without raising or reducing the other real property of said county, or without raising or reducing it in the same ratio, they may, in every such case, add to or take from

the valuation of the real estate in any one or more of such towns, or of real estate not in such towns, such per centum as they shall believe will raise or reduce the same to its proper valuation.

**SEC. 17. Record.** Said board shall keep a full record of their proceedings, and when they shall have finished their business, the auditor of state shall transmit to each county clerk a statement of the per centum to be added to or deducted from the valuation of the real property in his county, specifying the per centum added to or deducted from the valuation of the real property of each of the several towns, and of the real property not in towns, in case an equal per centum shall not be added to or deducted from each; and also the rate of state tax which is to be levied and collected within his county, which, however, shall not exceed three mills on a dollar of the valuation; and when the board fixes no different rate, the rate mentioned in section 454 of the code shall be levied, and the county clerk shall forthwith proceed to add to or deduct from the valuation of each tract or parcel of real property in his county the required per centum on the same; and if the result shall in any case show a fraction of a dollar, such fraction, if less than fifty cents, shall be rejected, and if fifty cents or over, shall be counted as one dollar.

**SEC. 18. Failure of clerk.** If any county clerk shall neglect or refuse to transmit to the auditor of state the abstract of the assessment of real property in his county, as required by sec- [198] tion 15 of this act, or shall neglect or refuse to add or deduct the per centum fixed by the state board of equalization, as required by the 17th section of this act, such county clerk shall be deemed guilty of an offence for which he shall be prosecuted by indictment in the district court of his county, and if found guilty shall be fined in any sum not less than five hundred nor more than one thousand dollars; and shall also be liable to an action on his official bond to any injured person.

**SEC. 19. Amendments to code.** For the purposes of this year's operations under this act, the word February, where it occurs in this act, shall be construed to mean May, and for the year 1857 and every year thereafter, the word July, where it occurs in sec. 485 of the code, shall be construed to mean September, and the word September, where it occurs in sec. 487 of the code, shall be construed to mean November, and the words September and October, are stricken from sec. 488, and the word January inserted after the word December, and the word September when it occurs in sec. 492, shall be construed to mean November, and the word four to mean three, and the word January where it occurs in sec. 492, 495 and 497, shall be construed to mean February.

**SEC. 20. Personal property when owned.** All personal property shall be given in by, or assessed to the person who was the owner thereof on the first day of February of the then current year, and such person shall be required to pay the tax thereon.

**SEC. 21. Repeal.** That sections 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, of chapter 37 of the code of Iowa, and all other parts of said chapter that come in conflict with the provisions of this act, are hereby repealed, and such parts of said chapter as may have been repealed by former acts, and which are not repugnant to this act, are hereby revived.

**SEC. 22. List property where he resides.** Any person may list, in the township in which he resides, all the property he may own (or desire to pay taxes on) in the county: provided, that he report said list to the assessor of the district in which the property is located.



SEC. 23. **Repeal.** So much of chapter 69 of the acts passed at the session of the general assembly in A. D. 1852-3, and [199] so much of all other acts as conflict with the provisions of this act are hereby repealed.

SEC. 24. This act shall be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 28, 1857.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter, Feb. 20, 1857, and in the Iowa City Republican Feb. 19, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 147.

### HUMBOLDT COUNTY.

AN ACT to create the county of Humboldt, and locate the county seat thereof.

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

SECTION 1. **Boundaries.** That townships 91, 92 and 93 of ranges No. 27, 28, 29 and 30, west of the fifth principal meridian shall constitute the county of Humboldt.

SEC. 2. **Commission'rs.** That Ezekiel Clarke of Johnson county, W. C. Safford of Webster county, and Asa C. Call of Kossuth county, be, and they are hereby appointed commissioners to locate and name the county seat of the said Humboldt county.

SEC. 3. **Meeting.** The said commissioners, or any two of them, shall meet at the house of E. McKnight, in Humboldt county, on the first Monday of March next, or within six months thereafter, and after being duly sworn according to law, to the faithful performance of their duties by some person having the authority to administer oaths, shall proceed to locate the seat of justice of said county as near the geographical center of said county as a convenient site can be found.

SEC. 4. **Return.** That the said commissioners shall make a written return of their doings to the county judge of said county, or if there shall be no county judge in said county, to the county judge of Webster county, to be filed and entered upon the records thereof.

[200] SEC. 5. **Transfer returns.** In the event of the said commissioners making their returns to the county judge of Webster county, he shall make and transmit a copy thereof to the county judge of Humboldt county as soon as that officer shall be elected, who shall place them upon the records of the county.

SEC. 6. **Compensation.** Said commissioners shall receive as their compensation the sum of two dollars per diem for each day necessarily employed, and in going to and returning therefrom, and in making said location.

SEC. 7. **Election.** In case the said county seat is located by the 25th day of March next, an election for township and county officers shall be held in manner and form as provided in an act entitled an act to create the county of Hamilton, and if not located by said time then said election shall be held in manner as therein provided at the August election next ensuing.

SEC. 8. **Records.** The county judge of Humboldt county is hereby authorized to have transcribed so much of the records of Webster county as

he shall think proper into the records of Humboldt county, which may be offered in evidence with the same force and effect as the original record.

SEC. 9. **Indebtedness.** The same provisions made in an act creating the county of Hamilton in regard to county indebtedness, railroad tax, and revenue, shall apply to the county of Humboldt.

SEC. 10. This act to take effect and be in force from and after its publication in the Iowa City Republican and Fort Dodge Sentinel.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 17, 1857, and Fort Dodge Sentinel, Feb. 26, 1857.

ELIJAH SELLS,  
Secretary of State.

[201] CHAPTER 148.

MT. PLEASANT.

AN ACT to amend an act entitled an act to incorporate the city of Mt. Pleasant, approved July 15, 1856.

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

SECTION 1. **Boundaries.** That the city of Mt. Pleasant, in Henry county, Iowa, shall contain the territory embraced within the following boundaries, to wit: Commencing at the south-east corner of the west half of the south west quarter of section three, of township seventy-one, north of range six west, and running thence north, through the middle of said quarter section, to the line running east and west through the middle of said section, thence west, on the said middle line, and in the same direction, to the line running north and south through the middle of the east half of section five of the same township and range, thence south, on said middle line last named, and in the same direction, to the south-west corner of the north-east quarter of the north-east quarter of section seventeen, of the same township and range, thence east, on a line parallel with the north line of said section seventeen, to a point in the state lunatic asylum lands, in section fifteen of the same township and range, directly south of the south-east corner of Jobes sub-division of land, in section ten of the same township and range, thence directly north to said south-east corner, thence northwardly, along the east line of said sub-division, and of Baker's out lots, immediately north of said sub-division, to the north-east corner of said out-lots, thence in a direct line to the south east corner of Allen's addition to Mt. Pleasant, thence northwardly along the east line of Allen's addition aforesaid, and in the same direction, to the north line of said section ten, thence west, along said line, to the place of beginning; and in all cases where the foregoing boundary line runs along a street or public thoroughfare, the whole of said street or thoroughfare is embraced in the limits of said city.

SEC. 2. **Election legalized.** The election of recorder, marshal, assessor, and treasurer of said city at the first election under the city [202] charter, held on the 9th day of August A. D. 1856, is hereby declared to be as valid and effectual to all intents and purposes as it would have been if the act incorporating said city had expressly provided for such election; and all

official acts of such officers or any of them are as valid as if they had been elected in pursuance of express enactment.

**SEC. 3. Repeal.** That all that part of section first, relating to the boundaries of said city, and the 24th section of the act to which this is amendatory, be, and the same are hereby repealed.

**SEC. 4. Lunatic asylum.** No part of the land purchased by the state for the use of the Iowa state hospital for the insane shall be embraced within said city, so as to subject the same to any city ordinance, rules or regulations whatever, or to any city tax that may hereafter be imposed by the authorities of said city.

**SEC. 5.** This act to take effect and be in force from and after its publication in the Mount Pleasant Observer and Home Journal, the expenses of the publication to be paid by the city of Mount Pleasant.

Approved January 28, 1857.

I certify that the foregoing act was published in the Mt. Pleasant Observer, Feb. 7, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 149.

### INSURANCE COMPANIES.

AN ACT in relation to insurance companies.

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

**SECTION 1. Insurance companies.** That it shall be the duty of each and every insurance company, incorporated under the laws of this state for the purpose of insuring property against fire and marine losses, to file with the auditor of state, within sixty days from the taking effect of this act, and with the clerk of the district court of the county in which said company is [203] located, a full and specific statement of the amount of cash paid in upon said stock; the amount of stock not paid for in cash; the amount secured by notes endorsed by third parties; the amount secured by mortgages or pledges of real estate; the names and residences of the stockholders in said company, with the amount of stock owned or held set opposite the name of each, and if not all paid up in cash, the amount unsecured and the amount secured, specifying whether by real or personal security. Also set opposite the name of each, the names of all the officers and agents of the company wherever residing; the amount of policies issued by and outstanding against the company at the date of said report; the amount of premiums received by said company during the preceding six months; the amount of cash on hand; the amount of bills payable and receivable at the date of said statement; the amount of real estate owned by said company, where held and owned, in what manner, such real estate became vested in said company, which report and statement shall be verified by the oath of the president and secretary of the company.

**SEC. 2. Statement filed semi-annually—statement.** It shall be the duty of every such insurance company now created or that may hereafter be created, under the laws of this state, to file a semi-annual statement of the affairs of said company with the auditor of state, and with the clerk of the district

court in the county where such company is located, on the first day of January and July in each year, which statement shall be verified by the oath of the president of the company. Such statement shall contain—

- 1st. The name and locality of the company.
- 2d. The amount of capital stock of said company.
- 3d. The amount of its capital stock paid up.
- 4th. The assets of the company including
  - 1st. The amount of cash on hand.
  - 2d. The amount of cash in hands of agents.
  - 3d. The real estate unincumbered.
  - 4th. The bonds and notes of the company, and how they are secured, with the rate of interest thereon, and whether given in payment of stock subscription, or for bona fide loans.
  - 5th. Debts of company secured by mortgage.
  - [204] 6th. Debts otherwise secured.
  - 7th. Debts for premiums.
  - 8th. All other securities.
- 5th. The amount of liabilities due or not due to banks or other creditors by the company.
- 6th. Losses adjusted and due.
- 7th. Losses adjusted and not due.
- 8th. Losses unadjusted.
- 9th. Losses in suspense.
- 10th. All other claims against the company.
- 11th. The greatest amount insured by any one risk.

**SEC. 3. Penalty for not filing report.** A failure to comply with the provisions of the two preceding sections shall subject the president and secretary of any company, each, individually, to the penalty of one hundred dollars, to be recovered in an action at law, in the name of any citizen of the state, one half of the same to the use of the state, and the other moiety to the use of the informer.

**SEC. 4. Cannot hold real estate.** It is declared unlawful for any insurance company in this state to purchase or hold any real estate, save what shall be necessary for the transaction of its legitimate business of insurance, and deeds and conveyances to said company for other purposes are hereby declared to be void.

**SEC. 5. Foreign cos.—certificat' from auditor—statement to auditor.** That it shall not be lawful for any agent or agents of any insurance company, incorporated by any other state than the state of Iowa, directly or indirectly to take risks, or transact any business of insurance in this state, without first procuring a certificate of authority from the auditor of state, and before obtaining such certificate, such agent or agents shall furnish the auditor with a statement, under oath, of the president or secretary of the company, from which he or they may act, which statement shall show

- 1st. The name and locality of the company.
- 2d. The amount of its capital stock.
- 3d. The amount of its capital stock paid up.
- 4th. The assets of the company, including,

- 1st. The amount of cash on hand, and in the hands of agents or other persons.
- 2d. The real estate unincumbered.
- 3d. The lands owned by the company, and how they [205] are secured, with the rate of interest thereon.
- 4th. Debts of the company secured by mortgage.
- 5th. Debts otherwise secured.
- 6th. Debts for premiums.
- 7th. All other securities.
- 5th. The amounts of liabilities due or not due to banks or other creditors by the company.
- 6th. Losses adjusted and due.
- 7th. Losses adjusted and not due.
- 8th. Losses unadjusted.
- 9th. Losses in suspense, waiting for further proof.
- 10th. All other claims against the company.
- 11th. The greatest amount insured by any one risk.
- 12th. The greatest amount allowed in the rules of the company to be insured in any one city, town or village.
- 13th. The greatest amount allowed to be insured in any one block.

14th. **Act of incorporation—authority of agent—am't of capital—character and value of stock—duty of auditor.** The act of incorporation of such company, which statement shall be filed in the office of said auditor, together with a written instrument, under the seal of the company, signed by the president and secretary, authorizing such agent to acknowledge service of process for and in behalf of such company, consenting that service of process upon such agent shall be taken and held to be as valid as if served upon the company, according to the laws of this state, or any other state, and waiving all claims of errors by reason of such service, and no insurance company, or agents of any insurance company, incorporated by any other state, shall transact any business of insurance in this state, unless such company is possessed of at least one hundred thousand dollars of actual capital, invested in stocks of at least par value, or in bonds, or mortgages on real estate, worth double the amount for which the same is mortgaged, and upon filing the aforesaid statement and instrument with the auditor of state, and furnishing him with satisfactory evidence of such instrument as aforesaid, it shall be the duty of said auditor to issue a certificate thereof, with authority to transact business of insurance to the agent or agents applying for the same.

**SEC. 6. Foreign companies.** It shall be unlawful for any incorporated com- [206] pany or association, partnership, firm or individual, or any member or agent or agents thereof, or for any agent or agents of any company incorporated by any foreign government other than a state of this Union, to transact any business of insurance in this state, without procuring a certificate of authority from the auditor of state. Such company, association, partnership, firm or individual, or any agent or agents thereof, having first filed under oath in the office of said auditor, a statement setting forth the charter or act of incorporation of any and every such incorporated company; and the by-laws, copartnership, agreement, articles of association, of any and every such unincorporated company, association, partnership, or firm; and the name and residence of such individual; and the names and residences of

the members of every such partnership or firm; and the matters required to be specified by the first section of this act and the written authority herein mentioned; and furnished evidence, to the satisfaction of the auditor of state, that such company has invested in stocks, in some one or more of the states of this Union or of the United States, the amount of one hundred thousand dollars, and that such stocks are held by citizens of the United States, or in bonds or mortgages of real estate, situated in the United States, fully securing the amount for which the same is mortgaged or bonds of cities of the United States, the aggregate market value of the investment of the company, in which shall not be less than one hundred thousand dollars; and such incorporated company or unincorporated company, association, partnership, firm or individual, or any agent or agents thereof, filing said statement, and furnishing evidences of investment as aforesaid, shall be entitled to a certificate of authority for such body or individual in like manner as is provided for in the first section of this act.

**SEC. 7. Agent file statement—publish.** It shall be the duty of the agent or agents, in either of the foregoing sections mentioned, before taking any risks or transacting any business of insurance in this state, to file in the office of the clerk of the district court of the county of which he or they may desire to establish an agency for any such company, a copy of the statement required to be filed with the auditor of state as aforesaid, together with a certificate of said auditor, which shall be [207] carefully preserved for public inspection, by said clerk; and also cause said statement and certificate to be published in some newspaper of general circulation in the cities or counties where such agencies are established.

**SEC. 8. Statement renewed.** The statement and evidences of investment required by this act, shall be renewed annually in the month of January of each year—the first statement to be made in sixty days from the taking effect of this act; and the auditor of state, on being satisfied that the capital, securities and investments remain secure, shall furnish a renewal of certificate as aforesaid; and the company, agent or agents, obtaining such certificate, shall file the same, together with the statement upon which it was obtained or renewed, in the office of the clerk of the district court of the county in which such agent resides.

**SEC. 9. Persons receiving money, &c.** Any person or firm in this state, who shall receive or receipt for any money on account of or for any contract of insurance made by him as them, or for any such insurance company or individual aforesaid, or who shall receive or receipt for money from other persons, to be transmitted to any such company or individual aforesaid, for a policy or policies of insurances, or any renewals thereof, although such policy or policies of insurance may not be signed by him or them, as agent or agents of such company, or who shall in any wise, directly or indirectly, make or cause to be made any contract or contracts of insurance for, or on account of such insurance company aforesaid, shall be deemed to all intents and purposes an agent or agents of such company, and shall be subject and liable to all the provisions, regulations and penalties of this act.

**SEC. 10. Copies shall be evidence.** That copies of all papers required by this act to be deposited in the office of auditor of state, certified under the hand of such auditor to be true and correct copies of such papers, shall be received as evidence in all courts and places, in the same manner, and have the same force and effect as the originals would have if produced.

**SEC. 11. Life insurance.** This act shall not be so construed as in any manner to apply to life insurance companies, but shall include within its

provisions only the fire, and fire and marine departments, of any company that may have separate de- [208] partments for life insurance, and fire and fire and marine insurance.

**SEC. 12. Penalties.** Any person or persons violating the provisions of this act, shall, upon conviction thereof, in any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not more than thirty days, and fed on bread and water only, or both, at the discretion of the court. Violations of the provisions of this act may be prosecuted by information filed by the prosecuting attorney of the proper county, or by indictment of the grand jury.

**SEC. 13. Company complying.** Any assurance company complying with the requirements of this act, and securing the certificate of the auditor for any of its agents, shall not be required to furnish the single statement and evidences required hereby, which being filed with the auditor of state, shall be deemed a sufficient compliance for its free transaction of business in the state.

**SEC. 14. Repeal.** All acts and parts of acts, which conflict with this law, are hereby repealed.

**SEC. 15.** This act to take effect from and after its publication according to law.

Approved January 28, 1857.

## CHAPTER 150.

### ALBIA.

AN ACT to incorporate the city of Albia, Monroe county, Iowa.

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

**SECTION 1. Corporate name.** That the northwest quarter of section twenty-two, in township number seventy-two, north of range number seventeen (17), west of the fifth principal meridian, together with all additions which heretofore have been or hereafter may be laid out and recorded according to law, be, and is hereby incorporated into a city by the name of Albia.

**SEC. 2.** The said city is hereby made a body corporate, [209] and vested with all the powers and attributes of a municipal corporation, and the legislative authority of said city is vested in a city council, consisting of a mayor and a board of councilmen, composed of two councilmen from each ward of the said city.

**SEC. 3. Legislative authority.** The said city shall be divided into two wards, by the alleys running north and south, through the center of the public square of said city, as the wards are now divided: provided, the said city council may change, alter or divide the said wards hereafter, as they may deem proper, for the interest of said city.

**SEC. 4. Citizenship.** Every white male citizen of the age of twenty-one years, who shall have been a resident of this state six months, and of the ward in which he offers to vote ten days next preceding a city election, is hereby declared a citizen of said city, and is entitled to vote at any election thereof.

SEC. 5. **Conducting elections—challenge.** All elections of the city shall be conducted in a similar manner to that of township elections, as the nature of the case may permit; and any person offering to vote at said election, may be challenged as in other causes in township elections, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

SEC. 6. **Eligibility.** No person shall be eligible to any elective office mentioned in this act unless he be a legal voter of said city, and has been a resident thereof for six months next preceding his election.

SEC. 7. **Election of officers—quorum—term.** The qualified electors of the said city shall, on the first Monday of May, in the year A. D. 1857, and annually on the same day thereafter, elect a mayor, two councilmen from each ward, one recorder, one assessor, a treasurer and a marshal; and the mayor and councilmen so elected, when assembled together, and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. The officers in this section mentioned, shall be elected for the term of one year, and until their successors are duly elected and qualified. The mayor, recorder, treasurer, assessor and marshal shall be elected by the legal voters of said city, and two councilmen shall be elected in each ward by the legal voters thereof.

[210] SEC. 8. **Mayor's duty.** It shall be the duty of the mayor to see that the laws and ordinances of said city are executed, and that their violation is punished, to direct and superintend the official conduct of the subordinate officers; to sign and seal all commissions, licenses and permits granted by the council, and perform such duties and exercise such powers as pertains to the office of mayors of cities, and all such other duties as may be granted or imposed by the ordinances of the city, consistent with the laws of the state of Iowa.

SEC. 9. **Judicial powers—not disqualified—proviso.** He shall be a conservator of the peace within the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the ordinances of the city, and with criminal jurisdiction of offences against the laws of this state, committed within the city, and with civil jurisdiction as that of justices of the peace is or may be limited to their townships. He shall not be disqualified from acting in such judicial capacity, by any proceeding being in the name of or in behalf of the city: provided, that in case of the inability or absence of the mayor, to act as such in the performance of the judicial duties of his office, any justice of the peace in Troy township is hereby authorized and required to take cognizance and jurisdiction of all causes arising under the ordinances of said city, such inability being entered of record of the justice of the peace acting in such cases.

SEC. 10. **Appeals—fees—preside.** Appeals to the district court in the same county shall be allowed from the judgments and decisions of the mayor, in the same cases, time and manner as may at any time be allowed by law as from other justices of the peace, and shall be determined in the same manner. The mayor aforesaid will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace; shall be the presiding officer of the city council, when present, and shall give the casting vote when there is a tie, and in his absence the recorder shall fill his place.

SEC. 11. **Powers of the council.** The council shall be the judge of the qualifications and election of its own officers. It may from time to time make the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and may compel the at-



tendance of its members in such manner and by such penalties as it may adopt.

[211] **SEC. 12. Marshal's duties—fees.** The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for violation of the city ordinances and criminal laws of the state, may execute the same in any part of the county, and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes and misdemeanors and to arrest offenders, that the sheriff has within his county, and may in the same cases and under the same penalty, require the aid of the citizens, and perform all the duties imposed on him by the city council; and in case of the absence or inability of the said marshal to act as such, in the discharge of his respective duties, any constable of the township, or sheriff of the county, may perform any or all the duties of marshal. The marshal shall receive for his services the same fees as allowed by law to constables for similar services; and for such services as may be required to be performed by the council or its ordinances, for which no fees are allowed by law, such reasonable compensation as the council may allow or regulate by ordinance.

**SEC. 13. Bond.** The treasurer, recorder, assessor and marshal shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinances, not inconsistent with the laws of this state.

**SEC. 14. Proclamation.** In all elections for city officers, the mayor shall give at least ten days notice to be posted up in each ward, of the time and place of holding such election and the officers to be elected.

**Opening polls.** The polls shall be opened between the hours of eight o'clock and ten o'clock a. m., and continue open till four o'clock p. m.

**Returns.** Within two days after the election, the judges thereof shall make their return to the president of the city council, who shall examine the same at their next meeting, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

**SEC. 15. Ineligibility.** No member of the council shall be eligible to any office within the gift of the same during the time for which he was elected; nor shall he be directly or indirectly [212] interested in the profit of any contract or job of work or other services to be performed by the city.

**SEC. 16. Ordinances.** All ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect, be published in some newspaper published in the said city of Albia at least ten days; and if there be no such newspaper, they shall be posted up in each ward the same length of time. They shall also be recorded in a book to be kept for that purpose, and signed by the mayor and attested by the recorder.

**SEC. 17. Recorder's duty.** It shall be the duty of the city recorder to keep a true record of all the official proceedings of the city council, and such record shall at all times be open to the inspection of any citizen.

**SEC. 18. Qualification.** The mayor, councilmen, marshal, treasurer, recorder and assessor, shall each take an oath to support the constitution of the United States and the constitution of the state of Iowa, and to faithfully and impartially discharge their duty to the best of their knowledge and ability. Other officers may be qualified in such manner as may be prescribed by the city council. The mayor, and in his absence, the recorder, is authorized to administer oaths, which shall have the same effect as if administered by other officers authorized by law.

SEC. 19. **Fees.** The mayor and councilmen shall receive such fees for their services as a council as they may deem reasonable, and as may be established by an ordinance. The recorder and assessor shall receive such fees as the city council shall deem right, not exceeding the amount allowed county or township officers for such services.

SEC. 20. **Meetings of council.** The council may hold its meetings as it sees fit, having fixed stated times, or provide the manner of calling them by ordinance, which meeting shall be public.

SEC. 21. **Vacancies.** When a vacancy occurs in any of the elective city officers, the council may fill such vacancy by appointment until the next election of the successor.

SEC. 22. **Power of council.** The city council is vested with power to make ordinances to secure the inhabitants of said city against fire, against violation of the laws and the public peace, to suppress riots, gambling and drunkenness, and indecent or disorderly conduct, to punish lewd behavior in public places, [213] and to provide generally for the safety, prosperity and good order of the city, and for the health, morals, comfort and convenience of the inhabitants thereof; and to impose penalties for the violations of its ordinances by imprisonment, and in fines not exceeding one hundred dollars, which said fines may be recovered by civil action in the name of the city, or by complaint before the mayor, as in criminal proceedings before a justice of the peace; and the laws of this state relating to the carrying into effect judgments of justices of the peace imposing a fine, shall be applied to judgments in the case; but the charge thereof must be borne by the city.

SEC. 23. **License powers, &c.** The city council have exclusive authority to provide for the license, regulation and prohibition of all circuses, menageries, theatrical performances, and other exhibitions or shows for pay, provided, that above authority shall not extend to the regulation, prohibition or taxation of any exhibition of a purely philosophical or scientific character; and to prohibit the sale of intoxicating liquors, unless such prohibition would be inconsistent with the laws of this state at the time existing; and the said city council is also authorized to revoke, repeal or suspend any of the above license when it deems the good order and the welfare of the city require it to be done.

SEC. 24. **Abate nuisances.** The city council may make all necessary ordinances in relation to the cleanliness and health of the city; and may require the owners of lots upon which waters become stagnant, to drain or fill up the same, and in default thereof, after reasonable notice, to wit, ten days, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots, and cause them to be sold by the marshal of the city, as in cases of taxes, provided, that the owner thereof may be allowed to redeem the same as in case of a tax sale.

SEC. 25. **Hogs and dogs.** The city council may also prohibit hogs from running at large in the city, or may levy a tax on hogs and dogs that run at large in the city, not to exceed one dollar on the head.

SEC. 26. **Imprisonment.** The imprisonment for the violation of any ordinance shall be in the county jail, and shall not exceed fifteen days; which said imprisonment shall be at the ex- [214] pense of the city, unless collected from the person so committed.

SEC. 27. **Rec'ts and dsbursements.** The council shall provide by ordinance for the keeping of the public money of the city, and the manner of disbursing the same; shall audit all claims against the city; and all officers of the city are accountable to the city council in such manner as it shall

direct; it shall publish annually a particular statement of the receipts and expenditures of the city, and of all debts owing to and from the same.

**SEC. 28. Taxes—rate—vote.** The city council is authorized to levy and collect taxes not exceeding one-half of one per cent. on all the property within the city which is liable for state and county taxes, including improvements on real property; provided, that where improvements are included, the tax shall not exceed the one-fourth of one per cent. on such real property; and provided further, that all property owned by the city, and kept for the public use of the same, shall be exempt from taxation for state and county purposes; and provided further, that said tax may be diminished or increased by the vote of a majority of the electors of said city, at any regular or special election of said city, ten days notice being given for that purpose.

**SEC. 29. Collection.** The marshal shall be the collector of taxes, or in case of his absence or inability to act, such person as the council may appoint for that purpose, and before proceeding to collect the same, shall give thirty days' notice of the assessment and levy of the said tax, and the rate thereof in general terms, without the names or description of property, by posting up a written notice in each ward, or in some newspaper printed in the city aforesaid; and during the said thirty days, any person that may feel themselves aggrieved by said assessment or taxation, may appear before the council, which said council may correct the same if found erroneous.

**SEC. 30. Distress and sale.** The marshal may distrain upon personal property liable to taxation, for any taxes due, and sell the same for the payment thereof, if not paid in a reasonable time after demand, in the same manner and time as constables may sell personal property on execution.

**SEC. 31. Taxes a lien.** Taxes on real property shall be a lien thereon, [215] and such property may be sold therefor when the taxes remain unpaid for six months after posting the notice of the tax.

**SEC. 32. Public sale.** Such sale must be at auction at the office of the mayor in said city, between the hours prescribed by law for the sale of real property on execution, thirty days' previous notice being given as above provided for notifying the assessment and tax. In such case he who bids the amount of tax and costs on the same for the least amount of said real estate, will be the highest bidder, and the manner of ascertaining the portion bid for, shall be as in the state revenue law.

**SEC. 33. Deed.** The marshal shall execute and deliver to the purchaser, in the name of the city of Albia, a deed, which shall have the same force and effect as a deed from the treasurer of the county, in like circumstances, on sales for county and state tax.

**SEC. 34. Pavements.** The city council shall have the control of the streets and alleys and public grounds of Albia, and may cause side-walks to be paved or planked in the same; and to this end may require the owners of lots to pave or repair the same adjoining their respective lots; and if, after reasonable notice given for that purpose, the said owners shall neglect to comply with said order, the same may be done by the city, and the expense thereof assessed to the owners of said adjoining lots, which said assessment shall have the same effect as a tax levied thereon; and said lots may be sold therefor as in cases of other tax sales, and subject to the same redemption.

**SEC. 35. Poll tax—work on road.** All road tax which may hereafter be paid upon any property within the city of Albia, in lieu of labor, shall be paid to the proper authorities of said city, for the improvement of the streets and alleys thereof, and any person being a resident of said city, subject by the law of the state to do work upon roads and highways, shall be

required to do and perform, or cause the same to be done and performed under the directions of the proper authorities upon the streets and alleys of said city, or public roads and highways leading thereto within a half mile of the corporate limits of said city, as said authorities may direct. The city [216] council shall supercede the road supervisors in all jurisdiction within the corporate limits, and perform all their duties, and shall be required to perform labor in, and keep in repair, all the public roads and highways leading thereto within one half mile of said city.

**SEC. 36. Town ordinances—officers continued.** All ordinances passed by the common council of the town of Albia, under the town charter, shall be and continue in full effect until amended or repealed by the city council of said city; and all officers now elected under the articles of incorporation of the aforesaid town, shall hold their respective offices until their successors are elected and qualified under this act; and shall, after the taking effect of this act, be exclusively governed by its provisions.

**SEC. 37. Public act.** In all cases arising under the provisions of this act, wherein the city of Albia is a party, this act can be pleaded as a public statute.

**SEC. 38. Submit charter.** This act shall not take effect until the same shall have been sanctioned by a majority of the legal voters of said city of Albia, to be taken at an election to be held on the first Monday of April next; and it is made the duty of the county judge of Monroe county, to order said election, notice of which shall be published at least three weeks in some newspaper published in said city, or written notices be posted up in three of the most public places therein, before said day of election, naming the place where such election shall be had, which shall be within the limits of said city. Said election shall be held in accordance with section two hundred and thirty-four (234) of the code of Iowa. Those in favor of the adoption of this act of incorporation, shall have written or printed on their tickets, "for incorporation;" those opposed, shall have written on their tickets, "against incorporation." The judges and clerks of said election shall make return of one of the poll books to the county judge in the same manner as returns are made in case of township elections. Said county judge shall proceed to canvass the same as required in township elections, and declare the result by publication in some newspaper published in said city, or by posting up a written copy on the door of his office.

**SEC. 39.** This act to take effect from and after its publi- [217] action in the Iowa City Republican and Albia Independent Press, without expense to the state.

Approved January 28, 1857.

I certify the foregoing act was published in the Iowa City Republican, March 12, 1857.  
 ELIJAH SELLS,  
 Secretary of State.

## CHAPTER 151.

### BURIAL GROUND.

AN ACT to authorize the selling of a tract of land now used as a burial ground in the town of Delhi, Delaware county, and to provide for the removal of the dead therefrom, and for the purchase and improvement of another place of burial.

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

**SECTION 1. Sell out-lot in Delhi.** That the county treasurer of Delaware county, is hereby authorized and empowered to sell at private sale or at

public vendue, as in his discretion he shall deem best, and in such parcels as he shall deem advisable, and for cash in hand, out-lot No. one (1) one in the town of Delhi, in said county, and to receive all monies arising from said sale, which monies shall constitute a fund to be devoted to the purpose of carrying into effect the requirements of this act, and to no other purpose whatever; and said treasurer is required safely to keep the same until they shall be drawn from his hands in the manner hereafter required.

**SEC. 2. Time of sale.** The said treasurer shall proceed to make such sale as soon as the same can conveniently be done, without sacrifice, after the passage of this act; but no delay on his part, from whatever cause the said delay may arise, shall render invalid any sale made by him pursuant to the first section of this act.

**SEC. 3. Purchase burying ground—apply sale o lot in paym't.** The county judge of said county shall be, and he is hereby appointed a commissioner, whose duty it shall be, and he is hereby authorized and required, as soon after the treasurer of said county shall have sold the aforesaid lot as may be, to select and purchase, or procure, or receive by donation, and lay out in such manner as he shall deem expedient, such quantity of land as he shall deem requisite and proper: *provided*, the same shall not be less than five acres, to be used as a public burial ground, to procure the conveyance of the same, to be made to the county judge of said county, and to his successors in office forever, in trust, for the people said county, for the purpose of being used by them as a public burial ground, and for no other purpose whatsoever; and to improve such lands so far as the funds arising from the sale of out-lot No. one (1) as herein provided for, will do so, after paying the purchase money, if any, and other expense incident to the purchase of said land, or to receiving the same by donation, and the expenses of removing the dead from said out-lot No. one (1) and re-interring them on the land to be bought as aforesaid, and for the payment of the purchase money of the land to be bought as aforesaid, the improvement of the said land, the incidental expenses above mentioned, and the expenses incident to the removal and re-interring the dead, the said county judge is hereby empowered to draw on the treasurer aforesaid, from time to time, to the amount of the funds arising from the said sale of out-lot No. one (1), but for no more, by warrants under his hand, as county judge and ex-officio commissioner, specifying in said warrant or warrants, the purpose to which the money so drawn for is to be applied, or for what it is in payment, as the case may be.

**SEC. 4. Remove dead.** The said county judge shall be, and is hereby authorized to remove, to the land to be procured by him as herein provided, from said out-lot No. one (1), the bodies of all such persons as are or shall have been buried there, and still remain there after the expiration of three months from the date of the conveyance of said land to be procured by him as aforesaid, and to cause them to be decently interred, preserving and erecting at the new place of burial, all monuments, tombstones, slabs, or other memorials, which shall be found placed near the graves from which said bodies shall be so removed.

**SEC. 5. Location.** The land to be procured as provided in the third section of this act, shall be located in the vicinity of the said town of Delhi, at a distance of not more than two miles from the bounds of the corporation of said town.

**SEC. 6.** This act shall take effect from and after its publication in the Delhi Republican, and the Iowa City Republican.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 17, 1857.  
ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 152.

## WASHINGTON CITY.

AN ACT to incorporate the city of Washington, Washington county, Iowa.

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

**SECTION 1. Boundaries.** That all that tract of land lying in the county of Washington, and bounded as follows, to wit: Commencing at the northeast corner of section seventeen (17) in township seventy-five (75) north range seven (7) west, and running thence west one and a half (1 1-2) miles to the northwest corner of the northeast quarter of section eighteen (18), and thence south one and a half (1 1-2) miles to the southwest corner of the northeast quarter of section nineteen (19), and thence east one and a half (1 1-2) miles to the southeast corner of the northeast quarter of section twenty (20), and thence north to the place of beginning, together with the inhabitants thereof, be, and the same is hereby constituted a city and body politic by the name of Washington.

**SEC. 2. Incorporation.** The said city is made a body corporate and is invested with all the powers and attributes of a municipal corporation.

**SEC. 3. Legislative authority.** The legislative authority of the city is vested in a city council, consisting of a mayor and board of aldermen composed of three from each ward of the city.

**SEC. 4. Wards.** The said city shall be divided into two wards as follows, to wit: That portion lying north of Main street, together with that portion lying west of Marion street, shall constitute the first ward; that portion lying south of Main [220] and east of Marion, shall constitute the second ward: *provided*, that the said city council may change, unite or divide the said wards or any of them whenever they shall think it for the interest of the city.

**SEC. 5. Citizenship.** Every white natural born and naturalized male citizen of the United States of the age of twenty-one years, who shall have been a resident of the city six months, and of the ward in which he offers to vote ten days next preceding a city election, is declared a citizen of said city and is entitled to vote at all the elections thereof.

**SEC. 6. Conducting elections.** The election of the city officers thereof shall be conducted in a manner as similar to that in which the elections are conducted in the townships as the nature of the case permits

**SEC. 7. Challenge.** A person offering to vote may be challenged as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

**SEC. 8. Eligibility.** No person shall be eligible to any elective office mentioned in this act unless he be a legal voter of the city, and has been a resident thereof for one year next preceding his election.

**SEC. 9. Election.** The qualified voters of the city shall, on the first Monday of March A. D. 1857, and annually on the same day thereafter, elect a mayor, six aldermen, a recorder, treasurer, assessor and marshal; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. They shall be elected by the legal voters of the city for the term of one year and until their successors are elected and qualified.

**SEC. 10. Aldermen.** Three aldermen shall be elected in each ward by the legal voters thereof.

**SEC. 11. Mayor's duty.** It shall be the duty of the mayor to see that the laws and ordinances of the city are executed and their violation punished. To sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties and exercise powers as pertain to the office of mayor of a city and such as may be granted or imposed by the ordinances of the city, consistent with law.

[221] **SEC. 12. Judicial powers.** He shall be a conservator of the peace within the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the ordinances of the city, and with criminal jurisdiction of offences against the laws of this state, committed within the city, and with civil jurisdiction limited to the city in the same manner as that of justice of the peace is or may be limited to their townships. He shall not be disqualified from acting in such judicial capacity, by any proceeding being in the name of or behalf of the city.

**SEC. 13. Appeals—fees—preside.** Appeals to the district of the county shall be allowed from the judgments and decisions of the mayor in the same cases, time and manner as is or may be allowed by law from those of justices of the peace, and they shall be tried as in other cases. He will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace. He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie, and in his absence the council may appoint a president for the time being from their own body.

**SEC. 14. Powers of the council.** The council shall be the judge of the qualifications and election of its own members. It may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and it may compel the attendance of its members in such manner and by such penalties as it may adopt.

**SEC. 15. Marshal's duties—fees.** The marshal shall be a conservator of the peace, and the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for the violation of the city ordinances and of the criminal laws of the state, may execute the same in any part of the county, and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes and to arrest offenders, that the sheriff has within his county, and may in the same cases and under the same penalties, require the aid of the citizens, and perform all duties imposed by the council. He may with the approval of the council, appoint one or more deputies and discharge them, and he shall be responsible for their doings when acting officially. For the service of legal process he shall be entitled to the same fees as a constable, and for [222] services required by the council such compensation as it may allow.

**SEC. 16. Bond.** The treasurer, recorder, assessor and marshal shall give such bonds, perform such duties, and exercise such powers as may be required of them by ordinances, not inconsistent with law, and for their services shall receive such fees as the city council decrees right, not exceeding the amount allowed county and township officers.

**SEC. 17. Proclamation.** In all elections for city officers, the mayor shall issue a proclamation to the voters of the city, or of the several wards, as the case may require, naming the time and place or places for election, and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days previous to the election.

**Opening polls—returns.** The poll shall be opened at nine o'clock in the forenoon, and continue open till four o'clock in the afternoon: within two days after the election, the judges of the election shall make their returns to the president of the city council, who shall examine them at their next

meeting, and cause an abstract of the votes to be recorded in a book kept for the purpose.

**SEC. 18. Ineligibility.** No member of the city council shall be eligible to any office within the gift of the council during the time for which he was elected; nor shall he be interested directly or indirectly in the profit of any contract or services to be performed for the city.

**SEC. 19. Ordinances.** Ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect, be published in one or more newspapers published in the city at least ten days; and if there be no such newspaper, they shall be posted up in each ward the same length of time. They shall also be recorded in a book to be kept for that purpose.

**SEC. 20. Recorder's duty.** The city recorder shall keep a true record of all the official proceedings of the city council, and such record shall be open at all times to the inspection of any citizen.

**SEC. 21. Qualification.** The mayor, aldermen, marshal, treasurer, recorder and assessor, shall take an oath to support the constitution of the United States and of the state of Iowa, and faithfully and impartially to perform their duty to the [223] best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the council. The oath of office may be administered by the mayor or recorder, when he is qualified, and in the transaction of the business of the corporation, those officers and the president for the time being may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

**SEC. 22. Meetings of council.** The council may hold its meetings as it sees fit, having fixed stated times, or provide the manner of calling them by ordinance; and its meeting shall be public.

**SEC. 23. Subordinate officers.** The council may appoint and in such a manner as it may determine, and during its pleasure, street commissioners, clerk of the market, city surveyor, health officer, and such other officers as it may deem advisable, and may prescribe their duties, powers, and qualifications, and may prescribe for the election of such officers by the citizens.

**SEC. 24. Vacancies.** When a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record, until the election and qualification of a successor.

**SEC. 25. Power of council.** The city council is vested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace; to suppress riots, gambling and drunkenness, indecent or disorderly conduct; to punish lewd behavior in public places, and provide for the general safety, prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the city, or by complaint before the mayor, as in criminal proceedings before a justice of the peace; and the laws of the state relative to carrying into effect a judgment of a justice of the peace imposing a fine shall be applied to judgments in the above case; but the charges thereof must be borne by the city.

**SEC. 26. Fire companies.** The council is authorized to establish and organize fire companies, and to provide them with fire en- [224] gines and other apparatus; and may regulate the keeping and sale of gunpowder within the city.

**SEC. 27. License powers, &c.** The city council shall have the exclusive authority to provide for the license, regulation and prohibition of all exhibitions shows and theatrical performances, billiard tables, ball and ten-pin



alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character; where the laws of the state permit or refuse license for the sale of intoxicating liquors, that matter shall be within the exclusive authority of said council, and it may at all times prohibit the retail of such liquors unless such prohibition would be inconsistent with the laws of the state at the time existing; and the said council is authorized to revoke, or suspend any of the above licenses when it deems that the good order and welfare of the city demand it.

**SEC. 28. Abate nuisances.** The city council may make all necessary ordinances in relation to the health and cleanliness of the city; and may require the owners of lots on which water becomes stagnant, to drain or fill up the same, and in default thereof, after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots, and cause them to be sold by the collector of the city, as in case of taxes, and subject to be redeemed in like manner.

**SEC. 29. Cartage and drayage.** The city council may regulate the system of cartage, drayage, hacks and omnibuses, within the city, and may issue license therefor; and may prohibit hogs, sheep, and all other stock, from running at large within the city.

**SEC. 30. Rec'ts and disbursements.** The council shall provide by ordinance for the keeping of the public monies of the city, and the manner of disbursing the same; and shall audit all claims against the city; and all officers of the city are accountable to the council in such manner as it directs; it shall publish annually a particular statement of the receipts and expenditures of the city, and of all the debts owing to and from the same.

**SEC. 31. Grade streets.** It has the exclusive authority to establish the grades of streets and alleys of the city, and may change the same upon the petition of the owners of two-thirds the value of the real property on both sides of the street when it is desired to change.

**SEC. 32. Imprisonment.** Imprisonment for the violation of any city ordinance shall not exceed fifteen days, and the county jail shall be the place of imprisonment, but at the expense of the city.

**SEC. 33. Taxes—dogs—rate per cent.** The city council is authorized to levy and collect taxes not exceeding one-half of one per cent. per annum of all property within the city which is liable for state and county taxes, including improvement on such property; and it may exempt such improvements when it is so determined by a vote of a majority of all the voters of the city, but when such an exemption takes place, the rate on realty shall not exceed one and one-half of one per cent. on the valuation. The council may also levy a tax on dogs, or may prohibit them from running at large in the city: provided, that the tax thus levied and collected, where improvements are included, shall not exceed one-fourth of one per cent.; and where improvements are exempt, as above named, one fourth of one per cent. on personal property, and one per cent. on real property, until otherwise determined by the qualified voters of the city at an annual or special election held for that purpose.

**SEC. 34. Collection.** The marshal, or in case of his absence or disability, such person as the council may appoint in his stead, shall be collector of taxes, and before proceeding to collect the same, shall give thirty days' notice of the assessment and levy of the tax, and the rate thereof in general terms, without the names or description of property, in a newspaper printed in the city, if there be one, and if not, then by three months in the most public place in each ward.

SEC. 35. **Correct errors.** During the thirty days, any person aggrieved by the assessment or taxation, may appear before council, which may correct the same if found erroneous.

SEC. 36. **Sale of property.** The marshal may distrain upon personal property liable to taxation, and sell the same for payment if not paid in a reasonable time after demand, as constables may sell personal property on execution.

SEC. 37. **Lien.** Taxes on real property shall be a lien thereon, and it may be sold thereon when the taxes remain unpaid for six months after posting the notices of the tax.

SEC. 38. **Auction.** Such sale must be at auction, and there must be thirty days' notice prior to the sale given as above provided [226] for notifying the assessment and tax, for such sale; he who bids to pay the amount due for the least quantity of land, will be the highest bidder, and the manner of ascertaining the portion bid for, shall be as in the state revenue law.

SEC. 39. **Deeds.** The marshal shall execute and deliver to the purchaser a deed, running in the name of the state, which shall have the same force and effect as the deed of the treasurer of the county, in like circumstances, in sales for county and state taxes.

SEC. 40. **Pavements.** The council have the control of the streets and alleys and public grounds of Washington city, and may cause sidewalks to be paved in the same; and to this end it may require the owners of lots to pave or repair the same contiguous to their respective lots, and in case of neglect, after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed to the contiguous lots, which shall have the effect of a tax levied thereon, and the same may be sold therefor, as for a tax, subject to the same rights of redemption.

SEC. 41. **Road and poll tax.** All road tax which may hereafter be paid upon any property in Washington city in lieu of labor, shall be paid to the proper authorities of said city for the improvement of the streets thereof. Any person being a resident of said city, subject by the laws of this state to do work upon roads and highways, shall be required to do or cause the same to be done under the direction of the proper authorities, upon the streets of said city, or public roads and highways leading thereto, as said authorities may direct. The city council shall supersede the road supervisor in all jurisdiction within the corporate limits, and perform all of his duties.

SEC. 42. **Com. schools.** The city council is hereby invested with full control and authority over the common schools in the city, and shall receive and disburse all the school tax levied upon property within the city, or received from the school fund for distribution therein, within the limits of the city.

SEC. 43. **Borrow money.** The council is authorized to borrow money for any object in its discretion, if at a regular notified meeting under notice, stating distinctly the nature and object of the loan, and the amount thereof, as nearly as practicable, the voters of the city determine in favor of the loan by a majority vote of two-thirds of the votes given at the [227] election; and said loan can in no case be diverted from the specified object.

SEC. 44. **Submission of charter.** On the passage of this act, the trustees of Washington township shall cause a vote to be taken on the acceptance of this charter, in the manner in which township elections are now called and holden, in which the vote shall be for the charter or against the charter, and shall be by ballot. Those citizens and legal voters only, who reside within

the limits of the city, shall be allowed to vote upon the acceptance or non-acceptance of the charter. If the said vote results in favor of said charter, the result shall be so declared and entered on record, and thenceforth the same is accepted. The foregoing election shall be held at the court house, in Washington county, on the third Monday of February A. D. 1857, and the polls shall be opened between the hours of 9 and 10 o'clock a. m., and kept open until 4 o'clock p. m. of the same day.

SEC. 45. This act shall take effect and be in force from and after its publication in the Washington Press and Iowa City Republican.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 13, 1857, and Washington Press, Feb. 16, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 153.

### RAILROAD BONDS.

AN ACT authorizing the county of Lee to issue bonds to aid in the construction of the Keokuk, Fort Des Moines and Minnesota Railroad.

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

SECTION 1. **Bonds.** That the county of Lee is hereby authorized to issue bonds, to aid in the construction of the Keokuk, Fort Des Moines and Minnesota railroad, to the amount of one hundred and fifty thousand dollars, provided the county judge of said county shall first submit the question to [228] the vote of the people of said county in the manner provided in section 114 and 115 of the code.

SEC. 2. **Proposition submitted.** The proposition of the question must be accompanied by a provision to lay a tax for the payment of the principal and interest of said bond, in addition to the usual taxes, sufficient to meet the payment of said bonds, principal and interest not to exceed one per cent. upon the county valuation in one year, and to continue from year to year until the amount of said bonds be paid.

SEC. 3. **Principal and interest.** The proposition shall state the rate of interest said bonds shall draw and when payable, and at what time the principal of said bonds shall fall due and become payable.

SEC. 4. **Adopted.** Upon a majority of the votes being cast in favor of the proposition submitted, the judge shall cause the proposition and the result of the vote to be entered at large in the minute book of the county court, and a notice of its adoption to be published for two successive weeks in any two of the newspapers of the county, and at any time after the vote and after the notice of its adoption shall have been published, as above provided, he shall issue said bonds, which shall be and continue a subsisting debt against said county till they are paid and discharged.

SEC. 5. **Rescinding vote.** The proposition thus adopted may be rescinded in a like manner and upon like notice by a subsequent vote taken thereon, but neither contracts made under them nor the taxes appropriated carrying them into effect can be rescinded.

SEC. 6. This act to be in force from and after its publication in the Keokuk Daily Times, the Daily Gate City, the Fort Madison Argus, and the Fort Madison Plain Dealer, without expense to the state.

Approved January 29, 1857.

I certify the foregoing was published in the Fort Madison Argus, March 5, 1857, and in the Gate City, Feb. 25, 1857.

ELIJAH SELLS,  
Sec'y of State.

[229] CHAPTER 154.

BRIDGE COMPANY.

AN ACT in relation to the Keokuk and Illinois Bridge Company.

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

SECTION 1. **Right of way—not to obstruct navigation.** That the Keokuk Illinois bridge company, a corporation duly organized and established under and by virtue of the general law of incorporation in this state, be, and are hereby granted and confirmed in the exclusive right to construct and maintain a bridge across the Mississippi river, at such point as they may select within the limits of the city of Keokuk, provided, however, that it shall not be lawful in the construction of the same to obstruct the navigation of said river.

SEC. 2. This act shall take effect and be in force from and after its publication in the Keokuk Daily Evening Times, and the Daily Post, which shall be done without expense to the state.

Approved January 28, 1857.

I certify that the foregoing act was published in the Gate City, February 26, 1857.

ELIJAH SELLS,  
Secretary of State.

CHAPTER 155.

INSANE ASYLUM.

AN ACT making further appropriation for the state insane asylum.

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

SECTION 1. **Appropriation.** That there be and is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of forty thousand dollars, for the purpose of the further completion of the state insane asylum, at Mount Pleasant, Iowa, the same to be paid on the order of commissioners for the erection of said asylum, which orders shall be audited and paid, as other claims: provided, [230] said money shall only be so drawn as needed for said work.

SEC. 24. This act to take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 28, 1857.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter, Feb. 20, 1857, and in the Iowa City Republican Feb. 21, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 156.

### FIRE COMPANIES.

AN ACT to encourage the organization of fire companies.

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

**SECTION 1. Members exempted.** That any person who is now, or shall hereafter become an active member of any fire engine, hook and ladder, hose, or other company for the extinguishment of fire or the protection of property at fires, now existing and under the control of the corporate authorities of any city or incorporated town within this state; or of any such company which shall hereafter be organized under and subject to the authorities of any city or town as aforesaid, shall, during the time he shall continue an active member of such company, be exempted from the performance of military duty, and from serving as a juror; and any person who shall have been an active member of such company in any city or town as aforesaid, and shall have faithfully discharged his duty as such, for the term of ten years, shall be forever thereafter exempted from the performance of military duty in the time of peace, from serving as a juror, and from the performance of labor on the highways.

**SEC. 2. Certificate of membership—clerk's certificate.** That any person who has served in any company for the term of ten years, as provided in the preceding section, shall be entitled to receive from the foreman of the company of which he shall have been a member, a certifi- [231] cate to that effect, and on the presentation of such certificate to the clerk or recorder of the proper city or town, it shall be the duty of such clerk or recorder to file the same in his office, and to give his certificate, under the corporate seal, to the person entitled thereto, setting forth the name of the company of which such person shall have been a member, and the duration of such membership; and such certificate shall be received in all courts and places, as evidence that the person legally holding the same is entitled to the exemption hereinbefore mentioned; provided, that nothing herein contained shall be so construed as to diminish any privileges now allowed by any law of this state to any member of any fire company in this state, but it shall be considered as conferring additional privileges.

**SEC. 3.** This act shall take effect from and after its publication according to law.

Approved January 28, 1857.

## CHAPTER 157.

## SUPPRESSION OF INTEMPERANCE.

AN ACT supplementary and amendatory to an act entitled an act for the suppression of intemperance, approved January 22d, 1855.

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

**SECTION 1. Repeal.** That all that part of section first, after the word provided, in the eleventh line, and section third, fourth and sixth, are hereby stricken out.

**SEC. 2. Who may sell & who prohibited.** Any citizen of the state and resident of the county in which he may be at the time, except hotel keepers, keepers of saloons, eating houses, grocery keepers, and confectioners, are hereby permitted to buy and sell intoxicating liquors for mechanical, medicinal, culinary and sacramental purposes only: provided, he shall first procure the certificate of twelve citizens of the township in which he resides, that he is of good moral character and a citizen of the county and state, and shall give bond in the penal sum of not less than one thousand dollars, with two good and sufficient [232] securities, to be approved by the county judge, that he will conform to the provisions of this act and the act to which this is amendatory.

**SEC. 3. Duty of county judge.** Upon the presentation of such certificate to the county judge, he shall cause such person, presenting such certificate, who desires to buy and sell intoxicating liquors, to enter into a bond as aforesaid; that he will faithfully conform to the provisions of this act and the act to which this is amendatory; that he will keep an accurate account in a book kept for that purpose, of all his purchases and all his sales, specifying in such account the kind and quantity and price of the liquor bought by him, the date of each purchase made by him and the name of the person of whom such purchase was made; the kind and quantity and price of liquor sold by him, the name of the purchaser at every such sale, and the use for which the liquor on every such sale was sold as stated by such purchaser, said account to be at all times open to the inspection of the county judge, prosecuting attorney, and grand jurors. The bond shall be deposited with the clerk of the district court, and suit shall be brought thereon at any time by the prosecuting attorney of the county in case said conditions mentioned in said bond shall be broken. All monies collected on such bond shall go to the school fund of such county.

**SEC. 4. False statement.** If any person purchasing intoxicating liquors of such person so authorized to sell, shall make to such person any false statement regarding the use to which such liquor is intended by the purchaser to be applied, such person so obtaining such liquor shall be deemed guilty of misdemeanor, and shall, upon conviction thereof, forfeit and pay a fine of ten dollars, together with costs of prosecution, and shall stand committed until the same is paid. For the second offence he shall pay a fine of \$20 and costs of prosecution, and be imprisoned in the county jail not less than ten nor more than fifty days.

**SEC. 5. Officers to inform—trial—prosecuting attorney.** It shall be the duty of all peace officers to see that this act and the act to which this is amendatory are faithfully executed, and when informed that the law has been violated, or when they have reason to believe that the law has been violated, and that proof of that fact can be [233] had, it shall be the duty

of such officers, and it is hereby made their special duty to go before a magistrate and make information of the same and of the person so violating the law. Upon the filing of such information before a magistrate it shall be his duty to institute a suit and proceed to the arrest and trial thereof according to law. Upon trials before a magistrate, it shall be the duty of the prosecuting attorney to appear for the state, unless the person filing such information shall select some other attorney. The prosecuting attorney, or any other attorney selected and appearing and prosecuting such trial before a magistrate, shall be allowed the sum of five dollars to be paid out of the county treasury by order from the county judge of such county; any peace officer failing to comply with the provisions of this section, shall be guilty of a misdemeanor, and pay a fine of not less than ten nor more than fifty dollars, and a conviction shall work a forfeiture of his office.

**SEC. 6. Principal and security.** The principal and securities in the bond mentioned in the preceding section shall be jointly and severally liable for all fines and costs that may be adjudged against the principal for any violation of any of the provisions of this act or of the act to which this amendatory, and shall also jointly and severally be liable for all civil damages and costs that may be adjudged against such principal in any action authorized to be brought against him by the provisions of this act or the act to which this is amendatory.

**SEC. 7. Carriers liable—importing—penalty.** If any railroad conductor, freight agent, expressman, depot master, or other person in the employment or in any manner connected with any railroad corporation, or any teamster, stage driver, or common carrier of any kind, or any person professing to act as agent for any other person or persons, whether within or without this state, or any other individual of whatever calling, shall bring within this state for any other person or persons, any intoxicating liquor, without first having been furnished with a copy of the certificate authorizing such person or persons to sell such intoxicating liquors, certified by some justice of the peace to be correct, such person or persons so offending, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, forfeit and pay a fine for the first offence of twenty dollars, and be imprisoned in the county jail [234] thirty days; for the second and each subsequent offence shall forfeit and pay a fine of fifty dollars, and be imprisoned in the county jail ninety days.

**SEC. 8. Evasions.** Courts and jurors are requested to construe this act and the act to which this is amendatory so as to prevent evasion, and so as to cover the act of giving as well as selling by persons not authorized.

**SEC. 9. Intoxicating liquor defined.** Wherever the words "intoxicating liquors" occur in this act, or the act to which this is amendatory, the same shall be construed to mean all spirituous, malt, and vinous liquors: provided, that nothing in this act shall be so construed as to forbid the manufacture of cider from apples, or wine from grapes, currents or other fruits, grown or gathered by the manufacturer.

**SEC. 10. Take effect.** This act to take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter: provided, that the agents, appointed under the act to which this is amendatory, who may have any intoxicating liquor on hand at the time of the taking effect of this act, may sell the same according to the provisions of this act or the act to which this is amendatory: provided further, that all suits instituted under the act to which this is amendatory, and pending upon the

taking effect of this act, shall be prosecuted the same as if this had not passed.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 20, 1857, and in the Iowa Capital Reporter, Feb. 21, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 158.

### PUBLIC SCHOOLS.

AN ACT for the better regulation of public schools in cities, towns and densely populated school districts.

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

**SECTION 1. School district.** That any incorporated city, town or school district in this state, containing two hundred inhabitants or [235] more, with the territory attached, or hereafter to be attached to said city, town or district, for school purposes, may be organized into and established as a single district, in the manner and with the power hereinafter specified.

**SEC. 2. Vote to adopt act.** That in order to such organization, written notices shall be posted up in three or more of the most public places in said contemplated district, signed by at least one-fourth of the voters of said city or town, requesting the qualified electors in said district to assemble upon a day, and at some suitable place in said district, to be named in said notices, then and there to vote by ballot for or against the adoption of this act, which notices shall be so posted up at least ten days prior to said meeting.

**SEC. 3. Judges—ballots.** That the electors assembled at said time and place shall proceed to appoint a chairman, assistant chairman and clerk, who shall be the judges of said election. The electors in favor of the adoption of this act for said district, shall have upon their ballots "for the law;" and those opposed thereto shall have upon their ballots "against the law;" the adoption or rejection of this act to be determined by a majority of the votes cast in manner aforesaid.

**SEC. 4. If adopted voters meet—term—vacancies.** That in case a majority of votes shall have been cast for said law, the electors of said district shall assemble at the place last aforesaid, within twenty days from the time of the adoption of said act, of which at least ten days' previous notice shall be given by said chairman and clerk, in the manner aforesaid, and shall then choose by ballot six directors for the public schools of said district, two of whom shall serve for one year, two for two years, and two for three years; the time that each shall serve to be designated on the ballots, and annually on the second Monday of March thereafter, there shall be chosen in the same manner, two directors, each of whom shall serve for three years and until their successors are elected and qualified; such intermediate vacancies as shall occur, to be filled by the acting directors till the next annual election, when such vacancies shall be filled by the electors.

**SEC. 5. Oath.** That said directors within two days after their election as aforesaid, shall each, having taken an oath or affirmation for the faithful performance of the duties of his office, meet and organize by choosing from



their number a [236] president, secretary, and treasurer; that said secretary and treasurer each, before he enters upon the duties of his office, shall give bond payable to the state of Iowa, with security to be approved by said board, and to be kept by the president, conditioned for the faithful discharge of his duties as such officer.

SEC. 6. **Corporation.** That said directors, and their successors in office, shall be a body corporate by the name of the board of education of said city or town, and as such and by such name shall receive all monies and other property belonging or accruing to said district or to said city or town, or any part of the same, for the use or benefit of the public schools therein; and the said board shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity; and also be capable of receiving any grant, gift, bequest, or devise, made for the use of the public schools of said city, town, or district; and all monies accruing to said city, town, or district, for school purposes, under any law of this state, shall be paid over to the treasurer of said board of education.

SEC. 7. **Meetings.** Said board of education may hold stated meetings, at such times and places in said district, as they may appoint, four members of said board at all meetings thereof constituting a quorum for business; and special meetings thereof may be called by the president or by any two members, on giving one day's notice of the time and place of the same, and said board by resolution shall direct the payment of all monies that shall come into the hands of the treasurer, and no money shall be paid out of the treasury except in pursuance of such resolution, and on the written order of the president countersigned by the secretary.

SEC. 8. **School house.** That whenever said board shall deem it necessary to purchase or erect a school house or school houses for said district, or to purchase sites for the same, they shall call a meeting of the legal voters in said district, by giving at least ten days' notice of the time and place and object of said meeting in some newspaper printed in and of general circulation in such district, or by posting up written or printed notices thereof, at five or more of the most public [237] places in said district; and the president of said board, and in his absence, one of the other of said directors shall act as chairman of said meeting, and said meeting may determine by a majority vote upon the erection of a school house or school houses, and the purchase of a site or sites therefor, and the amount of money to be raised for the purpose aforesaid, and the time or times when the same shall be paid, which monies so voted shall be assessed and collected by the secretary of said board, in like manner as taxes for school house purposes are now, or may hereafter be collected under the laws of the state, and, on the order of the president, paid over to the treasurer of the board.

SEC. 9. **Schools.** It shall be the duty of said board as soon as the means for that purpose can be provided, to establish in said district an adequate number of primary schools to be so located as best to accommodate the inhabitants thereof, and in which the rudiments of education shall be taught; and it shall be the further duty of said board to establish in said district a suitable number of other schools of a higher grade or grades, wherein instruction shall be given in such studies as may not be provided for in the primary schools; the number of schools and also of the different grades thereof, to be determined by said board; and it shall be the further duty of said board to decide what branches shall be taught in each and all of said schools: provided, that no other language than the English shall be taught therein, except with the concurrence of two-thirds of said board.

**SEC. 10. Admission of pupils.** Admission to said schools shall be granted to the children, wards and apprentices of all actual residents in said district who may be entitled to the privileges of the public schools under the general laws of this state, subject to the provisions of section 13 of this act: provided, that said board shall have power to admit to said schools other pupils, upon such terms, or upon the payment of such tuition as they may prescribe.

**SEC. 11. Powers of board.** Said board shall have power to make all necessary regulations for said schools, to prescribe and enforce rules for the admission of pupils into the same, not inconsistent with the preceding section, and the examination that pupils must pass preparatory to admission into the schools of higher grades than the primary; to subdivide said school [238] district if they shall think proper, to select sites for school houses, to superintend the building of the same, and to pay therefor, and for their appurtenances, furniture and apparatus; to borrow money for the erection of school houses, upon a majority vote of said district therefor, and to incur all other expenses of said school system, and pay the same from the public monies of said district.

**SEC. 12. Terms of the schools—taxes—collection.** It shall be the duty of said board to keep said schools in operation not less than thirty, nor more than forty-four weeks in each year, to determine the amount of the annual tax to be raised for the purposes aforesaid, including all the necessary expenses of said school, except for the erection of school houses and the purchase of sites; and on or before the first day of September in each year, the secretary of said board shall obtain a transcript of the last assessment roll of the county, and shall add thereto any taxable property in said district, therein omitted, having himself assessed the value thereof, and shall collect said tax in such manner as is now or may hereafter be prescribed for the collection of other school district tax: provided, that it shall be the duty of the secretary to return to the treasurer of the county, on or before the fifteenth day of November in each year, a transcript from said district assessment, containing the description of each parcel of real estate on which the said taxes remain due and unpaid, with the amount of tax against the same, and thereupon it shall be the duty of said treasurer to collect said taxes as county any state taxes; and all such taxes as shall remain due and unpaid after the said 15th day of November, shall draw interest from and after said date at the same rate as delinquent county and state taxes.

**SEC. 13. Limitation—if insufficient.** The tax provided for in the preceding section shall in no case exceed five mills on the dollar upon the taxable property of said district in any one year, and in case the amount so authorized to be raised, together with the other school monies of said district, shall be insufficient to support such schools for the portion of the year mentioned in the 12th section of this act, said board of education may require such sum as may be necessary to support the same for the residue of said time, to be charged at the discretion of said board, upon the tuition of the pupils [239] attending such schools: provided, however, that the children of indigent parents or orphans who are unable to pay such charges, shall not be excluded from said schools for the non payment of the same.

**SEC. 14. Proceedings kept.** It shall be the duty of said board of education to keep an accurate account of their proceedings, and of their receipts and disbursements for school purposes, and at the annual meeting for the choice of directors in said district, to make report of such receipts, and the sources from which the same were derived, and of said disbursements, and the objects to which the same were applied; and they shall also make report at the same time of such other matters relating to said schools as they may deem the interests of the same to require.

**SEC. 15. School examiners.** That said board of education, within twenty days of their election, shall appoint three competent persons, citizens of said district, to serve as school examiners of the public schools therein, each of whom shall be sworn or affirmed to the faithful discharge of the duties of his office, one to serve for one year, one for two years, and one for three years from the time of their appointment and until their successors shall be appointed; and annually thereafter said board shall appoint one examiner, to serve for three years, and till his successor is appointed and qualified, and said board shall fill all vacancies that may occur from death, removal, or otherwise. Said examiners or any two of them, shall examine any person that may apply for that purpose, with the intention of becoming teachers in any of the schools in said district, and if they find the applicant in their opinion, qualified to teach in any of said schools, and to govern the same, and of good moral character, they shall give said applicant a certificate naming the branches in which the holder of said certificate was found qualified to teach, and no person shall be permitted to teach in said schools without such certificate; and said examiners may in all cases, when two of their number concur, have power to annul such certificate, and when so annulled, the person holding the same shall be discharged as a teacher of said schools; said examiners shall also separately or otherwise, together with said board of education, or any of them, or such person as they may appoint, or invite, visit said schools [240] as often as once in each school month, and observe the description, mode of teaching, progress of the pupils, and such other matters as they deem of interest, and make suggestions, and report thereupon to said board as they may think proper, which report may be published at the discretion of said board.

**SEC. 16. Collect acc'ts.** That said board of education, or the secretary thereof, shall have power to collect any charge or account for tuition, in the same manner as the secretary of any common school district in this state, is now, or may hereafter be authorized to collect any such charge or account.

**SEC. 17. Not to affect rights.** That upon the adoption of this act, in the manner herein provided, by any city, town or district, such adoption shall not affect the debts due to or from said district, or any contract with said district existing at the time of such adoption.

**SEC. 18. Laws conflicting not to operate.** All laws and parts of laws relating to schools, which conflict with the provisions of this act, shall be so construed as not to interfere with the provisions of this act.

**SEC. 19.** This act shall be in force and take effect from and after its publication according to law.

Approved January 28, 1857.

## CHAPTER 159.

### BURLINGTON.

AN ACT to amend the charter of the city of Burlington.

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

**SECTION 1. Opening new streets and alleys.** That when any new street or alley is hereafter laid out, or when any street or alley is hereafter widened in accordance with the charter of the city of Burlington and the amendments made thereto, and when the damages and compensation to be paid to the

several persons entitled thereto, on the opening or widening of said street or alley, have been ascertained in accordance with the charter and ordinances of said city, the said city shall have the power and is hereby authorized to levy a special tax to the amount of the damages or compensation awarded, upon all [241] the real estate which may or shall be enhanced or increased in value by the said street or alley being opened or widened, whether the real estate shall be abutting upon said street or alley or not.

**SEC. 2. Commission'rs.** The real estate upon which the said tax shall be levied, as well as the amount to be appropriated to each piece of real estate by its most convenient description, with the name of the owner or owners of the same, where said names can be ascertained, shall be fixed and ascertained by three commissioners, to be appointed by said city council, who first being duly sworn that they are disinterested in the question or questions to be submitted to them, and to be decided by them, and that they will well and truly inquire into and ascertain the real estate to be affected by said street or alley being opened or widened and assess upon the same its fair and equal portion of the tax to be raised by said city for the purpose of paying for the opening or widening of said street or alley.

**SEC. 3. Report.** Said commissioners shall make their report in writing under oath to the city council, within ten days from the time of their appointment. They may take testimony offered by the parties interested, and shall personally view the property through which the said street or alley is opened or widened; and when the said report is made to the city council the same shall be filed by the city recorder, and shall be subject to the inspection and examination of all persons interested.

**SEC. 4. Notice.** The city recorder shall give notice in one or more newspapers published in said city, of the assessment made by the commissioners, for the time of two weeks, and that all persons are required within that time to show cause in writing, before the city council, why the report and assessment made by said commissioners shall not be confirmed; and if any good cause is shown, the report shall be re-committed to said commissioners, together with the objections made to the assessment by the parties interested, and said commissioners shall proceed to re-consider the same, and may make such corrections as to them shall seem just and proper.

**SEC. 5. Compensation.** Said commissioners shall be allowed for their services such sums as the city council shall deem them [242] justly entitled to, not less than one dollar and fifty cents per day for the time actually spent by them in the business aforesaid.

**SEC. 6. Tax list.** When the said report is finally adopted by the city council, the city recorder shall make out a list of the taxes assessed, and the same being placed in the hands of the city treasurer, shall be collected by him and accounted for as other city revenue.

**SEC. 7. Hawkeye creek—damages.** That should the city council of said city determine to change the location of Hawkeye Creek, running through said city, in accordance with the 10th and 11th sections of the act entitled "An act to amend the charter of the city of Burlington," approved February 4th, 1851, when the damages to be paid by the said city for said re-location are ascertained, in accordance with the provisions of the act aforesaid, the gross amount of said damages to be paid by the city shall be assessed by commissioners and levied by the city council in the manner hereinbefore provided in relation to streets and alleys located or widened, upon all the real estate in the vicinity of said Hawkeye Creek that may or shall be enhanced in value by changing the present location of said creek.

SEC. 8. This act shall take effect from and after its publication in the Burlington Hawkeye, and Iowa State Gazette, without expense to the state.

Approved January 28, 1857.

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CHAPTER 160.

RECORDS OF WASHINGTON COUNTY.

AN ACT to authorize the county judge of Washington county to provide for the indexing certain records.

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

SECTION 1. **Index records of survey.** That the county judge of Washington county be, and the same is hereby authorized to provide for indexing the record of surveys made in Washington county.

SEC. 2. **Compensation—limitation.** The judge aforesaid may pay for the labor of indexing said record, out of any fund in the treasury of said [243] Washington county not otherwise appropriated: *Provided*, the sum so paid out shall not exceed the sum of twenty-five dollars.

SEC. 3. This act shall take effect after its publication in the Washington Press and Iowa City Republican, said publication to be without expense to the state.

Approved January 26, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 16, 1857, and Washington Press, Feb. 25, 1857.

ELIJAH SELLS,  
Secretary of State.

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CHAPTER 161:

AMEND.

AN ACT to amend chapter twelve (12) of the session laws passed at the extra session of the fifth general assembly of the state of Iowa.

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

SECTION 1. **Amend by inserting.** That section one (1) of chapter twelve (12) of the session laws passed at the extra session of the fifth general assembly of the state of Iowa, be amended as follows: by inserting the words "thence west to the west line," after the word "line," in the ninth line of said section one (1).

Approved January 28, 1857.

## CHAPTER 162.

## SCHOOL MONIES.

## AN ACT concerning school monies.

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

SECTION 1. **Agents to ex—acc'ts of S. F. Com'rs.** That the governor of the state be, and is hereby authorized to appoint one or more suitable persons to examine the books, papers, vouchers, securities, and other documents in the office of the several school fund com- [244] missioners in this state, who shall examine and report to the governor:

First. **16th section.** The aggregate number of acres of school lands originally in the county belonging to the sixteenth section grant;

Second. **500,000 acre grant.** The aggregate number of school lands originally belonging to the five hundred thousand acres grant;

Third. The number of acres of each of said grants unsold and not contracted for;

Fourth. **Am't sold.** The amount of each of said classes of land within the county sold or contracted for, the amount paid to the school fund commissioner of each county from the five per cent. derived from the sale of the public land within the state;

Sixth. **Am't, security and time.** The aggregate amount of school monies loaned out in each county, upon what security and on what time;

Seventh. **Am't unpaid.** The amount of school monies loaned which are due and unpaid in the county;

Eighth. **Cash on hand.** The amount of cash in the hands of the school fund commissioner;

Ninth. **Doubtful.** The amount of suspended or doubtful debts in the county, belonging to the school fund;

Tenth. The amount of uncollected debts belonging to the school fund;

Eleventh. **S. F. Comr's bond.** The amount of the penalty of the school fund commissioner's bond in each county, and such other information concerning the school lands or school funds as the governor may require;

Twelfth. **Expense.** The expenses in each county incident to the present system of managing the school lands school funds.

SEC. 2. **Investigate.** It shall be the duty of such agent or agents as the governor may direct to investigate the character and availability of all pretended loans of school money made by the superintendent of public instruction, and the value and kind of securities given for such loans, to obtain further and additional security thereon when and where deemed necessary, to institute suits for the recovery of the money as having been obtained without authority of law; when such security is declined or refused, and to do such further acts as may be deemed necessary to secure the safety of the common school fund.

[245] SEC. 3. **Increase bond.** Whenever in his judgment it may be necessary it shall be the duty of the governor to require the fund commissioner of any county in this state to file an additional bond or increase the penalty of his present bond in such sum as the governor may direct, subject to the approval of the county judge in such county.

**SEC. 4. Compensation.** The said agent or agents to be appointed under the provisions of this act, shall be paid such compensation for their services, while in the actual performance of the duty devolved upon them, not exceeding five dollars per day, as the governor shall determine; and the governor is hereby empowered to draw his order on the auditor of state for the amount of such compensation, to be audited and paid by him as other claims against the state.

**SEC. 5.** This act shall be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 28, 1857.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter, Feb. 2, 1857, and in the Iowa City Republican Feb. 4, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 163.

### CITY OF EDDYVILLE.

AN ACT to incorporate the city of Eddyville, situated in the county of Wapello, and state of Iowa.

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

**SECTION 1. Corporation—name.** That all that territory lying in section six (6), township seventy-three (73) north of range fifteen west of fifth principal meridian, also the east half of the northeast quarter of section one (1) in township seventy-three (73) north, range sixteen west of said fifth meridian, is hereby incorporated into a city by the name of Eddyville.

**SEC. 2.** The said city is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

[246] **SEC. 3. Legislative authority.** The legislative authority of the city is vested in a city council, consisting of a mayor and board of aldermen, composed of three from each ward of the city.

**SEC. 4. Wards.** The said city shall be divided into wards by the council thereof, from time to time, as they may deem proper.

**SEC. 5. Citizenship.** Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city six months, and of the ward in which he offers his vote, ten days, next preceding a city election, is declared a citizen of said city, and is entitled to a vote at all the elections thereof.

**SEC. 6. Conducting elections.** The elections of the city (for officers) shall be conducted in a manner as similar to that in which the elections are conducted in the townships, as the nature of the case permits.

**SEC. 7. Challenge.** A person offering to vote may be challenged as in other elections in the townships; and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

**SEC. 8. Who eligible.** No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and has been resident thereof for aver one year next preceding his election.

**SEC. 9. Election—city council.** That the qualified electors of said city shall, on the first Monday in March, 1857, and annually thereafter, elect a

mayor, and at the same time nine aldermen, a recorder, assessor, treasurer, and marshal; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. They shall be elected for the term of one year, and until their successors are elected and qualified. The mayor, recorder, assessor, treasurer, and marshal shall be elected by the legal voters of said city.

SEC. 10. **Aldermen.** Three aldermen shall be elected in each ward by the legal voters thereof.

SEC. 11. **Mayor's duty.** It shall be the duty of the mayor to see that the laws and ordinances of the city are executed, and their violation punished; to superintend and direct the official conduct of the subordinate officers; to sign and seal all com- [247] missions, licenses, and permits, granted by the city council, and to perform such duties and exercise such powers as pertain to the office of mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

SEC. 12. **Judicial Pow'rs.** He shall be a conservator of the peace within the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the ordinances of the city, and with criminal jurisdiction of offences against the laws of the state, committed within the city, and with civil jurisdiction limited to the city, in the same manner as that [of] justices is or may be limited to their townships, he shall not be disqualified from acting in such judicial capacity, by any proceedings being in the name or behalf of the city.

SEC. 13. **Appeals.** Appeals to the district court in the same county shall be allowed from the judgments and decisions of the mayor, in the same cases, time and manner as may at any time be allowed by law from those of other justices, and they shall be tried as in other cases. He will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace. He shall be the presiding officer of the city council, when present, and shall give the casting vote when there is a tie, and in his absence the council may appoint a president for the time being from their own body.

SEC. 14. **Powers of the council.** The council shall be the judge of the qualifications and election of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and may compel the attendance of its members in such manner and by such penalties as it may adopt.

SEC. 15. **Marshal's duty.** The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for the violation of the city ordinances, and of the criminal laws of the state, may execute the same in any part of the county, and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes and arrest offenders, that the sheriff has within his county, and may in the same cases and under the same [248] penalties require the aid of the citizens, and perform all duties imposed by the council; he may with the approval of the council, appoint one or more deputies, and discharge them, and he shall be responsible for their doings when acting officially; for the services of legal process, he shall be entitled to the same fees as a constable, and for services required by the council such compensation as it may allow.

SEC. 16. **Bond.** The treasurer, recorder, assessor, and marshal, shall give such bond and perform such duties and exercise such powers as may be required of them by ordinances, not inconsistent with law.



SEC. 17. **Elections—proclamation.** In all elections for city officers, the mayor shall issue a proclamation to the voters of the city, or of the several wards, as the case may require, naming the time and place or places for election, and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days previous to the day of holding election. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open till four o'clock in the afternoon. Within two days after the election, the judges of election shall make their returns to the president of the council, who shall examine them at their next meeting and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

SEC. 18. **Ineligible.** No member of the city council shall be eligible to any office within the gift of the council, during the time for which he was elected; nor shall he be interested directly or indirectly in the profits of any contract or job of work or services to be performed for the city.

SEC. 19. **Ordinances.** Ordinances passed by the city council shall be signed by the mayor, attested by the recorder, and before they take effect be published in one or more newspapers published in the city at least ten days, and if there be no such newspaper they shall be posted up in each ward the same length of time; they shall also be recorded in a book to be kept for that purpose, and signed by the mayor and attested by the recorder.

SEC. 20. **Recorder's duty.** It is the duty of the city recorder to keep a true record of all official proceedings of the city council, and such record shall at all times be open to the inspection of any citizen.

[249] SEC. 21. **Oaths.** The mayor, aldermen, marshal, treasurer, recorder and assessor shall take an oath to support the constitution of the United States and of the state of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the council. The oath of office may be administered by the mayor or recorder, when he is qualified; and in the transaction of the business of the corporation, those officers, and the president for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

SEC. 22. **Fees.** The recorder, marshal and assessor shall receive such fees as the city council deem right, and examine the amount allowed county or township officers for such services.

SEC. 23. **Meetings.** The council may hold its meetings as it sees fit, having fixed stated times, or provide the manner of calling them by ordinance, and its meetings shall be public.

SEC. 24. **Subordinate officers.** The council may appoint in such manner as it determines and during its pleasure, street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it deems advisable, and may prescribe their duties, powers, and qualifications, and may prescribe for the election of such officers by the citizens.

SEC. 25. **Vacancies.** When a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record, until the next election, and the qualification of the successor.

SEC. 26. **Council.** The city council is invested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace, to suppress riots, gambling, and drunkenness, or indecent or disorderly conduct, to punish lewd behavior in public places, and generally to provide for the safety, and prosperity, and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding

one hundred dollars, which may be recovered by civil action in the name of the city, or by complaint before the mayor as in criminal proceedings before a justice of the peace, and the laws of the [250] state relative to carrying into effect a judgment of a justice of the peace, imposing a fine, shall be applied to judgments in the above cases, but the charge thereof must be borne by the city.

SEC. 27. **Fire companies.** The council is authorized to establish and organize fire companies, and to provide them with fire engines, and other apparatus; and it has the control of the landing on the Des Moines river, and may regulate the landing, wharfage and dockage of all water crafts, goods, lumber and other things landed or taken from the same.

SEC. 28. **Gun powder.** The council may regulate the keeping and sale of gunpowder within the city.

SEC. 29. **Licenses.** The council have the exclusive authority to provide for the license, regulation and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball and ten pin alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character. When the laws of the state permit or refuse licenses for the sale of intoxicating liquors, that matter shall be within the exclusive authority of said council, and it may at all times prohibit the retail of such liquors, unless such prohibiting would be inconsistent with the laws of the state at the time existing; and the said council is authorized to revoke or suspend any of the above licenses when it deems that the good order and welfare of the city require it.

SEC. 30. **Health, cleanliness, &c.** The council may make all necessary ordinances in relation to the cleanliness and health of the city, and may require the owners of lots, on which water becomes stagnant, to drain or fill up the same, and in default thereof after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots, and cause them to be sold by the collector of the city, as in case of taxes, and the owner may redeem from such sale as in a case of a sale for tax.

SEC. 31. **Drayage and animals.** It may regulate the system of cartage and drayage within the city, and may issue license therefor, and may prohibit hogs from running at large within the city, and may prohibit other animals from running at large from the first day of November to the first day of April.

SEC. 32. **Public money.** The council shall provide by ordinance for [251] the keeping of the public moneys of the city, and the manner of disbursing the same, and shall audit all charges against the city, and all officers of the city are accountable to the council in such manner as it directs. It shall publish annually a particular statement of the receipts and expenditures of the city, and of all debts owing to and from the same.

SEC. 33. **Streets and alleys.** The city council shall have power to vacate streets and alleys, and re-locate the same, and extend the same to the corporation line; but whenever the exercise of this power shall in any way injure the property of any person, the corporation of said city shall be liable to the person so injured, in such sum as may be adjudged proper by three disinterested persons, to be selected by the marshal of said city.

**SEC. 34. Imprisonment.** Imprisonment for the violation of any ordinance shall not exceed fifteen days, and the county jail shall be the place of imprisonment, but at the expense of the city.

**SEC. 35. Taxes.** The city council is authorized to levy and collect taxes not exceeding one half of one per cent. on all the property within the city, which is liable for state and county taxes, including improvements on such property, and it may exempt such improvements when it is so determined by a vote of a majority of all the voters of the city; but when such an exemption takes place, the rate of tax on personal property shall not exceed that above named, and the rate on realty shall not exceed one and one half of one per cent. on the valuation; the council may also levy a tax on dogs, or prohibit their running at large in the city: provided, that the tax thus levied and collected, when improvements are included, shall not exceed one fourth of one per cent., and when improvements are exempt as above named, one-fourth of one per cent. on personal property, and one per cent on real property, until otherwise determined by the qualified electors of the city, at an annual election or a special election, held for that purpose.

**SEC. 36. Collector.** The marshal, or in case of his absence or disability, such person as the council may appoint in his stead, shall be the collector of taxes; and before proceeding to collect the same, he shall give thirty days notice of the assessment [252] and levy of the tax, and the rate thereof in general terms, without the names or description of property, in a newspaper printed in the city, if there be one, and if not, then by three months' notice in the most public places in each ward.

**SEC. 37. Correction of errors.** During the thirty days, any person aggrieved by this assessment or taxation may appear before the council, which may correct the same if found erroneous

**SEC. 38. Sale of personal property.** The marshal may distrain upon personal property liable to taxation, and sell the same for payment, if not paid in reasonable time after demanded, as constables may sell personal property on execution.

**SEC. 39. Real estate** Taxes on real property shall be a lien thereon, and it may be sold therefor when the taxes remain unpaid for six months after posting the notice of the tax.

**SEC. 40. Public sale.** Such sale must be at auction, and there must be thirty days' notice prior to the sale given as above provided for, notifying the assessment and tax. In such sales he who bids to pay the amount due for the least quantity of land, will be the highest bidder; and the manner of ascertaining the portion bid for shall be as in the state revenue law.

**SEC. 41. Deeds.** The marshal shall execute and deliver to the purchaser a deed, running in the name of the state, which shall have the same force and effect as the deed of the treasurer of the county in like circumstances on sales for county and state taxes.

**SEC. 42. Control of public grounds.** The council have the control of the streets, alleys and public grounds of Eddyville city, and may cause sidewalks to be paved in the same, and to this end it may require the owners of lots to pave or repair the same, contiguous to their respective lots, and in case of neglect, after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed on the contiguous lots, which shall have the effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption. All road tax, which may hereafter be paid upon any property in Eddyville city in lieu of labor, shall be paid to the proper authorities of said city,

for the improvement of the streets thereof; any person being a resident of said city, subject by the laws of [253] this state to do work upon roads and highways, shall be required to do or perform, or cause the same to be done, under the direction of the proper authorities, upon the streets of said city, or public roads and highways leading thereto, as said authorities may direct. The city council shall supercede the road supervisor in all jurisdiction within the corporate limits, and perform all of their duties.

**SEC. 43. Schools.** The city council is hereby invested with full control and authority over the common schools in said city, and shall receive and disburse all the school tax levied upon property within the city, or received from the school fund for distribution therein, within the limits of said city.

**SEC. 44. Borrowed money.** The council are authorized to borrow money for any object in its discretion, if at a regular notified meeting, under notice stating distinctly the nature and object of the loan, and the amount thereof, as nearly as practicable, the voters of the city determine in favor of the loan, by a majority vote of two-thirds of the votes given at the election, and said loan can in no case be diverted from the specified object.

**SEC. 45. Submission of charter.** On the passage of this act, the trustees of the town of Eddyville shall cause a voto to be taken, on the acceptance of this charter, and in the manner in which township elections are now called and holden, in which the vote shall be "for the charter" or "against the charter," and shall be by ballot; and at the same time and place, and by said trustees, an election shall be held for a mayor and nine aldermen; three aldermen from each ward; also for a recorder, treasurer, marshal and assessor. If said vote result in favor of said charter the result shall be so declared and entered on record, and thenceforth the same is accepted. The foregoing election shall be held at the court house in Eddyville, on the first Monday of March A. D. 1857; shall be opened between the hours of nine and ten o'clock a. m., and kept open until four o'clock p. m. of said day.

**SEC. 46.** This act to take effect from and after its publication in the *Demoiné Courier* and *Eddyville Free Press*, provided that such publication shall not be at the expense of the state.

Approved January 28, 1857.

[254] CHAPTER 164.

PROTECT GAME.

AN ACT to protect game.

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

**SECTION 1. Killing game prohibited.** That it shall be unlawful for any person except on his own premises, to kill, ensnare or trap any wild deer, elk or fawn, wild turkey, prairie hen or chicken, grouse or quail, between the first day of February and the fifteenth day of July in each and every year.

**SEC. 2. Sale unlawful.** It shall be unlawful for any person to buy or sell any kind of the above mentioned animals or birds which shall have been trapped, ensnared or killed between the days above mentioned; the having in possession any of the above animals or birds, recently killed, by any person or persons, between said dates, shall be deemed and taken as prima

facie evidence that the same was trapped, ensnared or killed by the person or persons having in possession of the same, in violation of the provisions of this act.

SEC. 3. **Penalties.** Any person violating any of the provisions of this act, shall forfeit and pay a fine of fifteen dollars for each deer, fawn or elk, snared, entrapped, killed, bought, sold or held in possession; and three dollars for any bird of game above mentioned, thus killed, trapped, ensnared, bought, sold or held in possession.

SEC. 4. **Trespass—fine.** Any person who shall go upon the premises of any person or corporation, whether inclosed or not, and shall be found hunting, trapping or ensnaring any of the above named birds or animals within the dates aforesaid, shall be deemed guilty of trespass, and may be prosecuted by any person in possession of said premises, before any justice of the peace of the county, or other court of competent jurisdiction, and fined in any sum not less than three dollars nor more than fifty dollars, to be paid one moiety to the complainant, and one moiety to the school fund commissioner of the county, for the use and benefit of the schools of said county: provided, however, that a judgment against a person for a violation of this act, under the 1, 2 and 3 sections of the same, shall be a bar to any suit under the 4th section of this act for the same offence.

[255] SEC. 5. **Before whom—fine paid to school fund.** A prosecution may be brought by any person in the name of the state of Iowa, against any person or persons violating the 1st, 2d, or 3d sections of this act, before any justice of the peace of the county in which such violation of this act is alleged to have taken place, or before any court of competent jurisdiction thereof, and any sum or sums so recovered shall be paid to the school fund commissioner of the county, for the benefit of the common schools of said county.

SEC. 6. This act shall be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 14, 1857, and in the Iowa Capital Reporter, Feb. 17, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 165.

### LIME AND SAND.

AN ACT fixing the weight of lime and sand.

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

SECTION 1. **Weight of lime and sand.** That the weight of a bushel of lime shall after the taking effect of this act, be eighty pounds, and the weight of a bushel of sand, one hundred and thirty pounds.

SEC. 2. This act shall be in force and take effect from and after its publication according to law.

Approved January 28, 1857.

## [256] CHAPTER 166.

## STATE ROAD.

AN ACT to locate a state road from Sioux City to Rock River in Sioux county.

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

SECTION 1. **Commissionr's—location.** That W. W. Culver, David W. Mills, of Sioux City, and William Tripp, of Dubuque, be, and they are hereby appointed commissioners to lay out and establish a state road commencing at Sioux City, in Woodbury, via the Big Sioux valley, as near as practicable, to the mouth of the Rock River, in Sioux county.

SEC. 2. **Meet and take assistance.** The commissioners appointed under this act, shall meet at the place of beginning on the first Monday in June next, or within three months thereafter, should they agree to do so, and taking to their assistance a surveyor and the necessary help, proceed to locate, mark and define said road according to law.

SEC. 3. This act shall take effect from and after its publication in the Iowa City Republican and North West at Dubuque, and all expenses incurred in the location and publication shall be paid by the counties of Woodbury and Sioux.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 19, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 167.

## JUSTICE OF THE PEACE.

AN ACT to authorize the election of an additional justice of the peace for Jackson township, Bremer county, Iowa.

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

SECTION 1. **Additional justice.** That the qualified electors of Jackson township, Bremer county, be, and they are hereby authorized to [257] to elect an additional justice of the peace in said township.

SEC. 2. **Election and qualification.** It shall be the duty of the officers conducting the election in said township, on the first Monday of April, 1857, to open a poll at said election for the purpose aforesaid. The person elected at said election shall proceed to qualify and give bonds in the manner now provided by law, and shall hold his office for the term of one year, at which time and regularly thereafter there shall be elected in said township three justices of the peace, of which one shall reside and hold his office at the town of Waverly in said township.

SEC. 3. This act shall take effect from and after its publication in the Bremer County Herald and Waverly Republican, without expense to the state.

Approved January 28, 1857.

## CHAPTER 168.

## SIXTH JUDICIAL DISTRICT.

AN ACT regulating the time of holding courts in the counties comprising the sixth judicial district.

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

SECTION 1. **Courts held.** That the term of the district court shall be held in the county of Mills, on the second Monday in February and August; in the county of Fremont on the first Monday of March and September; in the county of Page on the third Monday in March and September; in the county of Taylor on the fourth Monday in March and September; in the county of Adair on the first Monday after the fourth Monday in March and September; in the county of Adams on the second Thursday after the fourth Monday in March and September; in the county of Montgomery on the second Monday after the fourth Monday in March and September: provided, that the first term of the district court in the county of Mills shall be held at the time as heretofore provided for by law.

SEC. 5. [2.] This act to take effect from and after its publication in the Iowa City Republican and Capital Reporter.

Approved January 28, 1857.

I hereby certify that the foregoing act was published in the Capital Reporter, and in the Iowa City Republican Feb. 16, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 169.

## TERRITORIAL ROAD.

AN ACT to vacate a portion of a certain territorial road mentioned therein.

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

SECTION 1. **Vacate.** That so much of the territorial road leading from the town of West Point in Lee County, and terminating at Montrose in said county, commencing at a point where said road crosses Painter creek in Jefferson township, thence to Montrose, is, and the same is hereby declared to be vacated.

SEC. 2. This act to take effect from and after its publication in the Fort Madison Plain Dealer and Argus, without expense to the state.

Approved January 28, 1857.

I certify the foregoing was published in the Fort Madison Plaindealer and Argus, Feb. 17, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 170.

## COUNTY SEAT.

AN ACT to locate the county seat of Mitchell county.

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

SECTION 1. **Commission'rs.** That S. W. Stanley, of Floyd county; George A. Bronson, of Chickasaw county, and James [259] Crow of Cerro Gordo county, be, and they are hereby constituted commissioners to locate the county seat of Mitchell county.

SEC. 2. **Meet.** The said commissioners, or a majority of them, shall meet at the village of Mitchell, in said county, on the first Monday in May, 1857, or within sixty days thereafter, and after taking an oath to perform the duties assigned them impartially, shall proceed to locate the seat of justice for said county, and shall make returns of their doings by filing with clerk of the district court for said county, a statement subscribed by them, and designating the place so chosen.

SEC. 3. **Location.** In making such location, it shall be the duty of said commissioners to consider the future as well as the present interests of said county, and the place so selected shall be and continue the seat of justice for said county from and after the filing of the said return with the district clerk.

SEC. 4. **Per diem.** Each of said commissioners shall be allowed two dollars for each day necessarily spent in performing the duty assigned, which shall be audited and paid by the county judge of Mitchell county, like other county charges.

SEC. 5. **Repeal.** All acts in conflict with this act are hereby repealed.

SEC. 6. This act shall be in force from and after its publication in the Iowa City Republican and Capital Reporter.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 16th, 1857, and in the Iowa Capital Reporter.

ELIJAH SELLS,  
Sec'y of State.

## [260] CHAPTER 171.

## JUROR'S FEES.

AN ACT to amend chapter 136 of the code of Iowa.

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

SECTION 1. **Fees.** That jurors shall be allowed the following fees: for grand and petit jurors, for each day's attendance upon the district court, \$2.00; before justices of the peace, \$1.00; traveling per mile, going and returning five cents.

SEC. 2. **Repeal code.** That section 2545 of chapter No. 136 of the code of Iowa, be, and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication according to law.

Approved Jan. 28, 1857.



## CHAPTER 172.

## SCHOOL DISTRICT.

AN ACT establishing a school district.

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

SECTION 1. **Mahaska county.** That there is hereby established in the county of Mahaska, an additional school district, the boundaries of the same being the boundary line of the northeast quarter of section No. 24, township No. 75, north of range No. 16 west.

SEC. 2. **Name.** Said district shall be known as school district No. —, Oskaloosa township, Mahaska county.

SEC. 3. This act shall take effect and be in force from and after its publication in the Iowa City Republican and Oskaloosa Herald, without expense to the state.

Approved Jan. 28, 1857.

I certify the foregoing act was published in the Iowa City Republican, Feb. 16, 1857, and in the Oskaloosa Herald.

ELIJAH SELLS,  
Sec'y of State.

## [261] CHAPTER 173.

## BURLINGTON SWINE.

AN ACT to prevent swine from running at large in the city of Burlington.

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

SECTION 1. **Restrain swine—fine.** That it shall be unlawful from and after the first of March next, for the owner or owners, possessor or possessors of any hogs, shoats or pigs, to permit such hogs, shoats and pigs to run at large within the corporate limits of the city of Burlington, and any person or persons being the owner or possessor of any swine aforesaid, and permitting them to run at large, contrary to this act, shall be liable to a fine of five dollars for each violation of this act, to be collected before the mayor or any justice of the peace in said city, as any action for debt, with costs of suit; and such fine shall be paid to the person making complaint.

SEC. 2. This act to take effect from and after its publication in the Iowa State Gazette, and Hawkeye and Telegraph, without expense to the state.

Approved January 28, 1857.

## CHAPTER 174

## BRIDGE.

AN ACT to authorize the Burlington and Missouri River Railroad Company to construct a bridge across the Mississippi river at Burlington.

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

SECTION 1. **Authorized—navigation.** That the Burlington and Missouri River Railroad Company, a corporation existing under and by virtue of the laws of this state, be, and is hereby authorized and empowered to build, maintain and use a railroad bridge over the Mississippi river, or that portion within the jurisdiction of the state of Iowa, at or near Burlington, in such manner as shall not materially obstruct or interfere with the free navigation of said river, and to connect, by railroad or otherwise, such bridge with any railroad in the [262] state of Illinois, terminating at or near said point: provided, that said company shall commence said bridge within three years, and shall complete the same within eight years from the passage of this act.

SEC. 2. **Steam ferry.** Until such bridge shall have been constructed as aforesaid, the said railroad company shall have the right to establish and operate a steam ferry across the Mississippi river at the point named, for the transportation of freight and passengers, conveyed or to be conveyed over said railroad.

SEC. 3. This act shall be in force from and after its publication according to law.

Approved Jan. 28, 1857.

## CHAPTER 175.

## FIFTH JUDICIAL DISTRICT.

AN ACT fixing the times of holding court in the fifth judicial district.

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

SECTION 1. **Terms of hold court.** That the terms of the district court in the fifth judicial district in said state, begun and holden in the following counties in said district at the following times: In the county of Greene on the second Monday of March and September; in the county of Webster on the third Monday of March and September; in the county of Calhoun on the fourth Monday of March and September; in the county of Boone on the first Monday of April and October, and in all other counties at such times as the judge of said district may in his discretion appoint.

SEC. 2. This act to take effect from and after its publication in the Iowa City Republican and Capital Reporter.

Approved Jan. 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 16, 1857, and Iowa Capital Reporter, Feb. 17, 1857.

ELIJAH SELLS,  
Sec'y of State.

## [263] CHAPTER 176.

## BENTON CITY.

AN ACT to change the numbers of the blocks of lots in the town of Benton city, Benton county, state of Iowa.

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

SECTION 1. **Change of Nos.** That the numbers of the blocks of lots in the town of Benton City, in the county of Benton and state of Iowa, as designated on the plat thereof as recorded in the office of recorder of deeds and mortgages in and for said county, in book D, page 20, of the records thereof, be changed as follows, to wit: That block No. 2 shall hereafter be known as block No. 1, and No. 3 as No. 2, and No. 4 as No. 3, and No. 5 as No. 4, and No. 6 as No. 5, and No. 7 as No. 6, and No. 8 as No. 7, and No. 9 as No. 8, and No. 10 as No. 9, and No. 11 as No. 10, and No. 12 as No. 11, and No. 13 as No. 12, and No. 14 as No. 13, and No. 15 as No. 14, and No. 16 as No. 15.

SEC. 2. **Deeds.** That all deeds and conveyances heretofore made in good faith in accordance with the town plat as now changed, shall be held and considered legal and binding.

SEC. 3. **This act to be filed.** Provided, however, that this act, with a plat of said town, shall be filed in the recorder's office, in Benton county, within six months from and after the passage thereof.

SEC. 4. This act shall take effect and be in force from and after its publication in the Iowa City Republican and the Vinton Eagle, without expense to the state.

Approved January 28, 1857.

## CHAPTER 177.

## STATE ROAD.

AN ACT to establish certain state roads therein named.

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

SECTION 1. **Independence, N. Hampton.** That M. F. Gillett, of Bremer county; [264] Lorenzo Bailey and David Edward, of Chickasaw county, be, and they are hereby appointed commissioners to locate a state road from Independence, in Buchanan county, running thence to Fredrika, in Bremer county, thence to New Hampton in Chickasaw county.

SEC. 2. **Denison to Monona City.** That Hugh Litle, of Monroe county; Edward Todd, of Woodbury county, and Thomas Denison, of Crawford county, be, and they are hereby appointed commissioners to locate a state road from Denison, the county seat of Crawford county, on the shortest and most practicable route through Belvidere to Monona City, on the Missouri river, in Monona county.

SEC. 3. **Centerville to Marietta.** That Jonathan Davenport, John Hudson and William Jones, are hereby appointed commissioners to re-locate so much

of the state road from Centerville in Appanoose county, to Marietta in Marshall county, located in pursuance of an act approved January 24th, 1855, as lies in Appanoose county.

**SEC. 4. Keithsburg to Winterset.** That Mr. Keith, of Polk county; the county surveyor of Warren county, and Aaron Howell, of Madison county, be appointed commissioners to locate a state road from Keith's tavern, in Polk county, thence to Carlisle and Greenbush to Winterset in Madison county.

**SEC. 5. Marietta to Irvington and Algona.** That Cyrus Smith, of Webster county; John Young, of Kossuth county, and Elias Wolohans, of Marshall county, are hereby appointed commissioners to locate a state road commencing at Marietta, in Marshall county, at a point intersecting the state road from Iowa City to Marietta, thence running via New Providence in Hardin county; Webster City, in Webster county; Irvington and Algona, in Kossuth county, on the most feasible route to the Minnesota line.

**SEC. 6. Sigourney to Ottumwa.** That Joseph Adams, Benjamin Parish, of Keokuk county, and John C. Fisher, of Wapello county, be, and they are hereby appointed to locate and establish a state road commencing at Sigourney, in Keokuk county, thence on the nearest and best route via Martinsburg in Keokuk county, to Ottumwa in Wapello county.

**SEC. 7. Decorah to Bristol.** That Stephen R. Smith, of Mitchell county; Wm. Cole, of Howard county, and I. P. McKinney, of Winneshiek county, be, and they are hereby appointed [265] commissioners to locate a state road from Decorah, in Winneshiek county, via New Oregon, in Howard county; St. Ansgar, in Mitchell county; Glenmary, on sections No. 24 and 25, in township No. 99 north, of range No. 21 west, in Worth county, to Bristol in said Worth county.

**SEC. 8. Centerville to Ottumwa.** That Asa Dudley, of Appanoose county; and Cyrus Vaneleaver and Richard Fisher, of Wapello county, are appointed commissioners to locate a state road commencing at the public square in Centerville, thence north on Main street, to Washington street, thence east to Monroe street, thence north to the county road between the property of A. Harris and J. F. Stratton, thence east on said road to the east street, thence north to the north-east corner of Centerville, thence east on the section line between sections thirty and thirty-one, township sixty-nine, range seventeen, one half mile, thence the nearest and best route to Ottumwa, via Unionville, Albany and Blakesbury; where said road runs on the streets of any town or village, it shall have the same width as such street.

**SEC. 9. Cedar Falls to Sioux City.** That James M. Noble, of Delaware county; H. B. Martin, of Webster county, and John F. Duncan, of Webster county, are hereby appointed commissioners to locate and establish a state road from Cedar Falls, in Black Hawk county, thence via Webster City and Fort Dodge, on the most practicable route to Sioux City.

**SEC. 10. Council Bluffs to Sioux City.** That Silas W. Conduit, of Harrison county; J. B. Gard, of Monona county, and George W. Chapel, of Woodbury county, be, and they are hereby appointed commissioners to locate a state road from Council Bluffs City, in Pottawattamie county, up Missouri river bottom, on the shortest and most practicable route, running west of the Willow Creek, in Harrison county, crossing the Soldier Creek at what is known as the Indian Bridge, thence up the bottom, crossing the Little Sioux river on Condit's bridge, thence to Monona City, in Monona county, thence through Ashton, on the most direct and practicable route to Sioux City.

**SEC. 11. Keel's mill to Connectionville.** That James Hardy, of Harrison county; Guy C. Banum, of Monona county, and Orin Smith, of Woodbury

county, be, and they are hereby appointed commissioners to locate a state road from William R. Keel's mill, [266] on the Pigeon Creek, in Pottawattamie county, thence on the shortest and most practicable route, through Magnolia, in Harrison county, Preparation and Belvidere, in Monona county, and Southland, to Connectionville, in Woodbury county.

SEC. 12. **Adams & Lovett's bridge to Magnolia.** That James M. Butler, of Shelby county; S. J. Comfort, of Crawford county, and Benijah Alsams, of Harrison county, be, and they are hereby appointed commissioners to locate a state road commencing in Shelby county, on the east fork of the West Nishnalotana, at what is known as Adams and Lovett's bridge, thence through Shelbyville, and by way of Butler and Ball's Mill, on the Boyer river, to Magnolia, in Harrison county.

SEC. 13. **Panora to Soldier creek.** That P. J. Whitted, of Audubon county; James H. Adams, of Shelby county, and Owen Thorp, of Harrison county, be, and they are hereby appointed commissioners to locate a state road, commencing at Panora, in Guthrie county, thence west on or as near the township line between township seventy-nine and eight north, as practicable, through Magnolia, to the mouth of Soldier creek, on the Missouri river, in Harrison county.

SEC. 14. **Ft. Desmoine to Mount Air.** That John D. Wright, of the county of Union; and Samuel Saint, of the county of Clarke; and Peter Doze, of the county of Ringgold, are hereby appointed commissioners to locate a state road from Ft. Desmoines, running thence via Greenbush, St. Charles, Laport, in Clarke county; Jas. A. Forgers and S. C. Carpers, in Union county, to form a junction at or near that point, with the state road authorized to be established from Fort Desmoines via Indianola, Osceola, Hopeville and Mt. Air.

SEC. 15. **Ft. Desmoine to Minnesota.** That B. Detrick, of Boone county; E. W. Salesbury, of Webster county; and I McIntosh, of Wright county, are hereby appointed commissioners to locate a state road, commencing at Boonsboro at a state road from Ft. Desmoines to Boonsboro, thence running in a north-easterly course via of Webster City and Fremont to the Minnesota line.

SEC. 16. **Knoxville to county line.** That James Thornbury, Robert M. Logan, and John Cromwell, be, and they are hereby appointed commissioners to locate and establish a state road from Knoxville, the county seat of Marion county, and running on the [267] most direct, practicable route to Pleasantville, thence on the most direct, practicable route via Wheeling to the county line between Marion and Warren near James Thornburg's connecting with the state road leading to Fort Desmoines.

SEC. 17. **Fayette to Osage.** That John A. Griffith, of Fayette county; Osgood Gowen, of Chicksaw county; and J. L. Chase, of Mitchell county, be, and are hereby appointed commissioners to locate a state road from Fayette, Fayette county, to Osage, Mitchell county, via New Hampton, Chickasaw county.

SEC. 18. **Genoa Bluffs to Vinton.** That S. S. Parks, of Benton county, J. C. McConnell; and Charles D. Hoostetker, of Iowa county, be, and they are hereby appointed commissioners to locate a state road, commencing at Genoa Bluffs, in Iowa Co., thence via Marengo, in Iowa Co., to Vinton, in Benton Co.

SEC. 19. **Osage to Algona.** That A. H. Moore, of Mitchell county; Amos B. Miller and James Crow, of Cerro Gordo county, be, and they are hereby appointed commissioners to locate and establish a state road beginning at Osage, in Mitchell county, thence by Mason City and Clear Lake City, in Cerro Gordo county, to Algona, in Kossuth county.

**SEC. 20. Wassonville to Barnsville.** That Benj. Murun, of Mahaska county; John S. Sheely, of Poweshiek county; and Terry, of Washington county, be, and are hereby appointed commissioners to locate a state road from Wassonville, in the county of Washington, thence the nearest and best route to the southeast corner of Poweshiek county, thence on or near the county line as would be most practicable to Boonsville, in Poweshiek county, from thence westward to Walker's Mill, thence to Grandville, in Mahaska county, to its place of termination.

**SEC. 21. West Union to Clarksville.** That Robert Brelie, Wm. Bostick, of Bremer county; and George McClelland, of Butler county, be, and they are hereby appointed commissioners to locate a state road from West Union, in Fayette county, via Waverley, in Bremer county, to Clarkville, in Butler county.

**SEC. 22. Cedar Falls to Clear Lake.** That John Maber, of Winnebago county; Frederick Pattee, of Cerro Gordo county; and M. D. L. Webb, of Benton county, are hereby appointed commissioners to locate a state road from Cedar Falls, in Blackhawk county, thence to Clear Lake, in Cerro Gordo county, thence to Forest City, in Winnebago county.

**SEC. 23. Deedsville to Brighton.** That William Israel, of Brighton; and Anson [268] Moore, both of Washington county; and William Rogers, of Jefferson county, be, and are hereby appointed commissioners to locate a state road from Deedsville, commencing on the west bank of Skunk river, and running thence to Brighton, to connect at the latter place with a state road running to Oskaloosa.

**SEC. 24. Camanche to Anamosa.** That the part of the state road, leading from Camanche to Anamosa, to wit: from the point where said road crosses sections nineteen (19) and twenty (20), thence to west side of section thirteen (13), in township eighty-one (81), range five, east of the fifth P. M., be changed and located as follows, to wit: commencing at said point where said road crosses said sections nineteen (19) and twenty (20), thence north to the southwest corner of section seventeen (17), thence west along the south line of section eighteen (18) to the centre of said south line of said section, thence north to the center of said section eighteen, thence west to the west line of section thirteen (13), thence north on west line of said section to the line of intersection of said road.

**SEC. 25. Muscatine to Ormans Ferry.** That William Gordon, John Barnard, and John H. Cole, be, and they are hereby appointed to re-locate so much of the state road leading from the city of Muscatine to Iowa City as lies between the city of Muscatine and Overman's Ferry, on Cedar river.

**SEC. 26. Clark and Kirkwood's mill to Vinton.** That Ezekiel Clark, Luther Doty, and Justice D. Morton, of Johnson county, be, and they are hereby appointed commissioners to locate a state road from a point at or near the planing mills of Clark and Kirkwood, in Iowa City township, in Johnson county, to the north-east corner of the north-west quarter of the north-west quarter of section number five, township eighty north, of range seven west, thence along the Foster road to Greencastle, thence via Coterell's Ferry and Malvern, in Johnson county, to Vinton, in Benton county.

**SEC. 27. Glenwood to Chariton.** That William Dun, of Montgomery county; Thomas Ennis, of Adams county, and Samuel Riggs, of Union county, be, and they are hereby appointed commissions to review and more accurately define the locality of that portion of the state road running from Glenwood to Chariton, as follows, to wit: between the west line of Montgomery county, and the east line of Union county.

[269] **SEC. 28. New Hampton to Oregon.** That Thomas Jacobs and C. M. Webster, of Chickasaw county, and Martin Burdick, of Howard county, be, and they are hereby appointed commissioners to locate a state road from New Hampton, in Chickasaw, to Oregon Grove, Howard county.

**SEC. 29. Caruther's ferry to Muscatine.** That William H. Hazelett, Samuel Morton, and Moses M. Byers, of Muscatine county, are hereby appointed commissioners to locate a state road, beginning at a point on the east side of the Cedar river, where Caruther's ferry crosses the same in township seventy-seven (77) north, of range three (3) west, in Muscatine county, thence to the south-west corner of the north-west quarter of section twenty-two (22), in the township and range aforesaid; thence east to the Iowa City road leading to the city of Muscatine, as to them shall appear the best and most practicable route.

**SEC. 30. Com'rs meet.** That the commissioners above appointed to locate each respective road, or a majority of them, shall meet on the first Monday in July, A. D. 1857, or within six months thereafter, at the first point mentioned in each proposed road, or some other point, if agreed upon, and taking to their assistance a surveyor and necessary chainmen and markers, and after having been sworn to the faithful discharge of their duties respectively, shall proceed to perform the same according to law.

**SEC. 31. Compensation.** The commissioners, surveyors, and hands, to be paid as provided by the law in such case made and provided; but the state shall in no case be liable for any part of the expense incurred in the location of said roads.

**SEC. 32.** This act to take effect and be in force from and after its passage.

Approved January 28, 1857.

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[270] CHAPTER 178.

RAILROAD STOCK.

AN ACT to authorize the city of Dubuque to subscribe to the capital stock of the Dubuque, St. Peters and St. Paul railroad company.

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

**SECTION 1. Bonds and conditions.** That the mayor of the city of Dubuque be, and he is hereby authorized to issue the bonds of said city for the benefit of the Dubuque, St. Peters and St. Paul railroad, to the amount of \$250,000 (under such conditions as the city council may think proper to impose,) in payment of stock subscribed by said city, and that the proceeds of said bonds may be expended outside of the limits of the county of Dubuque.

**SEC. 6.** This act shall be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 16, 1857, and in the Iowa Capital Reporter.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 179.

## COUNCIL BLUFFS.

AN ACT to prevent swine from running at large in the city of Council Bluffs.

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

SECTION 1. **Restrain swine.** That it shall be unlawful from and after the first of March next, for the owner or owners, possessor or possessors of any hogs, shoats, or pigs, to permit such hogs, shoats or pigs to run at large within the corporate limits of the city of Council Bluffs, and any person or persons being the owner or possessor of any swine aforesaid, and permitting them to run at large contrary to this act, shall be liable to a fine of five dollars for such violations of this act, to be collected before the mayor, or any justice of the peace in said [271] city, as an action for debt, with costs of suit, and such fine shall be paid to the person making the complaint.

SEC. 2. This act to take effect from and after its publication in the Council Bluffs Bugle, and Chronotype, without expense to the state.

Approved Jan. 28, 1857.

## CHAPTER 180.

## HOWARD COUNTY.

AN ACT legalizing the organization of Howard county.

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

SECTION 1. **Legalizing.** That the organization of Howard county, and the official acts of the county and township officers, elected under the present organization of said county, be, and the same are hereby legalized and declared valid to the same extent as if said organization had been in all respects regular.

Approved Jan. 28, 1857.

## CHAPTER 181.

## STATE ROADS.

AN ACT to establish certain state roads.

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

SECTION 1. **Flint's to Bradford.** That James B. Cutler, of Winneshiek county; J. P. McKinny, of Winneshiek county; and John G. Pratt, of Allemakee county, be, and they are hereby appointed commissioners, to locate a state road from the residence of J. W. Flint, in section two, T. ninety-eight north, range six west, thence as direct as practicable to the residence of Hon. J. T. Atkins on section twelve, township ninety-seven north, range seven west, thence direct as practicable to the residence of Hon. J. D. McKay



on section —, [272] township ninety-seven north, range seven west, thence to or near the residence of A. P. Rosa on section seven north, range west, thence direct as practicable to Ft. Atkinson in Winneshiek county, thence direct as practicable to the town of Bradford in Chickasaw county.

**SEC. 2. Capital to Sac City.** That Thomas Cavanaugh, of Polk county; Jas. H. Phillips, of Dallas county; and J. Orr, of Green county, be, and they are hereby appointed commissioners, to locate a state road from Ft. Desmoines in Polk county to Sac City in Sac county, by way of Heirs Grove on Bears creek, to Buffalo Grove in Boone county, thence by way of the town of Rippley, Jefferson, the county seat of Green county, to the mouth of Cedar creek, thence on the best route to Lake City in Calhoun county, thence on the best route to Sac City in Sac county.

**SEC. 3. Capital to Afton.** That Wm. M. Locke, of Union county; Aaron Hiatt, and David Downs, of Madison county, be, and they are hereby appointed commissioners to locate a state road from Ft. Des Moines, in Polk county, to St. Charles, in Madison county, thence on the most practicable route to Peru, in Madison county, thence on the best and most practicable route to Afton, in Union county.

**SEC. 4. Granville to Newton.** That E. E. Herbert, of Mahaska county, and Andrew Currier and John R. Sparks, of Jasper county, be and they are hereby appointed commissioners to locate a state road from Granville, in Mahaska county, thence on the nearest and most practicable route to Newton, in Jasper county.

**SEC. 5. Lewis to Quincy.** That Westley Spurlock, of Cass county; Charles E. Bell, of Montgomery county, and B. B. Lockwood, of Adams county, be and they are hereby appointed commissioners to locate a state road from Lewis, Cass county, thence to Smith and Bell's mill, on the west branch of the Nodaway river, in Montgomery county, thence to Quincy, in Adams county.

**SEC. 6. Winterset to Oceola.** That B. F. Brown and E. R. Guiberson, of Madison county, and Oliver Perry, of Clark county, be, and they are hereby appointed commissioners to locate a state road from Winterset, in Madison county, to Peru, in said county, and thence to the best and most practicable route to Oceola, in Clark county.

[273] **SEC. 7. Capital to Marietta.** That L. S. Case and D. Elliott, of the county of Polk, and M. Barker, of Marshall county, be, and they are hereby appointed commissioners to locate and establish a state road from Desmoines city, in Polk county, commencing at the junction of ninth and Desmoine streets, and running with the last named street to corporation limits, thence on the most practicable route to the bridge across Four Mile creek, in Delaware township, Polk county, thence to the county seat of Marshall county, on the most direct and practicable route.

**SEC. 8. Capital to Bear Grove.** That Aaron Coppuck, Andrew Hubbard and David Bowles, Sen'r, be, and they are hereby appointed commissioners to locate a state road from a point near the mouth of Raccoon river, at Fort Des Moines, in Polk county, thence in a westerly direction on the south side of Coon river, and on the north side of North river, the nearest and most practicable route (via) Pennsburgh to Dalmanutha, at Bear Grove, in Guthrie county Iowa.

**SEC. 9. Dyersville to capital.** That Dr. A. E. Smith, of Hopkinton, Delaware county; Mr. Whipple, county surveyor of Benton county, be, and are hereby appointed commissioners to locate a state road from the village of Dyersville, in Delaware county, and locate same via Hopkinton, in Delaware county, and Vinton in Benton county, to Fort Des Moines, in Polk county.

SEC. 10. **Osceola to Summerset.** That James C. Gibbs and Robert Wilson, of Adair county, and Thomas C. Clark, of Osceola, in Clark county, be, and they are hereby appointed commissioners to locate a state road from Osceola, in Clark county, thence to William Schroear's mill, in Adair county, thence to Summerset, in said Adair county.

SEC. 11. **Mt. Pleasant to Wapello.** That Evan Jay and Samuel M. Holland, of Henry county, and A. D. Hurley, of Louisa county, be, and they are hereby appointed commissioners to locate a state road from Mt. Pleasant, in Henry county, to Wapello, in Louisa county.

SEC. 12. **Center Point to Independence.** That Hiram Russell, S. M. Lockhart, and John F. Wilson, be, and they are hereby appointed commissioners to locate a state road from Center Point, in Linn county, Iowa, to the town of Independence, in Blackhawk county, Iowa.

[274] SEC. 13. **Montezuma to Toledo.** That James C. Marshall, of Tama county; and Henry Broadbrooks and Washington Hardin, of Poweshiek county, be, and they are hereby appointed commissioners to locate a state road from Montezuma in Poweshiek county via Brooklin in said county, thence to a point near Enoch's school house in said county, thence on the most direct and practicable route to Eureka in Tama county, thence to Toledo in Tama county.

SEC. 14. **Waterloo to Ft. Dodge.** That John W. Lane, of Webster county; C. B. Rosencrans, of Hamilton county; and George Wilson, of Webster county, be, and they are hereby appointed commissioners to locate a state road, from Waterloo in Blackhawk county via Hazle Green, Wheelers or Skunks Grove, Webster City, to Fort Dodge in Webster county.

SEC. 15. **Centre Point to Waterloo.** That Henry G. Whipple, Lewis W. Bryson, and Wm. Bugles, be, and they are hereby appointed commissioners to locate a state road from Centre Point in Linn county, Iowa, via Marysville in Benton county to Brandon, thence to Waterloo in Blackhawk county, Iowa.

SEC. 16. **Capital to Leon.** That Samuel Forrey, of the county of Decatur; John Clark, of the county of Clark; and John McClintock, of the county of Warren, be, and they are hereby appointed commissioners to lay out and establish a state road from Fort Desmoines in Polk county, thence on the most practicable route to Pleasant Plain in Decatur county via Indianola in Warren county, Ocola in Clark county, and Linn in Decatur county.

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

SEC. 17. **Adair to Chain Lakes.** That N. A. McClure, of Hardin county; H. A. Henderson and Wm. H. Ingham, of Kossuth county, be, and they are hereby appointed commissioners to locate a state road from Alden in Hardin county, running thence to Twin Lakes in Hancock county, thence to Algona in Kossuth county, thence to Chain Lakes in Emmett county.

SEC. 18. **Ashton to Dunham Grove.** That Y. J. Campete, of Crawford county; Hugh Little, of Monona county; and Thomas Howels, of Monona county, be, and they are hereby appointed commissioners to locate a state road from Ashton, Monona county, through Denison, Crawford county, to intersect the state road from Fort Desmoines to Sioux City at Dunhams Grove in Crawford county.

[275] SEC. 19. **N. Hampton to Odessa.** That James H. Brush, of Howard county; E. R. Gillett, of Chickasaw county; and George W. Schofield, of Howard county, be, and they are hereby appointed commissioners to locate a state road, from New Hampton in Chickasaw county to the Minnesota line near the village of Odessa.

SEC. 20. **Sigourney to Ottumwa.** That Gurly Baker, Jesse Scott, and Jas. Gray, Wapello county, be, and they are hereby appointed commissioners to locate a state road from Sigourney in Keokuk county via Martinsburgh and Delonega to Ottumwa in Wapello.

SEC. 21. **Lansing to Howard Centre.** That Thomas B. Davis, of Howard county; James Harvey, of Allemakee county; and N. B. Burdick, of Winneshiek county, be, and they are hereby appointed commissioners to locate a state road, from Lansing in Allemakee county, thence as direct as practicable to the residence of J. W. Flint, on section twenty-four, township ninety-eight, range six west, thence as direct as practicable to Freeport in Winneshiek county, thence as direct as practicable to Decorah in said county, thence as direct as practicable to the county seat of Howard county or Howard Centre in the aforesaid county.

SEC. 22. **Pleasant Plain to Osceola.** That Riley Sanders, Clark county; H. S. Lasy, of Cass county, and J. Chaprion, of Adair county, be, and they are hereby appointed commissioners to locate a state road from Pleasant Plain, on the Missouri line, where the state road from Brunswick, Missouri, via Trenton and Princeton, Missouri, ends, and run thence north by way of Leon, to Osceola, in Clark county.

SEC. 23. **Hickory pole to Dr. Morrison's.** That Dr. Morrison, of Cass county, and George B. Wilson, of Adair county, and William Easton, of Adair county, be, and they are hereby appointed commissioners to locate a state road as follows: commencing at a certain hickory pole, in section 36, township 77, range 31, at a point where the state road leading from Fort Des Moines to Plattsmouth, in Adair county, where the Winterset, and Council Bluffs road intersects the run on said road, to a stake near George B. Wilson's, called Wahtawah, thence west to or near James Ray's, on the nearest and best route, thence on the most practicable route to Dr. Morrison's in Cass county, there to intersect the state road [276] leading from Fort Des Moines to Wahtawah, in Adair county, where the Winterset and Council Bluffs road intersects, to run on said road to a stake near George B. Wilson's, called Wahtawa, thence west to or near James Ray's, on the nearest and best route, thence on the most practicable route to Dr. Morrison's, in Cass county, there to intersect the state road leading from Ft. Des Moines to Council Bluffs, and disannul so much of the state road leading from Winterset to Council Bluffs, by way of Wahtawah, from the above described hickory pole, to Alfred Jones', in Adair county, Iowa.

SEC. 24. **Brighton to Oskaloosa.** That Manning B. Mills, of Washington county; William Effner, of Keokuk county, and John Cunningham, of Mahaska county, be, and they are hereby appointed commissioners to locate a state road from Brighton, in Washington county, thence, by the nearest and best route to Richland, in Keokuk county, thence the nearest and best route to Oskaloosa, in Mahaska county.

SEC. 25. **Sec. 5, T. 77, R. 8 W, to Muscatine.** That Marcus Hull, of Washington county, is hereby appointed a commissioner to locate a state road from the north-west corner of the N. E. quarter of the N. E. quarter of section 5, township 77, north, range No. 8 west of the 5th P. M., southwardly, to intersect the state road running from Wassonville, in Washington county, to the city of Muscatine, and that so much of the state road as lies on the section line between the counties of Washington and Johnson, and being west of the north-west corner of the north-east quarter of the north-east quarter of section five, township seventy-seven north, of range No. eight west of the fifth P. M., be, and the same is hereby declared vacated.

SEC. 26. **Wassonville to Iowa City.** That Marcus Hull, of Washington county, and Isaac V. Dennis, of Johnson county, be, and they are hereby appointed commissioners to re-locate and establish that part of the state road from Wassonville to Iowa City, commencing at a point where the road as now located, leaves the road from Wassonville to Muscatine, running thence northeasterly, with said Wassonville and Muscatine road, to the east line of section six, township 77 north, range 8 west of the 5th P.M., thence north with the section line, to intersect route of the road first aforesaid, as now located.

SEC. 27. **Camanche and Anamosa.** That the location of the Camanche and Anamosa state road, be so changed as to run from the point where said road now diverges from the east line of the south-west quarter of section thirty-four, township eighty-two north, range five east of the fifth principal meridian, directly north to the north-east corner of the south-west [277] quarter of said section, thence west till it intersects the line of said road as now located.

SEC. 28. **Knoxville to Gosport.** That Robert A. Venable, Allen Pearson, and Luther Burt, of Marion county, be, and they are hereby appointed commissioners to locate a state road from the city of Knoxville, to Gosport, in Marion county.

SEC. 29. **Bellefontain to Chariton.** That Broomfield Long and Joseph Davis, of Marion county, and S. S. Walker, of Lucas county, be, and they are hereby appointed commissioners to locate a state road from Bellefontain, in Mahaska county, via Attica and Gosport, to Chaiton, in Lucas county.

SEC. 30. **Eddyville to Attica.** That Robert Wharton, Noah Whittock and Levi Clearwater, be, and they are hereby appointed commissioners to locate a state road from the ferry landing on the west side of the Des Moines river, at Eddyville, thence following the road now traveled until it reaches Coal Creek, near Esquire Harriot's, thence on the line between sections No. twelve and thirteen, in township No. 77 north, of range No. 17 west of the 5th principal meridian, and following said line westward, crossing Cedar Creek near A. B. Lyman's in township No. 74 north, of range No. 18 west, and continuing on said line westward, until it intersects the road leading from Marysville to Attica, via Benj. S. Davis' and Joseph B. Davis', to Attica, in Marion county.

SEC. 31. **Eddyville to Indianola.** That John Carell, of Wapello county, Henry Bowman, of Marion county, and John Grun, of Warren county, be, and are hereby appointed commissioners to locate a state road from Eddyville, in Wapello county, and running by Attick and Lewis Harlan's to Indianola, in Warren county.

SEC. 32. **Meeting.** That the commissioners above appointed to locate each respective road, or a majority of them, shall meet on the first Monday in July, A. D. 1857, or within six months thereafter, at the first point mentioned in each proposed road, or some other point, if agreed upon, and taking to their assistance a surveyor and the necessary chainmen and markers, and after having been sworn to the faithful discharge of their duties respectively, shall proceed to perform the same according to law.

SEC. 33. **Compensation.** The commissioners, surveyors and hands to be [278] paid as provided by the law in such cases made and provided; but the state shall in no case be liable for any part of the expense incurred in the location of said roads.

SEC. 34. This act shall take effect and be in force from and after its passage.

Approved January 28, 1857.

## CHAPTER. 182.

## RAILROAD GRANT.

AN ACT supplement to an act entitled an act to accept the grant and carry into execution the trust conferred upon the state of Iowa by an act of congress, entitled an act making a grant of land to the state of Iowa in alternate sections, to aid in the construction of railroads in said state, approved May 15th, 1856, which said act of the legislature of Iowa was approved July 14, 1856.

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

**SECTION 1. Disposition of lands.** That the said companies may make such disposition of the lands granted by the act to which this is a supplement, by mortgage or deed of trust, as may be deemed proper for the purpose of securing any amount of construction bonds necessary for the completion of such roads; which may bear such rate of interest not to exceed ten per cent. per annum, and may sell the same for the best price that can be procured. Said companies, nor either of them, shall ever be allowed to plead that such bonds are usurious or invalid: provided, that the monies realized from the sale of the bonds aforesaid shall be applied exclusively to the construction and equipment of said roads.

**SEC. 2. Lien of mortgage.** Any mortgage or deed of trust made upon the lands, roads, or the property of either, shall bind and be a valid lien upon all the property mentioned in such deed or mortgage including rolling stock; and the purchasers under a trustee's sale or foreclosure of mortgage, shall have and enjoy all the rights of a purchaser on execution sale: provided further, that nothing contained in this act shall be so construed as in any manner to interfere with, change or modify the rights of this state or of the United States to any lands granted by congress to this state and by this state to [279] certain railroad companies therein, as a security for the completion of said roads or to transfer any right in said lands otherwise than as subject to all the conditions imposed by the grant made by the United States to this state, and by the grant by this state to said companies or by either of said grants; and provided further, that the faith of the state is in no way pledged for the payment of said bonds.

**SEC. 3. Record.** Any mortgage or trust deed made as before mentioned shall be recorded in the office of the recorder of each county through which said road runs or wherein it owns or holds lands, and shall be notice to all the world of the rights of all parties under the same.

**SEC. 4.** This act to take effect from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved Jan. 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 14, 1857, and Iowa Capital Reporter, Feb. 17, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 183.

## TAX ON RAILROAD STOCK.

AN ACT relating to taxes upon non-resident stockholders of the Mississippi and Missouri Railroad.

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

SECTION 1. **Treas. of Scott Co. pay over.** That the treasurer of Scott county is hereby required to pay over to the treasurer of Cedar, Muscatine and Johnson counties respectively, a portion of the county tax hereafter collected from the non-resident stockholders of the Mississippi and Missouri River Railroad company for the years 1857 and 1858, equal to the number of miles constructed in each of said counties, so that each of said counties shall receive such portion of the taxes collected from the non-resident stockholders as the number of miles constructed in each county shall be as to the whole length of railroads so constructed.

Approved January 28, 1857.

## CHAPTER 184.

## STATE PRINTING.

AN ACT relating to state printing.

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

SECTION 1. **Composition.** That the compensation for state printing shall be: For composition on the laws, journals, reports, circulars, and all other printed matter, except blanks, seventy cents per thousand ems, and one dollar and five cents per thousand ems for figure work, where the figures are arranged in columns; and one dollar and forty cents per thousand ems for rule and figure work.

SEC. 2. **Press work.** For press work the compensation shall be sixty cents per token for each eight page form, octavo size, or for each four page form, quarto size: provided, that two hundred and forty impressions shall constitute a token, except when the work ordered shall not amount to that many impressions, when any less quantity shall be counted as a token.

SEC. 3. **Blanks.** For printing blanks, when the blanks require one side of a sheet of folio, post, or any larger sized paper, there shall be allowed for the first quire two dollars, for the balance of the first ream, seventy cents per quire, and forty cents per quire for any number exceeding one ream.

SEC. 4. **Blanks.** For printing blanks on letter, cap, or any larger paper (less than folio post) there shall be allowed for the first quire one dollar forty cents; if the blank occupy one side of a sheet, for the balance of first ream, forty cents per quire, and for any number exceeding one ream, twenty-five cents per quire: provided, that twenty-four blanks shall constitute a quire, except when two blanks are printed on one side of a sheet, then twenty-four sheets of paper shall constitute a quire.

[281] **SEC. 5. Blanks.** For printing blanks upon any paper mentioned in the preceding section of this act, or any smaller paper, and when two or more blanks are printed upon a half sheet, one dollar shall be allowed for the first quire; thirty cents per quire for the balance of the first ream, and twenty cents per quire for any number exceeding one ream: provided, that for this kind of blanks twelve sheets of paper shall constitute a quire.

**SEC. 6. Headings.** For printing headings to assessments or census blanks, one dollar fifty cents shall be allowed for the first quire, and fifty cents per quire for the balance of the first ream, and thirty cents per quire for any number exceeding one ream: provided, that when a sheet is printed on both sides, twelve sheets shall constitute a quire, and when on one side, twenty-four sheets shall constitute a quire.

**SEC. 7. State printer.** For all work done by the present state printer after the taking effect of this act, the compensation shall be as herein provided.

**SEC. 8. Repeal.** Chapter sixty-four of the laws passed at the regular session of the fifth general assembly is hereby repealed.

**SEC. 9.** This act to take effect from and after its publication in the Iowa City Republican and Maquoketa Excelsior.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 21, 1857, and in the Maquoketa Excelsior, June 16, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 185.

### CITY OF DES MOINES.

AN ACT to incorporate the city of Desmoines, in Polk county.

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

**SECTION 1. Boundaries.** That all that portion of the state of Iowa, included within the following limits, to-wit: Beginning at the northeast corner of section two (2), township seventy- [282] eight (78), range twenty-four (24) west fifth P. M., Iowa; thence west to the northwest corner of section five (5), township and range aforesaid; thence south to the southwest corner of section eight (8) in said township; thence east to the southeast corner of section eleven (11) in said township; thence north to the place of beginning, be, and the same is hereby declared a city corporate, by the name of Desmoines; and the inhabitants thereof are created a body corporate and politic, by the name and style of Desmoines; and by the name and style aforesaid, shall have perpetual succession, shall have and use a common seal, which they may alter, change, and renew at pleasure, and shall have power to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, to purchase, receive and hold property both real, personal and mixed, and to improve, protect or sell, lease, convey or dispose of the same; and for the better ordering and governing of said city, the exercise of the corporate powers of the same, hereby granted, and the administration of its fiscal, prudential and municipal concerns, with the conduct, government and direction thereof, shall be vested in a mayor and aldermen, consisting of fourteen members, to be denominated the city council; together with such other officers as are hereinafter provided for.

**SEC. 2. Wards.** There shall be seven wards in the city, to be laid off at the discretion of the council, three of which shall be on the east, and four on the west side of the Des Moines river. The council may change the limits of the wards when they think proper: provided, that the number of wards east of the river shall bear the same proportion to those on the west, for two years from the passage of this act.

**SEC. 3. Property vested in city.** That the said city shall be, and hereby is invested as the lawful owner and proprietor, with all the real, personal or mixed estate, and all the rights and privileges thereof, together with all the property, funds and revenues, and all the monies, debts, accounts and demands due, owing, or in any wise belonging to said city, or which, by or under the authority of any former act or acts have been acquired, vested in, or is, or may be owing or belonging to the town of Fort Des Moines, together with all rights, in- [283] terests, claims or demands, in favor or against said town may be continued, prosecuted, defended, and collected in the same manner as though this act had never passed.

**SEC. 4. Election of officers—mayor—conducting election—city council—special tax.** That the qualified electors of said city shall, on the first Monday in March A. D. 1857, elect, in the manner following, the first city council. In that portion of said city lying west of the Des Moines river, there shall be elected to said city council, by general ticket, eight aldermen. On the east side of the Des Moines river, there shall be elected to said city council, by general ticket, six aldermen.

At said election there shall also be elected by general ticket, a mayor for said city. The said mayor and aldermen so elected at said election, shall hold their offices until the first Monday in May ensuing, or until their successors are elected and qualified. The place for holding said elections at said first election, shall be as follows: In that portion west of the Des Moines river, at the court house. In that portion east of said river, at the capitol building.

The said first election under this charter shall be conducted as township elections are now conducted by law. The returns of said election shall be made to the then mayor of the town of Fort Des Moines, and certificates of election and oaths of office shall issue and be administered, as is now provided by the charter, and ordinances of said town. That the qualified electors of said city shall, on the first Monday in May, A. D. 1857, and annually on the same day thereafter, elect a mayor, who shall have resided in said city one year, and the qualified electors of said city, shall at the same time elect fourteen aldermen, who shall have resided in said city one year; and the mayor and aldermen so elected, when assembled together, and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. They shall be the judges of the election returns and qualification of their own members, and shall continue in office for the term of one year, and until their successors shall be elected and qualified. They shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection and examination of every citizen, and may compel the attendance of absent members in such manner and under such penalties as they may prescribe; and they shall [284] meet at some convenient place in said city, on the second Monday in May, and after taking the oath of office before some officer qualified to administer oaths, shall elect from their own body a president pro tempore, and when so convened they shall proceed to elect a recorder, marshal, treasurer, assessor, two street commissioners, city engineer, and such other subordinate officers as a majority of said council may deem necessary, whose duties, term of office and compensation shall be governed by the ordinances of the city



council passed from time to time, and shall require from them such bond as they may deem proper for the faithful discharge of the duties of their several offices. It shall be necessary to secure a two-thirds vote of said city council, to carry in the affirmative any proposition involving appropriations for any general purpose, or to grant the right of way to any railroad north of Elm street. Upon the petition of twenty-five property holders in any one ward or wards, asking that any grade of streets or other improvement or work of special public interest to such ward or wards, be constructed, the construction of which would require the raising of funds by special tax, it shall be the duty of the council to order an election in such ward or wards, on the question of voting a tax on the property therein, for the purpose of constructing such improvements or work; and if at such election, two-thirds of the votes cast by the qualified voters are in favor of the tax, the council shall proceed to levy the necessary assessment, and have the tax collected and the work constructed.

**SEC. 5. Notice of election—polls open—failure to elect—enter on duty.** That in all elections for city officers, it shall be the duty of the mayor to issue a proclamation to the qualified voters of said city, setting forth the time of such elections, the place or places where the same shall be held, the officer and officers to be elected, and cause a copy of such proclamation to be posted up in a public place in each of the wards of said city, at least ten days previous to such election; and every such election shall be open between the hours of nine and twelve o'clock in the forenoon, and from one to five o'clock in the afternoon, and shall in all things be conducted agreeably to the laws regulating township elections for the time being. And it shall be the duty of the judges of said election, within two days thereafter, to [285] make out and direct the returns thereof to the mayor of said city, at his office, in the same manner that election returns are required to be made by the township trustees for the time being: provided, that in all the elections for mayor, the returns shall be made and directed to the president pro tempore of the city council; and the mayor or president, as the case may be, shall, within five days after any such election, open the returns which shall have been made as aforesaid, and shall make an abstract of all the votes, and file the same with the city recorder, who shall make a record thereof in a book to be kept by him for that purpose, and the person or persons having the highest number of votes shall be declared duly elected. But if from any cause, the qualified voters of said city, or any of the respective wards, should fail to effect any election, the mayor shall forthwith issue his proclamation for a second election, which in all things shall be notified, conducted, regulated, and the returns thereof made as in this act is prescribed, and the person or persons who shall be chosen at any second election, shall hold their office until the next annual election, and until their successor or successors in office, shall be elected and qualified; and it shall be the duty of the mayor or president pro tempore of the city council, immediately to notify such person or persons who may be elected as aforesaid, of his or their election, by causing a written notice thereof to be served upon him or them by the city marshal, and every person so chosen or elected as aforesaid, shall within ten days after his election, cause himself to be qualified to enter upon the duties of his office, and in default thereof, the office to which he shall have been elected shall be deemed in law to be vacated, and it shall be the duty of the city council to prescribe the time and manner, and provide the place or places of holding all elections in said city for city officers, and of making the returns thereof not herein otherwise directed and prescribed; and the said city council shall appoint judges and clerks of all city elections.

SEC. 6. **Qualification.** That each and every white male citizen, above the age of twenty-one years, who shall have been a resident of the city six months immediately preceding any election, shall be deemed a qualified voter of said city, and shall be entitled to vote in the ward where he may reside, for mayor- [286] or, aldermen, and such other officers as are in and by this act directed to be chosen by the qualified voters of said city, or of their respective wards therein, and all others, which by public ordinance may be required to be chosen or elected; and when any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the requisite qualifications of an elector, or if his vote shall be challenged by an elector, the judge of said election shall administer to the person an oath or affirmation in the following form, to-wit: I, A. B., do solemnly swear, (or affirm, as the case may be) that I am a citizen of the United States, and that I have been a resident of this city six months immediately preceding this election, and a resident of this ward, and to the best of my knowledge, have attained the age of twenty-one years, and that I have not voted at this election.

SEC. 7. **Eligibility.** That no member of the city council shall be eligible to any office within the gift of the city council during the year for which he may have been elected, nor shall any member of the city council be interested directly or indirectly in the profit of any contract or job for work or services to be performed for the city.

SEC. 8. **Time and place of meeting.** That the city council shall provide for the times and places of holding their meetings not herein otherwise provided for, which shall at all times be open for the public. They shall provide, by ordinance, for the election, by the qualified voters of said city, of such other city officers, whose election is not herein otherwise provided for, as shall be necessary for the good government of said city, and the due exercise of its corporate powers, and which shall have been provided for by ordinance; and all city officers whose term of service is not prescribed, and whose powers and duties are not defined in and by this act, shall perform such duties, exercise such powers, and continue in office for such term of time not exceeding one year, as shall be prescribed by ordinance.

SEC. 9. **Vacancies, how filled.** That whenever the office of mayor, alderman, recorder, marshal, treasurer, city engineer, street commissioner, assessor, or any other office in and by this act specified and provided for, shall become vacant by death, resignation, removal from the city, or otherwise, it shall be the duty of the council, as soon as may be, to appoint some suit- [287] able person having the requisite qualifications, to fill such vacancy; and the person so appointed shall continue in office during the remainder of the term for which his predecessor was elected; and in case of sickness or temporary absence of the mayor, the duties of his office, during such sickness or temporary absence, shall be discharged by the president pro tempore, who shall be obeyed and respected accordingly.

SEC. 10. **Oath of office.** The mayor, aldermen, and other officers of said city, before entering upon the duties of their office, shall take an oath to support the constitution of the United States and of the state of Iowa, and faithfully and impartially to perform their duty to the best of their ability. The oath of office may be administered by any person competent to administer oaths; that the recorder, marshal, city engineer, treasurer, assessor, street commissioner, and all other officers under the government of said city shall give such bonds to the city, with good and sufficient security, in such sum or sums, and with such conditions thereto as the city council may from time to time direct; and in all cases not herein provided for, shall respectively

be allowed and receive such fees and compensation for their services, and be liable to such fines, penalties, forfeitures for negligence, carelessness, misconduct in office, and positive violation of duty as the said city council shall order and determine. It shall be the duty of said recorder to keep a true record of all the official proceedings of the council, which records shall be at all times open to public inspection, and he shall perform all such other duties as may be required of him by ordinance.

**SEC. 11. Mayor sign ordinances.** Ordinances passed by the city council shall be signed by the mayor and attested by the recorder; and before they take effect, shall be published once in one or more newspapers published in said city, at least six days. They shall also be recorded in a book kept for that purpose, and attested by the mayor and recorder.

**SEC. 12. Compensation.** No member of the council shall receive any compensation for their services unless the majority of those voting on the question shall vote an appropriation therefor.

**SEC. 13. Meeting.** The city council shall hold its meetings at such [288] times as it deems proper, having fixed stated times, and its meetings shall be public.

**SEC. 14. What the by-laws embrace.** The city council is invested with authority to make and establish such by-laws and ordinances as are necessary and proper for the good regulation, safety and health of the city, and the citizens thereof; to levy and collect taxes on all property within the limits of the corporation, which, by the laws of the state, is not for all purposes exempt; which tax must not exceed one and a half per cent. per annum on the assessed value thereof, and its collection may be enforced by such measures as may be deemed expedient: provided, these measures be not more stringent and summary than those used for the collection of state and county taxes, to establish grades, and regulate and improve the sidewalks, alleys and streets, and to change the grade thereof, making compensation to any person injured thereby; to prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusements or practice having a tendency to annoy persons in the streets or on the side-walks, or to frighten teams and horses; to compel all persons to keep the snow, ice and dirt from the side-walk in front of the premises owned or occupied by them; to build market houses, public halls, establish and support public schools, provide drains, sewers, public wells, wharves, landing-places, and keep them in repair; and shall have the power to regulate by ordinance, the keeping and sale of gunpowder within said city; to regulate and control the places and manner in which farm products, wood, coal, and other articles may be disposed of in the corporate limits; to license, regulate and prohibit all theatrical exhibitions, public shows, showmen, keepers and other exhibitions, for money or other reward; auctioneers for the sale of goods, wares, merchandise, horses, and other animals, at public auction; keepers of billiard tables, ball and ten-pin alleys, if the laws of the state are not interfered with; to license and regulate livery stables, carts, wagons, porters, draymen, and every description of two and four-wheel carriages, and others who transport freight from one part of the city to another, and to limit their compensation; to provide for the prevention and extinguishment of fire, and to organize and establish fire companies; to regulate the fixing [289] of all chimneys, and the fines thereof, which are now, or may hereafter be put up; to prohibit hogs, cattle, horses, and all other animals from running at large within said city; to provide against gambling, disorderly, and indecent houses and conduct; to make all other ordinary, proper and suitable police regulations, and impose penalties for the violation of such regulations, which penalties may be

collected by civil actions in the name of the city; and also to establish and keep up free ferries across the Des Moines and Raccoon rivers; to require the property-holders of any street or part of a street, to pave the same or the sidewalks thereof, each in front of his own property, whenever the owners of two-thirds of the lots in such street or part of street, petition therefor; to borrow money for any object in its discretion, if at a regularly called election, under a notice stating the nature and object of the loan, and the amount thereof, as nearly as practicable, the citizens to determine in favor of a loan by a majority of two-thirds of the votes given at the election.

**SEC. 15. Fires—building material.** That for the purpose of more effectually securing said city from the destructive ravages of fire, the said city council shall have the power and authority, on the application of three-fourths of the whole number of owners and proprietors of any square or fractional square in said city, to prohibit in the most effectual manner, the erection of any buildings, or the addition to any building before erected, more than ten feet high, in any such square or fractional square, except the outer wall thereof shall be composed entirely of brick, or stone and mortar, and to provide for the most prompt removal of any building or addition to any building which may be erected contrary to the true intent and meaning of this section.

**SEC. 16. Nuisances—draining and filling.** That the city council shall have power and they are hereby authorized to require and compel the abatement and removal of all nuisances within the limit of said city, under such regulations as shall be prescribed by ordinance, to cause the ground therein where water shall at any time become stagnant, to be raised, filled up or drained, and to cause all putrid substances, either animal or vegetable, to be removed; and to effect these objects, the said city council may, from time to time, give orders to the proprietor or [290] proprietors, or his or their agent or agents, and to the non-resident proprietor who have no agent therein, notice by publication in one or more newspapers printed in said city, for the period of two weeks, of all or any ground subject at any time to be covered by stagnant water, to fill up, raise, or drain such ground at their own expense; and the said city council shall designate how high such ground shall be filled up and raised, or in what manner they shall be drained, and fix some reasonable time for filling up, raising or draining the same; and if such proprietor or proprietors, or agents, shall neglect or refuse to fill up, raise, or drain such ground, in such manner and within such time as the said city council shall have designated and fixed, they shall cause the same to be done at the expense of the city, and assess the amount of the expense thereof on the lot or lots of ground so filled up, raised or drained as aforesaid, and place the assessment so made as aforesaid, in the hands of the city treasurer, who shall proceed to collect the same by the sale of such lot or lots, if not otherwise paid, in such manner and under such restrictions and regulations as may be prescribed by ordinance: *provided*, the proprietor or proprietors shall have the privilege and right to redeem such lot or lots within one year after sale, by paying to the purchaser or purchasers the amount by them paid, together with fifty per cent. interest thereon.

**SEC. 17. Schools.** That said city council shall have power, whenever they deem it expedient, to provide for the establishment and support of public schools within said city, and pass all ordinances necessary for the good government of the same, and for the establishment and support of such public schools, the city council shall have power to levy and collect a special tax for that purpose.

**SEC. 18. Revenue.** That all money raised, recovered, received or collected by means of any tax, license, penalty, fine, forfeiture, or otherwise made under

the authority of this act, or which may belong to said city, shall be paid into the hands of the city treasurer, and shall not be drawn therefrom except by order under the authority of the city council, and it shall be the duty of the city council to liquidate and settle all claims and demands against said city, and to require all officers, agents or other persons entrusted with the disbursement or expenditure of the public money, to account to them therefor at such time and in such manner as they may direct; and they shall annually publish for the information of the citizens, a particular statement of the receipts and expenditures of all public monies belonging to said city, and also of all debts due and owing to and from the same. And the city council shall have power to pass all such laws and ordinances as may be necessary and proper to carry into effect the powers herein and by this act granted.

**SEC. 19. Care of city property and effects.** That the said city council shall have the custody, care and management of all personal, real or mixed estate and other corporate property of said city, and all the personal, real, and mixed estate, money, funds, and resources, which from time to time may be owned by or of right belong to said city with full power to purchase, hold, possess, use and occupy, and to sell and convey the same for the use and benefit of the said city and inhabitants thereof: *provided*, that the city council shall not have power to sell any real estate belonging to the city of Fort Desmoines unless the qualified voters thereof in pursuance of ten days' previous notice given by order of the city council and posted up in a public place in each of the wards of the city, or publish in one or more of the newspapers printed in the said city, setting forth the time, place and purpose of voting, shall at such time and place, by a majority of written or printed ballots, express their assent thereto.

**SEC. 20. Tax list.** The city council shall make out a duplicate of taxes in proportion to the valuation of the property of each individual in said city, on or before the first day of July in each year, to be signed by the mayor and countersigned by the recorder, which duplicate shall be delivered to the treasurer of said city, whose duty it shall be to proceed to collect the same within such time and in such manner as the by-laws or ordinances of the said city shall require, and to pay over the amount of such tax so collected upon an order of the city council, signed and countersigned in the same manner as is provided for said duplicate: *provided*, that the said council shall have power, on the complaint of any person aggrieved, to correct or amend any illegal or erroneous assessments before making out or delivering such duplicate to the treasurer.

[292] **SEC. 21. Distress & sale.** The treasurer shall have power to sell personal property, and for want thereof, to sell real estate for the nonpayment of taxes within said city, giving the purchaser a certificate of such sale, setting forth a brief description of the property so sold, and at what time he will be entitled to a deed; which certificate shall be assignable by indorsement thereon; but no real estate shall be sold for the nonpayment of such taxes unless the assessment of such tax or taxes shall have been duly notified by publication, for at least three consecutive weeks before the day when the said taxes are payable, in some newspaper published in said city, or by notice posted for the same length of time in some public place in each ward thereof, nor unless the intended sale of such real estate shall have been notified in the same manner and for the same length of time prior to such sale.

**SEC. 22. Redemption.** All real estate sold under or by virtue of section No. 21, may be redeemed by the owner thereof at any time within two years from the date of the sale thereof by paying the amount of the taxes for which the same was sold with costs of advertising and sale, and fifty [per] cent per

interest per annum upon the whole amount of such taxes and costs, but if any real estate so sold, remain unredeemed at the expiration of two years from the date of the sale thereof, the treasurer of said city shall, upon the payment of the fee of one dollar to him by the purchaser of such real estate at such sale, his assignee or legal representative, make, execute and deliver a deed of such real estate to the said purchaser or his assignee or representative.

**SEC. 23. Supervisors.** That the city council of the city of Des Moines shall have the exclusive power of appointing supervisors and other street officers within said city, and of requiring each and every male person between the ages of twenty-one and fifty years who shall have resided one month in said city, to work two days on the streets of said city, or to pay two dollars in money as an equivalent therefor, and said city council shall have the power to regulate, by ordinance, the time and manner in which said street labor shall be rendered; how those liable to work shall be notified; the periods of time between which such labor shall be rendered in each year. The inhabitants of the city of Des Moines are hereby exempt from working on any road beyond the [293] limits of the city; and the said city is hereby constituted a road district.

**SEC. 24. Authority to continue.** That the present mayor and councilmen of the town of Fort Des Moines shall have all the power and authority granted in this charter to the mayor and aldermen of the city of Des Moines, and said mayor and councilmen are hereby authorized to perform all the duties prescribed in this charter from and after its passage until their successors in office shall be elected and qualified.

**SEC. 25. Ordinances in force.** That all ordinances and by-laws heretofore passed by the town council of the town of Fort Des Moines and now in force, shall be and remain in force under the charter, until they shall be amended or repealed by the council of the city of Des Moines.

**SEC. 26. Street work.** The city council shall have exclusive power to provide for work on streets, alleys, public grounds, and wharves, and they shall provide for the collection and appropriation of such by ordinance.

**SEC. 27. Road dist. tax.** That all property, and road poll tax due from persons within the corporate limits shall be paid into the the city treasury; there shall be two road districts in said corporation; one on the west side of the Des Moines river, and the other on the east side of said river, and in each of the aforesaid districts there shall be a street commissioner under whose supervision all monies collected for street and road purposes shall be expended: *provided*, all monies so collected shall be expended in the districts where they are levied or may fall due.

**SEC. 28. Presiding officer—appeals.** The mayor shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie. In his absence the president pro tempore shall act as president for the time being. It is his duty to see that the law and ordinances passed by the city council are executed and their violation punished; to keep the common seal and to do and perform all other duties the city council may prescribe, that are not inconsistent with law. He is by virtue of his office invested with all the powers of a justice of the peace, for the purpose of hearing, trying and determining all offences committed against the laws and ordinances of said city, and shall receive the same fees that a justice of the peace would be entitled to in similar cases. [294] Appeals may be taken from the decision of said mayor as in cases of a justice of the peace. The said mayor is also hereby authorized to issue all needful process to arrest any offenders against the criminal laws of the state, and shall proceed to try such

person or persons by the same rule that governs justices of the peace. He shall also have the power to administer oaths, and take acknowledgments of all instruments, and certify to same under the seal of said city, and the same shall be valid in law.

SEC. 29. **Commitment.** That it shall be lawful until other provisions shall be made by the city authorities, to commit all offenders against said by-laws, ordinances, regulations and the criminal laws of the state, to the jail in Polk county, or some other place provided by the city council; and in case where a portion or all the punishment shall be imprisonment, the keeper of said jail is hereby required to receive such person or persons on the proper warrant of the mayor, into his custody, in the same manner as in ordinary cases, and all expenses of said imprisonment, in cases where the same cannot be collected from the person or persons convicted and imprisoned, shall be paid out of the city treasury.

SEC. 30. **Jury.** On trial of causes before the mayor of said city, it shall not be necessary to empanel a jury unless it shall be demanded by one of the parties to such suit, before it is submitted to the mayor. The fees of the marshal or jurors in such case shall be the same as are allowed by statutes in similar cases for the state of Iowa.

SEC. 31. **Marshal.** The city marshal within the city, in matters of a criminal nature, arising under the law of the state, shall possess the same power, perform the same duties, and receive the same compensation as either constable in Des Moines township; he shall execute and return all process issued by the mayor under this act, or any ordinance of the city.

SEC. 32. **Revise laws.** The said city council shall have power to revise and remodel their by-laws and ordinances from time to time, and shall publish such revision and notification of them in one or more of the newspapers published in said city.

[295] SEC. 33. **Imprisonment.** When imprisonment shall constitute a portion or all the punishment of offenders against the by-laws and ordinances of said city, such offenders, on conviction, may be committed to the jail of Polk county, or some other place prepared by the council, and the said city council may make provision by ordinance for all such offenders to work out the fine and cost of prosecution on the streets of said city.

SEC. 34. **Process.** In all suits and prosecutions before the mayor, where the city of Des Moines is a party, the marshal of said city, or any constable of Des Moines township, shall have the power to serve subpoenas or other process, anywhere within Des Moines township, or to perform any other duty devolving upon said marshal.

SEC. 35. **Additions.** When any tract of land adjoining the city of Des Moines shall have been or hereafter shall be laid out into town or city lots and duly recorded as required by law, the same may by a majority of the voters, at any regularly notified election, be annexed to said city and form a part thereof.

SEC. 36. **Increase wards & aldermen.** That the said city council shall have power to increase the number of wards and aldermen within said city whenever in their judgment the exigencies of the city may require it: *provided*, the number of aldermen on the east and west sides of Des Moines river respectively shall not be changed for two years.

SEC. 37. **Evidence.** That this act shall be taken and received in all courts and by all judges, magistrates or other public officers, as a public act, and all printed copies of the same which shall be printed by and under the authority of the senate and house of representatives, shall be admitted as good authority thereof, without any other proofs whatsoever.

SEC. 38. **Repeal.** That all acts and parts of acts heretofore passed relative to the incorporation of the town of Fort Desmoines, and coming within the perview of this act, be, and the same are hereby repealed.

SEC. 39. This act shall take effect from and after its publi- [296] cation in the Iowa Citizen and Iowa City Republican: *provided*, that no expense for the publication of this act be incurred by the state.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 12, 1857, and Iowa Citizen, Feb. 16, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 186.

### BONDS.

AN ACT to authorize the county of Clayton to issue bonds to aid in the construction of certain railroads therein named.

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

SECTION 1. **Clayton county bonds.** That the county of Clayton is hereby authorized to issue bonds to aid in the oonstruction of the Dubuque and Turkey Valley railroad, and the McGregor, St. Peters and Missouri river railroad, or either of them, and that the county judge may submit the question to the people in accordance with the provisions of the code, either as a joint or several propositions, and whether submitted as a joint or several propositions, he shall specify in the proclamation the amount of bonds to be voted for each.

SEC. 2. This act shall be in force from and after its publication in the Elkader Tribune and North Iowa Times, without expense to the state.

Approved January 28, 1857.

I certify the foregoing was published in the Elkader Tribune, February 26, 1857.

ELIJAH SELLS,  
Secretary of State.

## [297] CHAPTER 187.

### SCHOOL FUND.

AN ACT in relation to the school fund.

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

SECTION 1. **Superintendent pay to state treasurer.** That James D. Eads, superintendent of public instruction, is hereby required to pay over to the state treasurer all monies now in his hands, which may have been, or which shall be paid to him by the school fund commissioner of any county or counties in this state.

SEC. 2. **Treasurer apportion.** It is hereby made the duty of the treasurer of state to apportion any monies which may be received from the county



commissioners, among the several counties, according to chapter sixty-seven, section ten hundred and eighty, of the school laws.

SEC. 3. This act to take effect and be in force from and after its publication in the Iowa Republican and Iowa Capital Reporter.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 18, 1857, and in the Iowa Capital Reporter.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 188.

### AGRICULTURE.

AN ACT for the encouragement of agriculture.

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

SECTION 1. **Co. societies.** That it shall be the duty of all county agricultural societies in this state, whether now organized or hereafter to be organized, annually to offer and award premiums for the improvement of stock, tillage crops, implements, mechanical fabrics and articles of domestic industry, and such other articles and improvements as they may deem proper. And it shall also be their duty so to regulate the [298] amount of premiums and the different grades of the same, so that it will be competent for small as well as large farmers and artizans to compete therefor.

SEC. 2. **Publish aw'rds and make reports.** It shall be the duty of each county society to publish annually a list of the awards, and an abstract of the treasurer's account, in one or more newspapers of the county or adjoining counties, and to make a report of their proceedings during the year, and a synopsis of the awards. And also make a report of the condition of agriculture in their county to the board of directors of the Iowa State Agricultural society; which shall be forwarded by mail or otherwise to the secretary of said society, on or before the first of December of each year, and a failure to make such report shall forfeit twenty per cent. upon the amount said society is entitled to draw from the state treasury, and the secretary shall be liable to the society for that amount. And it shall be the duty of the auditor of state, before issuing his warrant in favor of said societies for any amount, to demand the certificate of the secretary of the state society that such report has been made.

SEC. 3. **Offic'rs of state society.** That the present officers and directors of the Iowa State Agricultural society shall continue to hold their respective offices till the second Wednesday of January, one thousand eight hundred and fifty-eight, and until their successors are elected as hereinafter determined; provided, said society shall at its next annual meeting alter or amend its articles of incorporation in such manner as not to conflict with the provisions of this act.

SEC. 4. **Meet and elect directors.** It shall be the duty of the officers and directors of the said state society, together with the presidents of all county societies, to meet at the capital of the state on the second Wednesday of January, one thousand eight hundred and fifty-eight, and proceed to elect by ballot, a president, vice president, secretary, treasurer, and ten directors,

who together, or a quorum of five [of] their number, regularly convened, shall constitute the board of directors of the Iowa State Agricultural society. The president, vice president, secretary, and treasurer, shall serve one year. The time that each director shall serve, shall be determined by ballot, so that the term of service of five of the number shall expire in one year from their election, and the remaining five in two years; and at all subsequent elections, directors shall be chosen for two years; and the president of the society shall have power to call meetings of the board whenever he may deem it expedient.

**SEC. 5. Meeting of the board.** There shall be held at the capital of the state, on the second Wednesday of January in each year, an annual meeting of the board of directors of the Iowa State Agricultural society, together with the president of each county society in the state, or other delegate therefrom, duly authorized in writing, who shall for the time being, be ex-officio, members of the board, and entitled to all the rights and privileges of any other member; and at such annual meeting, officers and directors shall be chosen, the place for holding the next annual meeting shall be determined, premiums on essays and field crops shall be awarded, and all questions relating to the agricultural development of the state may be considered.

**SEC. 6. Publish list & rules.** The premium list and rules of exhibition shall be determined and published by the board of directors prior to the first of April in each year.

**SEC. 7. Duty of board.** It shall be the duty of the said board of directors to make an annual report to the general assembly of the state, or to the governor in the alternate years when the general assembly may not be in session, embracing the proceedings of the said society and board of directors for the past year, and an abstract of the proceedings of the several county societies, as well as a general view of the condition of agriculture throughout the state, accompanied with such essays, statements and recommendations as they may deem interesting and useful, which reports shall be published by the state, under the supervision of the secretary of that society.

**SEC. 8. State assist co. societies.** That when any county or district society, composed of one or more counties, shall have made their report to the state society as above provided, and raised during the year any sum of money for actual membership, they shall be entitled to an equal sum, not exceeding two hundred dollars, from the state treasury, upon the affidavit of the president, secretary or treasurer of said county society that such was raised for the legitimate purpose of the society during the current year.

[300] **SEC. 9. Annual appropriation.** That the sum of two thousand dollars be appropriated annually for the benefit of the Iowa State Agricultural society, and shall be paid by the auditor of state upon the order of the president of said society, in such sums and at such times as may be for the interests of said society.

**SEC. 10. Repeal.** That the act for the encouragement of agriculture approved February 5th, 1851, and the act amendatory thereto, approved January 21, 1852, appropriating money to county agricultural societies, and also an act affording aid and patronage to the State Agricultural society, approved January 22, 1855, be and the same are hereby repealed.

**SEC. 11. Regulations of fairs.** No person or persons shall be permitted to sell any intoxicating liquors of any kind, or exhibit any animal or other curiosity for money, or hold auction for the sale of any goods, or sell by lottery or chance any articles of property within the enclosure or within eighty

rods of said enclosure where any state or county agricultural fair is being held, without a written permit from the executive officer of the association holding said exhibition, and a regular license from the proper authorities.

**SEC. 12. Offenders.** The president of said association may arrest or cause to be arrested, any person or persons violating the provisions of the eleventh section of this act, without warrant, and cause the same to be sent forthwith before any justice of the peace or other magistrate of competent jurisdiction; and if the magistrate shall find the person or persons so arrested, guilty of the offence charged, he shall each person so found guilty, in a fine of not less than five dollars nor over one hundred dollars, for each offence: provided, that this act shall not interfere with the prosecution of any regular legitimate business, carried on in a permanent manner, in an established business house.

**SEC. 13.** That this act shall take effect from and after its publication the Iowa Farmer and North Western Farmer.

Approved January 28, 1857.

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[301] CHAPTER 189.

CITY OF KEOKUK.

AN ACT to amend the charter of the city of Keokuk.

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

**SECTION 1. Board of aldermen.** That the charter for the city of Keokuk and the amendments thereof, be, and are hereby so amended as to provide for the establishment of a separate and distinct board in the government and management of city affairs; which board shall be styled the board of aldermen, and shall consist of one member from each ward, as the same are now divided, or may hereafter be divided, and shall be elected annually at the same time and place, and by the same voters authorized at said election to elect members of the city council; and they shall hold their offices for the same time those members of the city council shall hold their offices.

**SEC. 2. Co-ordinate branch city government.** That said board of aldermen shall, when duly elected and qualified in the same manner as provided for the qualification of members of the city council, constitute a co-ordinate branch of the city government, and no ordinance or joint resolution shall go into effect or be in force unless the same shall have passed both branches of said city government, to-wit: the city council and board of aldermen, by a majority of the votes in each branch, and be afterward approved by the mayor. Provided, however, if the mayor shall disapprove of any ordinance or resolution which requires his approval, it shall be his duty to return the same to that branch of the city government in which the same originated, with his reasons, in writing, for his disapproval of the same; and on receipt of such ordinance or resolution, if the same, after the reading of the reasons assigned by the mayor, shall receive the vote of two-thirds or more of each branch of said city government, the same shall be binding and in full force notwithstanding said disapproval; and provided further, if the mayor shall neglect or refuse, for a period of more than one week, to approve any ordinance or resolution which duly passed the board of aldermen and city coun-

oil, or return the same as provided above with his [302] reasons for disapproval, the said ordinance or resolution shall in that event be and remain in as full force and effect as if the same had been approved by said mayor.

**SEC. 3. Appropriations.** That all ordinances and resolutions appropriating money, or providing for the levying of taxes, shall originate in the city council.

**SEC. 4. Presiding officers.** That each board of the city government herein provided for, shall elect their own presiding officer, who shall be one of their own board, and shall be styled president of the body over which he presides; and in case any vacancy shall occur in the office of mayor by reason of death, absence or sickness, or any other cause, it shall be the duty of the president of the board of aldermen to exercise in all matters the functions of mayor, and during the time he is so performing said duties, a president pro tem, to be elected by said board, shall preside over their deliberations.

**SEC. 5. 1st board of aldermen.** The first board of aldermen shall be elected at the time appointed by law for the election of the city council, and they shall receive as compensation for their services the same pay now allowed to members of the city council.

**SEC. 6. Qualification of voters.** That in all elections hereafter, the same qualifications of voters shall be required as are required of voters at the state or county elections.

**SEC. 7. Times of holding elections.** That the time of holding the charter elections in said city after the current year, shall be on the first Tuesday of February each year, instead of the time heretofore fixed by law: provided, the mayor of said city, by proclamation, shall submit the question of adopting this act at an election for that purpose, which shall be holden at least twenty days before the first Monday in April next, of which due notice shall be given in two daily newspapers published in said city.

**SEC. 8.** This act shall be in force on and after its publication in the Keokuk Daily Evening Times, Daily Post, and Daily Gate City, without expense to the state.

Approved Jan. 28, 1857.

I certify that the foregoing act was published in the Daily Gate City, Feb. 24, 1857, and Keokuk Daily Evening Times, March 3, 1857.

ELIJAH SELLS,  
Secretary of State.

## [303] CHAPTER 190.

### APPEALS.

AN ACT regulating appeals from justices of the peace and mayors in criminal cases.

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

**SECTION 1. Appeal.** That in all criminal cases within the jurisdiction of justices of the peace or mayors, in which judgment may hereafter be rendered against any defendant, the defendant may appeal from the same to the district court of the county by pursuing the course hereinafter required.

**SEC. 2. Notice & bond.** The defendant must give notice of such appeal at the time of the rendition of the judgment, and must execute and file with the magistrate a bond in a penalty to be fixed by the magistrate with one or

more sufficient securities conditioned that the defendant will appear on the first day of the next term of the district court and will not depart thence without leave, and will abide the judgment of the district court.

**SEC. 3. Notice to pros. attorney.** The defendant must give the prosecuting attorney of the county notice of such appeal, ten days before the next term of the district court, or the appeal may, on motion, be dismissed, provided that where ten days does not intervene between the time of the rendition of said judgment, the first day of the next term of said court, in such case the prosecuting attorney must be notified, on or before the morning of the first day of the term: provided, that such notice need not be given if the prosecuting attorney acted as attorney in the case before the magistrate.

**SEC. 4. Magistrate inform def't.** The magistrate who rendered such judgment must, at the time of the rendition of the same, inform the defendant of his right to an appeal, and of the requirements herein made with regard to the same: provided, that if such information is not given by the magistrate at the time of the rendition of the judgment, then in that case the defendant may appeal at any time within ten days of the rendition thereof, and the magistrate is required to make an entry on his docket of the fact of said information having been given.

[304] **SEC. 5. Witness recognizance.** When an appeal is thus taken, the magistrate must cause all material witnesses to enter into an undertaking as in cases of arrest, to testify in the cause at the term to which the appeal is returnable, and shall, on or before the first day of the next term of the district court of the proper county, file in the office of the clerk thereof a certified copy of the entries on his docket, together with all the undertakings and papers in the case.

**SEC. 6. Trial.** The cause, when thus appealed, shall stand for trial as an issue of fact on an indictment in district court, and technical errors or defects which have not prejudiced the substantial rights of the defendant, shall be disregarded.

**SEC. 7. Writ of error.** A writ of error may be taken from the judgment of district court, in such cases, to the supreme court, and prosecuted in the same manner as for a judgment presented by indictment.

**SEC. 8. Repeal.** That sec. 3358, 3359, 3360, 3361, 3362, 3363, 3364, 3365, 3366, and 3367, of the code be, and the same are hereby repealed.

**SEC. 9.** This act shall take effect from and after its passage.

Approved Jan. 28, 1857.

## CHAPTER 191.

### ORIGINAL NOTICES.

AN ACT regulating the service of original notices.

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

**SECTION 1. Sheriff serve.** That when any original notice, such as is contemplated by sections 1714 and 1715, chapter 1103 of the code of Iowa, has been placed into the hands of any sheriff or other officer, whose duty is to serve the same, he shall, if requested by the plaintiff, forthwith proceed to serve the same, and if defendant cannot be found, the officer shall make a

return "not found," and shall forthwith return said notice to the office of the clerk of the district court wherein the cause is pending.

[305] SEC. 2. **Publication.** The clerk shall upon request of plaintiff, order that said notice be published, designated in what paper the same shall be published, and the plaintiff may forthwith proceed and have the same published accordingly, and not wait for any order of the court in term time.

SEC. 3. **Present law.** The provisions of law now in force in relation to original notices, shall still govern, so far as the same are applicable and not inconsistent with the provisions of this act.

SEC. 4. This act to be in force from and after its publication in the Iowa City Republican and Capital Reporter.

Approved January 28, 1857.

## CHAPTER 192.

### STATE ROADS.

AN ACT in relation to state roads.

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

SECTION 1. **S. E. cor. Story co. to Ft. Desmoines road.** That Zenor Lame, of Story county; U. Wiley, of Jasper county; and George Hobaugh, of Polk county, be, and they are hereby appointed commissioners to lay out and establish a state road, commencing at the southeast corner of Story county, thence west on said county line to the southwest corner of section thirty-six (36), in town eighty-two (82) north, of range twenty-two (22) west, thence in a southwesterly direction to intersect the state road known as the Marietta and Fort Desmoines road, on the divide between Calamer's run and Skunk bottom.

SEC. 2. **Belmont to Paola.** That George Smith, F. R. Davis, and E. W. Gates, be, and they are hereby appointed commissioners to lay out and establish a state road from Belmont or Canterbury on the Iowa river, in a westerly direction through Wright county, to Irvington in Kossuth county, thence in same direction to Peola in Palo Alto county on the west fork of the Desmoines river.

SEC. 4. **Lafayette to Fort Dodge.** That Eli Jessup, of Hardin county; Wm. Wood- [306] worth and A. L. Dunn, of Marshall county, be, and they are hereby appointed commissioners to lay out and establish a state road from Lafayette in Marshall county, via of New Providence in Hardin county, Webster City in Webster county, to Fort Dodge.

SEC. 5. **Marietta to Iowa Falls.** That Eli Jessup, of Hardin county, and Wm. Woodworth, and A. L. Dunn, in Marshall county, be appointed to lay out and establish a state road from Marietta in Marshall county, by Bangor in said county, New Providence and Center City in Hardin county, to Iowa Falls in Hardin county.

SEC. 6. **Huron to Mt. Fleasant.** That Thomas A. Mann, of Henry county; Zed Jarvis, of Louisa county; and Justice Clark, of Desmoines county, be, and they are hereby appointed commissioners to lay out and establish a state road from opposite Oquawka on the Mississippi river, commencing at the west end of Oquawka plank road, thence on northwest direction on the best

route to the first section line south of the township line, townships seventy-one and seventy-two, thence west on said section line or as near as a good road can be made until it intersects the Mount Pleasant and Burlington road north Flints, thence west with said Mount Pleasant to or near the farm of Wm. Miller, Sr, in Pleasant Grove township, Des Moines county, thence to Mount Pleasant in Henry county.

**SEC. 7. Section 23 to Mason City.** That Ch. Hanson and S. R. McKinley, of Mitchell county, and Silas Card, of Cerro Gordo county, be and they are hereby appointed commissioners to locate and establish a state road commencing at the north-west corner of the south-west quarter of section No. 23, in township No. ninety-nine north, of range No. eighteen west, in Mitchell county, running thence by Shell Rock Falls, to Mason City, in Cerro Gordo county.

**SEC. 8. Red Rock to Indianola.** That Stephen Y. Gose and Joseph Metcalf, of Marion county, and James Laferty of Warren county, be, and they are hereby appointed commissioners to locate and establish a state road from the town of Red Rock, in Marion county, via Wheeling, in Marion county, and Palmyra, in Warren county, to Indianola in Warren county.

**SEC. 9. Vinton to W. Union.** Whipple, of Benton county; James Barclay, of Black Hawk county, and Thomas R. Talbott, of Fayette [307] county, be, and are hereby appointed commissioners to locate and establish a state road from Vinton, in Benton county, via Barclay, in Black Hawk county, Fairbank, in Buchanan county, and Linn, in Fayette county, to West Union, in Fayette county.

**SEC. 10. Points to Indianapolis.** R. S. Butler, of Iowa county, Charles Patterson and Harley Peck, of Keokuk county, be, and they are hereby appointed commissioners to locate and establish a state road commencing at a point where the state road running from Iowa City to Montezuma crosses Old Man's Creek, running thence by way of Sumner, Tremont and Nevada, in Iowa county, White Pigeon, in Keokuk county, to Indianapolis, in Marshall county.

**SEC. 11. Clarksville to capital.** That Dewitt C. Atwater, Calvin G. Aukney and William Murry, of Hardin county, be, and they are hereby appointed commissioners to lay out and establish a state road commencing at Clarksville, in Butler county, through Butler Center, in Butler county, Fountain, in Hardin City, and Steam Boat Rock, in Hardin county, Nevada, in Story county, to Fort Des Moines, in Polk county.

**SEC. 12. Sigourney to Vinton.** That F. A. Morgan, of Keokuk county; Martin Ballard, of Iowa county, and S. B. Price, of Benton county, be, and they are hereby appointed commissioners to lay out and establish a state road from Sigourney, in Keokuk county, by way of Millersburg, Genoa Bluffs and Kosta, in Iowa county, to Vinton, in Benton county.

**SEC. 13. Guttenburg to Independence.** That Jonathan Kaufman, of Clayton county, C. F. Pete, of Delaware county, and T. C. Bartle, of Buchanan county, are hereby appointed commissioners to lay out and establish a state road from Guttenburg, via Elkport, in Clayton county, to Yankee settlement, in Delaware county, thence via York and Forestville, in Delaware county, on the best and most direct route to Independence in Buchanan county.

**SEC. 14. Marietta to Newton.** That Frederick Baum and Henry Storry, of Marshal county, and Elisha Hammer, of Jasper county, be, and they are hereby appointed commissioners to lay out and establish a state road from Marietta, in Marshall county, by the way of the bridge on Timber creek, near Storry's grove, in section twenty-three, township eighty-three, range nineteen, to Newton, in Jasper county.

[308] **SEC. 15. Marietta to Mo. river.** That J. G. Crookham, of Marshall county; Eli H. French, and John Zena, Story county, be, and they are hereby appointed commissioners to lay out and establish a state road leading from Marietta, in Marshall county, Nevada, in Story county, Boonsboro in Boon county, Jefferson, in Greene county, Ashton in Monona county, to the Missouri river in Monona county.

**SEC. 16. Iowa City to Newton.** That Peter Ickes, of Johnson county; Nicholas Rosenberger, of Iowa county, and Isaac Drake, of Poweshiek county, be, and they are hereby appointed commissioners to locate and establish a state road from Iowa City, in Johnson county, to Newton in Jasper county, by way of Genoa Bluffs, in Iowa County.

**SEC. 17. Muscatine to Grandview.** That Christian Hershe, R. H. W. Brent, and Ananias Simpkins, of Muscatine county, be, and they are hereby appointed commissioners to locate and establish a state road from Muscatine, in Muscatine county, to Grandview, in Louisa county, on the nearest and best route, having, as far as practicable, regard to section lines.

**SEC. 18. Auburn to Forest City.** That A. L. Lee, of Howard county; Morris B. Earle, of Fayette county, and James P. McKinney, of Winneshiek county, be, and they are hereby appointed commissioners to locate and establish a state road beginning at Auburn, in Fayette county, to be located upon the most practicable and direct route to the line of Minnesota territory, by the way of Fort Atkinson, the village of New Oregon, in Howard county, and Forest City. In locating said road, due regard shall be had to the interests of the people residing on said route.

**SEC. 19. Waterloo to Ft Dodge.** That S. B. Cunningham, of Hardin; John Overdean, of Grundy county, and George W. Miller, of Black Hawk county, be, and they are hereby appointed commissioners to locate and establish a state road from Waterloo, in Black Hawk county, via Steam Boat Rock and Webster City, to Fort Dodge.

**SEC. 20. Cedar Falls to capital.** That S. B. Cunningham, of Hardin county; James E. Hull, of Polk county, and Thomas Davis, of Story county, be, and are hereby appointed commissioners to locate and establish a state road from Cedar Falls, in Black Hawk county via Steam Boat Rock, in Hardin county, to Fort Des Moines, in Polk county.

[309] **SEC. 21. Waterloo to capital.** That John H. Levitt, of Black Hawk county; C. B. Rhodes, of Marshall county, and John Lewis, of Polk county, be, and they are hereby appointed commissioners to locate and establish a state road from Waterloo, in Black Hawk county, through Lafayette, Marietta and Edwinville, in Marshall county, to Fort Des Moines, in Polk county.

**SEC. 22. Meeting.** That the commissioners above appointed to locate each respective road, or a majority of them, shall meet on the first Monday in July next, or within six months thereafter, at the first point mentioned in each proposed road, or some other point, if agreed upon by them, and taking to their assistance a surveyor and necessary chainmen and markers, and after having been sworn to the faithful discharge of their duties respectively, shall proceed to perform the same according to law.

**SEC. 23. Compensation.** The commissioners, surveyors and hands, to be paid as provided by law in such cases, but the state shall in no case be liable for any part of the expenses incurred in the location of said roads, and this act shall take effect from and after its passage.

Approved Jan. 28, 1857.



## CHAPTER 193.

## SWINE AND SHEEP.

AN ACT amending section 114 of chapter 15 of the code, and also to regulate the same.

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

**SECTION 1. Amend code.** That so much of section 114 of chapter 15 of the code, as authorizes county judges to submit the question whether stock shall be permitted to run at large, the word "stock" shall be construed to mean swine and sheep.

**SEC. 2. Power to restrain.** That in any county that has heretofore decided, or shall hereafter decide by a majority vote, in favor of restraining swine and sheep from running at large, every owner of such stock shall, from and after eight months [310] from the canvass of the vote in said county, retain their swine and sheep from running at large in said county; and in the event of a failure so to do, shall be liable for any damage done by said swine or sheep, to be recovered by action of trespass by the party injured.

**SEC. 3. Take up.** That any person may take possession of any swine or sheep found running at large in said county after the time specified in section 2 of this act, and give notice thereof to any constable in said county, who shall have power, and it is hereby made his duty, to sell such swine or sheep at public auction at the highest bidder for cash, upon giving ten days' notice of the time and place of sale, by posting the same in writing in three public places in the township where such swine or sheep were found running at large, the proceeds of which sale, after payment of costs and the charges of keeping, shall be paid into the county treasury, to be applied to the use of the county until legal proof be made to the county judge of said county, by the person or persons claiming such property to be his or theirs, whereupon the said judge shall order said amount to be paid out of any money in the hands of the treasury not otherwise appropriated: provided, that if the owner, or any person for him, shall, on or before the day of such sale, pay the costs and charges thus far made, the constable is hereby required to release said sheep or swine to the person making such application upon satisfactory proof being made of ownership.

**SEC. 4. Fees.** The fees of the constable under this act shall be the same as upon sale of like property on execution.

**SEC. 5.** This act to take effect and be in force from and after its publication according to law.

Approved January 28, 1857.

## [311] CHAPTER 194.

## SECOND JUDICIAL DISTRICT.

AN ACT fixing the time of holding court in the second judicial district.

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

**SECTION 1. Terms of court.** That the terms of the district court in the second judicial district shall be holden as follows, viz: in the county of Dubuque on the first Monday in February; on the first Monday in May, on

the first Monday in August, and on the first Monday in November in each year;

In the county of Bremer on the first Monday of March and September in each year;

In the county of Black Hawk, on the second Monday of March and September in each year;

In the county of Buchanan on the third Monday of March and September in each year;

And the county of Delaware on the fourth Monday of March and September in each year.

**SEC. 2. Cases pending.** All matters pending in or returnable to the terms of court heretofore fixed by law, shall be deemed pending and returnable to the terms hereby appointed, and no suit, plea, process, indictment or proceeding, shall be quashed or discontinued in consequence of the change of time of holding courts in said district.

**SEC. 3. Special term.** Should the causes pending in the district court of either of said counties remain undisposed of for want of sufficient time being allowed for the term of court in such county, under this act, it is hereby made the duty of the judge of said district to order and hold a special term for the disposition of such pending causes.

**SEC. 4. Jurors appear.** The judge of said district may, if deemed advisable by him, order the jurors summoned to attend any term of the court in said district, to appear on the first or some subsequent day of the term.

**SEC. 5. Issue term.** The judge of said district may by rule establish, if deemed advisable, the August term of the court in Dubuque county, an issue term, and a term for hearing equity causes and such other matters as may not demand [312] the attendance of a jury, and after such order or rule shall be established, no persons shall be required to attend at said term of court.

Approved Jan. 28, 1857.

## CHAPTER 195.

### NEWTON.

AN ACT requiring the plat of the town of Newton, in Jasper county, to be placed on record.

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

**SECTION 1. Town plat of Newton.** That it be made the duty of the county judge of the county of Jasper, to order that the original plat of the town of Newton in said county, be placed on record, and that it be the duty of the recorder of said county to record the same when so ordered.

**SEC. 2. Sale of lots legalized.** And be it further enacted, that all sales and transfers of lots made by either the county commissioners or county judge of said county is hereby rendered valid.

**SEC. 3.** This act to be in force from and after its publication in the Iowa City Republican and Jasper County Express, and that the county of Jasper pay the expense of such publication.

Approved January 28, 1857.

## ATTORNEY GENERAL.

AN ACT to fix the compensation of the attorney general.

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

**SECTION 1. Compensation.** That the compensation of the attorney general shall be eight hundred dollars per annum, to be paid quarterly, and in such cases as he is required by the duties of his office to attend to the district courts of this state, he shall receive ten cents per mile in going to and returning from such courts for his actual travel by the nearest and [313] most practicable route and three dollars per day, during his necessary attendance at such courts, to be certified to by the presiding judge.

**SEC. 2. Books and stationery.** The secretary of state shall furnish a suitable desk for the keeping of books and papers connected with his office, and he shall be entitled to such stationery as may be required by his office.

**SEC. 3. Repeal.** That all acts and parts of acts inconsistent herewith are hereby repealed. This act to take effect from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 28, 1857.

I hereby certify that the foregoing act was published in the Iowa City Republican Feb. 12, 1857, and in the Capital Reporter, Feb. 20, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 197.

## BURRIS CITY.

AN ACT to incorporate the city of Burriss, in Louisa county.

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

**SECTION 1. Boundaries.** That the town of Burriss, in the county of Louisa, in this state, which town is situated on the following described land, to wit: all that portion of sections one and two, lying north of the Iowa river, in township seventy-three, range two; also all of sections or fractional sections thirty-six, thirty-five and twenty-six, of township seventy-four north, range two west.

**SEC. 2. Incorporation.** The said city is made a body corporate, and is vested with all the powers and attributes of a municipal corporation.

**SEC. 3. Legislative authority.** The legislative authority of the city is vested in a city council, consisting of a mayor and board of aldermen composed of three from each ward of the city.

**SEC. 4. Wards.** The said city shall be divided into three wards, as follows: that portion north of H street shall constitute the first ward; that portion lying north of P street shall [314] constitute the second ward; that portion lying south of P street shall constitute the third ward: provided, that the said city council may change, unite, or divide the said wards, or any of them, whenever they shall think it for the interest of the city.

**SEC. 5. Citizenship.** Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city six

months, and of the ward in which he offers his vote, ten days preceding a city election, is declared a citizen of the said city, and is entitled to vote at all the elections thereof.

**SEC. 6. Conducting elections.** The election of the city officers shall be conducted in a manner similar to that in which elections are conducted in the townships, as the nature of the case permits.

**SEC. 7. Challenge.** A person offering to vote may be challenged as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

**SEC. 8. Eligibility.** No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and have been a resident thereof six months next preceding his election.

**SEC. 9. City council.** That the qualified electors of said city shall on the first Monday of April, A. D. 1857, and annually on the same day thereafter, elect a mayor, and at the same time nine aldermen, a recorder, assessor, treasurer, and marshal; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business; they shall be elected for the term of one year, and until their successors are elected and qualified. The mayor, recorder, assessor, treasurer and marshal shall be elected by the legal voters of said city.

**SEC. 10. Mayor's duty.** It shall be the duty of the mayor to see that the laws and ordinances of the city are executed, and their violations punished; to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties, and exercise such powers [315] as pertain to the office of mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

**SEC. 11. Judicial jurisdiction.** He shall be a conservator of the peace within the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the city ordinances and with criminal jurisdiction of offences against the laws of the state, committed within the city, and with civil jurisdiction limited to the city, in the same manner as that of justices as may be limited to those townships; he shall not be disqualified from acting in such judicial capacity, by any proceedings being in the name or in behalf of the city.

**SEC. 12. Appeal.** Appeals to the district court in the same county shall be allowed from the judgment and decisions or the mayor in the same cases, time and manner, as may at any time be allowed by law from those of other justices, and they shall be tried as in other cases. He will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace. He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie; and in his absence the council may appoint a president for the time being from their own body.

**SEC. 13. Powers of council.** The council shall be the judge of the qualifications and elections of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen; and may compel the attendance of its members in such manner and under such penalties as it may adopt.

**SEC. 14. Marshal's duty.** The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all processes directed to him by the mayor; and in cases for the violation of

the city ordinances, and of the criminal laws of the state, may execute the same in any part of the county, and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes and to arrest offenders, that the sheriff has within his county, and may in the same cases, and under the same penalties, require the aid of citizens and perform all duties imposed by the council. He may, with the approval of the [316] council, appoint one or more deputies and discharge them, and he shall be responsible for their doings when acting officially for the service of legal process. He shall be entitled to the same fees as a constable, and for services required by the council such compensation as it may allow.

**SEC. 15. Bonds.** The treasurer, recorder, assessor, and marshal shall give such bonds, perform such duties, and exercise such powers, as may be required of them by ordinance not inconsistent with law.

**SEC. 16. Proclamation.** In all elections for city officers the mayor shall issue a proclamation to the voters of the city or of the several wards, as the case may require, naming the time and place for such election and the officers to be chosen, and cause a copy to be posted up in each ward, at least ten days previous to the day of election; the polls shall be opened between the hours of eight and ten o'clock in the forenoon and continue open until four o'clock in the afternoon. Within two days after the election the judges of the election shall make their returns to the president of the city council, who shall examine them at their next meeting, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

**SEC. 17. Ineligible.** No member of the city council shall be eligible to any office within the gift of the council during the term for which he is elected, nor shall he be interested directly or indirectly in the profits of any contract or job of work or services to be performed for the city.

**SEC. 18. Ordinances.** Ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect be published in one or more newspapers printed in the city at least ten days, and if there be no such newspaper they shall be posted up in each ward the same length of time; they shall also be recorded in a book to be kept for that purpose, and signed by the mayor and attested by the recorder.

**SEC. 19. Recorder's duty.** It is the duty of the recorder to keep a true record of all the official proceedings of the city council, and such records shall at all times be open to the inspection of any citizen.

**SEC. 20. Oath of office.** The mayor, aldermen, marshal, treasurer, recorder and assessor, shall take an oath to support the constitution of [317] the United States and of the state of Iowa, and faithfully and impartially to perform their duty to the best of their knowledge and ability; other officers shall qualify in such manner as may be prescribed by the council. The oath may be administered by the mayor or recorder when he is qualified, and in the transaction of the business of the corporation, those officers and the president for the time being may administer oaths of office which shall have the same effect as if administered by other officers authorized thereto.

**SEC. 21. Fees.** The recorder, marshal, and assessor shall receive such fees as the city council shall deem right, not exceeding the amount allowed county or township officers for similar services.

**SEC. 22. Meetings.** The council may hold its meetings as it sees fit, having fixed stated times, or provide the manner of calling them by ordinance, and its meetings shall be public.

**SEC. 23. Subordinate officers.** The council may appoint in such manner as it determines, during its pleasure, street commissioners, a clerk of the mar-

ket, city supervisors, health officers, and such other officers as it may deem advisable, and may prescribe their duties, powers and qualifications, and may provide for the election of any such officers by the citizens.

**SEC. 24. Vacancies.** When a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record, until the next election and the qualification of the successor.

**SEC. 25. Ordinances.** The city council is invested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace, to suppress riots, gambling and drunkenness, and indecent or disorderly conduct, and to punish lewd behavior in public places, and in general to provide for the safety and prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, to impose penalties for the violation of its ordinances, not exceeding one hundred dollars for each offense, which may be recovered in a civil action in the name of the city, or by complaint before the mayor, as in civil proceedings before a justice of the peace, and the laws of the state relating to carrying into effect a judgment of a justice of the peace imposing a [318] fine, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

**SEC. 26. Fire company.** The council is authorized to establish and organize fire companies, and provide them with fire engines, hose, and other apparatus.

**SEC. 27. Gunpowder.** The council may regulate the keeping and sale of gunpowder within the city.

**SEC. 28. Licenses.** The council shall have the exclusive authority to provide for the license and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball alleys and other bowling saloons, ten-pin or other alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character. When the laws of the state permit or require license for the sale of intoxicating liquors, that matter shall be within the exclusive authority of said council, and it may at all times prohibit the retail sale of such liquors unless such prohibition would be inconsistent with the laws of the state; and no license shall be granted for less than one hundred dollars each for that purpose.

**SEC. 29. Nuisances.** The council may make all necessary ordinances in relation to the cleanliness and health of the city, and may require the owner of lots on which water becomes stagnant, to drain or fill up the same, and in default thereof, after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots, and cause them to be sold by the city collector as in case of taxes, and the owner may redeem from such sale as in case of sale for tax.

**SEC. 30. Drayage.** Said council may regulate the system [of] cartage, drayage, hacks and omnibuses within the city, and may issue license therefor, and may prohibit hogs and other animals from running at large within the limits of said city.

**SEC. 31. Public money.** The council shall provide by ordinance for the keeping of public money of the city, and the manner of disbursing the same, and shall cause all claims against the city to be audited, and all city officers are accountable to said city council in such manner as it directs. Said council shall publish annually a particular statement of re- [319] ceipts and expenditures of the city, and of all debts owing to and by the same.

**SEC. 32. Grades.** Said council shall have exclusive authority to establish

the grades of all streets and alleys in the city, and may change the same upon petition of the owners of two thirds in value of the real property on both sides of the street where it is desired to be changed.

**SEC. 33. Imprisonment.** Imprisonment for the violation of any ordinance shall not exceed fifteen days, and the county jail shall be the place of imprisonment, but at the expense of the city.

**SEC. 34. Taxes.** The city council is authorized to levy and collect taxes not exceeding one half of one per cent, and all property within the city, which is liable for state and county taxes, including improvements on such property, and it may exempt such improvement when it is so determined by a vote of all its voters of the city, but when such exemption takes place, the rate of tax on personal property shall not exceed that above named, and the rate on realty shall not exceed one and one half per cent. on the valuation. Said council may also tax and prohibit dogs from running at large over the city: provided, that the tax thus levied and collected, when the improvements are included shall not exceed one-fourth of one per cent., and when improvements are exempt as above named, one-fourth per cent. on personal property, and one per cent. on real property, until otherwise determined by the qualified votes of the city, at an annual election or a special election held for that purpose.

**SEC. 35. Collector.** The marshal shall be collector, or in case of his absence or disability, such person as the council may appoint in his stead, shall be collector of taxes, and before proceeding to collect the same, shall give thirty days' notice of the assessment and levy of the tax, and the rate thereof, in general terms, without the name or description of the property, in a newspaper printed in the city, if there be one; if not then by three months' notice in the most public places in each ward.

**SEC. 36. Correct errors.** During the the thirty days, any person aggrieved by the assessment or taxation, may appear before the council, which may correct the same if found erroneous.

[320] **SEC. 37. Sale of personal property.** The marshal may distrain upon personal property liable to taxation, and sell the same for payment if not paid in reasonable time after demand, as constables may sell personal property on execution.

**SEC. 38. Real property.** Taxes on real property shall be a lien thereon, and it may be sold therefor when the taxes remain unpaid for six months after posting the notices of the tax.

**SEC. 39. Pub. auction.** Such sale must be at auction, and there must be thirty days' notice prior to the sale given as above provided for, notifying the assessment and tax in such sale. He who bids to pay the amount due for the least quantity of land, will be the highest bidder, and the manner of ascertaining the portion bid for shall be as on the state revenue laws.

**SEC. 40. Deeds.** The marshal shall execute and deliver to the purchaser a deed running in the name of the state, which shall have the same force and effect as the deed of the treasurer of the county in like circumstances on sales for county and state taxes.

**SEC. 41. Powers of council.** The council have the control of the streets and alleys and public grounds of the city of Burris, and may cause sidewalks to be paved in the same, and to this end it may require the owners of lots to pave or repair the same, contiguous to their respective lots, and in case of neglect, after reasonable time named in the order, the same may be done by the city, and the expense of the same assessed on the contiguous lots, which shall have the same effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption.

**SEC. 42. Borrow money.** The council are authorized to borrow money for any object in its discretion, if at a regular notified meeting under a notice stating distinctly the nature and object of the loan and the amount thereof, as nearly as practicable; the voters of the city may determine in favor of the loan, by a majority of the votes given at the election, and such loan can in no case be diverted from its specified object.

**SEC. 43. Road tax.** All road tax which may hereafter be paid upon any property in the city of Burris in lieu of labor, shall be paid to the proper authorities of said city for the improvement of the streets thereof.

**SEC. 44. Work on roads.** Any person being a resident of the city, subject by laws of this state to do work upon roads and highways, shall be required to do and perform or cause to be done under the direction [of] proper authorities upon the streets of said city or public roads and highways leading thereto as said authorities may direct; the city council shall supersede the road supervisor in all jurisdiction within the corporate limits, and perform all their duties.

**SEC. 45. Submission of charter.** On the passage of this act the county judge of Louisa county shall order an election for the purpose of submitting this charter to the citizens of said city, which election shall take place on the first Monday in March A. D. 1857, and shall be conducted in all respects as now provided by law, and returns thereof made to the county judge of said Co.; and in the event that a majority of all the votes cast are in favor of said charter, then it shall be the duty of said judge to order an election in each ward, as he may think proper, for the election of mayor, recorder, treasurer, marshal, assessor, and three aldermen from each ward, which election shall be held on the first Monday in April, 1857, and conducted in all respects as now provided by law, and returns thereof made to the county judge, whose duty it shall be to notify the persons elected to the respective offices named in this section, who shall enter upon their duties by taking the oath of office prescribed in this act.

**SEC. 46.** This act to take effect from and after its publication in the *Wapello Intelligencer* and *Burris Commercial*: provided, said publication be done without any expense to the state.

Approved Jan. 28, 1857.

[322] CHAPTER 198.

NINTH JUDICIAL DISTRICT.

AN ACT fixing the time of holding courts in the ninth judicial district.

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

**SECTION 1. Terms.** That the times fixed for holding courts in the ninth judicial district shall be as follows, viz:

In the county of Appanoose on the second Monday in April and September;

In the county of Wayne on the second Monday after the second Monday in April and September;

In the county of Decatur on the third Monday after the second Monday in April and September;

In the county of Clarke on the fourth Monday after the second Monday in April and September;



In the county of Union on the fifth Monday after the second Monday in April and September;

In the county of Ringgold on the sixth Monday after the second Monday in April and September;

In the county of Lucas on the seventh Monday after the second Monday in April and September;

In the county of Monroe on the eighth Monday after the second Monday in April and September.

**SEC. 2. Suits not affected.** That no action now pending in any of the counties of said district shall abate, or be in any way prejudiced, nor shall any legal notice, paper, or process, be in any way prejudiced by reason of the change of the times of holding courts herein made, but shall be proceeded in at the times herein fixed for holding courts in said district, the same as they would have been at the times heretofore fixed for holding said courts in said district.

**SEC. 3.** This act shall be in force from and after its publication in the Iowa Capital Reporter, Iowa City Republican, and Chariton Weekly Mail.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, March 10th, 1857, and in the Iowa Capital Reporter March 12, 1857.

ELIJAH SELLS,  
Sec'y of State.

### [323] CHAPTER 199.

#### CONGRESSIONAL DISTRICTS.

AN ACT to change the boundaries of the first and second congressional districts of the state of Iowa.

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

**SECTION 1. Counties detached.** That the counties of Des Moines, Louisa, and Washington shall be and are hereby detached from the second congressional district of the state of Iowa, and attached to the first congressional district of the same.

**SEC. 2.** This act shall take effect from and after its publication according to law.

Approved January 28, 1857.

### CHAPTER 200.

#### ADDITIONAL JUSTICE OF THE PEACE.

AN ACT requiring the township trustees of Camanche township, Clinton county, to order the election of an additional justice of the peace.

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

**SECTION 1. Trustees order election.** That it is hereby made the duty of the trustees of Camanche township, in Clinton county, to order an election

of one justice of the peace at the April election in A. D. 1857, in addition to the two justices now holding office in that township, and that thenceforth there shall be three justices of the peace in said township elected in accordance with existing laws.

SEC. 2. This act shall take effect and be in force from and after its publication in the Iowa City Republican and Iowa Register, without expense to the state.

Approved January 28, 1857.

[324] CHAPTER 201.

SCHOOL FUND.

AN ACT providing for the distribution of the five per cent. fund.

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

SECTION 1. **Treasurer apportion—commissioner give a bond.** That the treasurer of state be required to make an immediate apportionment among the organized counties of the state, according to the population thereof as shown by the census returns of the last year, of the amount of the five per cent. fund, less the sum used for the redemption of the state bonds at the Philadelphia bank, received by him from the treasury department at Washington, by direction of the present general assembly; and when the apportionment shall be made by him as aforesaid, it shall be his duty to advise the county judge of the sum to which said county shall be entitled, who shall thereupon require the fund commissioner of such county to file a bond in favor of the school fund, with good and sufficient securities for double the amount thereof: provided, that none of the several counties which have received any of said five per cent. fund, shall receive any of said fund now in the hands of the treasurer, or hereafter to come into his hands, until such counties would be entitled to the same by an equal apportionment of the whole amount heretofore distributed, taken together with the amount hereafter to be divided among the several organized counties of the state.

SEC. 2. **Certificate.** When the fund commissioner shall have filed a bond as aforesaid, and the same has been approved by the county judge, it shall be the duty of said county judge to give the commissioner a certificate showing that fact, and on the presentation thereof the treasurer of state shall pay to such fund commissioner, on his order, the sum to which his county is entitled, and take his receipt for the same.

SEC. 3. **To be loaned.** The fund commissioner of the respective counties shall loan the sums so received, subject to the restrictions and requirements of the law regulating the loans of the school fund: provided, however, that no loan shall be made for a longer term than three years, nor to any person already indebted to the school fund in said county.

[325] SEC. 4. **Interest.** The interest received by the treasurer of state on account of any loan or loans previously made out of the five per cent. fund, or which may be received by him before making the apportionment, as before described, shall be added to the present fund now in his possession, and included in the apportionment as aforesaid.

**SEC. 5. Five per cent. fund for 1856.** The amount accruing to the state from the general government on the proceeds of the sales of public lands for the year ending on the 31st December last, shall be drawn by the treasurer of state, and shall, when received by him, be disposed of according to the provisions of this act.

**SEC. 6.** This act shall take effect and be in force from and after its publication in the Iowa City Republican and Capital Reporter.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 12, 1857, and in the Iowa Capital Reporter Feb. 9, 1857

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 202.

### SAINT CHARLES CITY.

AN ACT to incorporate the city of Saint Charles.

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

**SECTION 1. Corporation.** That all that part of land and part of township No. ninety-five (95), north of range No. sixteen west of the fifth principal meridian, in the county of Floyd, in the state of Iowa, comprised in the original village plats of the village of St. Charles and the village of Freeman in said Floyd county, together with all the additions that have been regularly made and recorded, or that may hereafter be made and recorded thereto according to law, shall be, and is hereby declared a city, and the inhabitants thereof are created a body corporate and politic, with perpetual succession by the name of Saint Charles City, and as such shall by that name be capable in law of contracting and being contracted with, suing and being sued; also of purchasing, using, and conveying real and personal property; and may have and use a corporate seal, and change the same at pleasure; and shall have, exercise, and enjoy all the rights, privileges, powers, and immunities appertaining to, and be subject to all the duties and obligations incumbent upon a municipal corporation; and for the better ordering and governing said city, the exercise of the corporate powers of the same herein and hereby granted, shall be vested in a mayor and four aldermen, to be denominated the city council, together with such other officers as are herein mentioned and provided for: provided, that whenever the population of the city shall amount to two thousand inhabitants, the city council may proceed to divide the city into wards, giving to each ward not less than three aldermen: provided further, that the city council may change, unite, or divide said wards or any of them, and establish new wards whenever they shall think it necessary and proper.

**SEC. 2. Citizenship.** Any person who shall be a legal voter in said county of Floyd, and who shall have been a resident of the city three months, and of the ward in which he offers his vote ten days next preceding the election, is declared a citizen of said city, and is entitled to vote at all the elections thereof.

**SEC. 3. Ballot box.** The city council shall provide a ballot box to be used at city elections, which shall have as many separate apartments as there are wards in the city, one apartment of which shall be appropriated exclusively

for the votes of each ward, and the ballot of every voter shall be deposited in one of said apartments appropriated exclusively for the ward in which he resides. The city council shall elect three of their number to be judges of each city election, who shall appoint clerks; and in other respects, except herein otherwise provided; city elections shall be conducted in manner similar to that in which the elections are conducted in the townships as near as the nature of the case permit.

**SEC. 4. Challenge.** A person offering to vote may be challenged as at township elections and an oath may be administered to him in like manner naming the qualifications herein prescribed.

[327] **SEC. 5. Who eligible.** No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and shall have been a resident thereof one year next preceding his election.

**SEC. 6. Election.** That the qualified electors of said city, shall on the second Monday in April, A. D., 1857, and annually on the same day thereafter, elect a mayor and board of alderman, a recorder, marshal, assessor and treasurer, who shall hold their offices for one year, and until their successors are elected and qualified.

**City council.** The mayor and aldermen when elected and assembled together, duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business.

**SEC. 7. Qualification.** Each of the officers of the city, shall take and subscribe an oath faithfully to discharge the duties of his office. And shall also give such bond and security as shall be required by the council. The oath of office may be administered by the mayor or recorder, when qualified and in the transaction of business of the corporation, those officers and the president for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

**SEC. 8. Duty of mayor.** The mayor shall be a conservator of the peace within the city, and ex-officio a justice of the peace, and is vested with full jurisdiction for the violation of the ordinances and by-laws of the city, and with criminal jurisdiction of offences against the laws of the state of Iowa, committed within the city, and with civil jurisdiction limited to the city, in the same manner as that of justices of the peace is or may be limited to their township. He shall not be disqualified from acting in any such judicial capacity by any proceedings being in the name of or on behalf of Saint Charles city; appeals to the district court in the same county, shall be allowed from the judgment and decision of the mayor in the same cases, time and manner, as may at any time be allowed by law from the justices court, and they shall be tried in the same manner.

**Fees.** He shall be entitled to demand and receive the same fees as allowed by law to justices of the peace, and in all cases of sickness absence or inability of the mayor to act, [328] any justice of the peace within said city shall have judicial jurisdiction co-extensive in all cases with the mayor.

**SEC. 9. Mayor's duty.** And it shall be the duty of the mayor to see that the laws and ordinances of the city are [extended], and their violation punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal (if a seal be used,) all commissions, licenses and permits granted by the city council, and to perform such duties and exercise such powers as pertain to the office of mayor of a city and such as may be granted or imposed by the ordinances of the city, consistent with law. He shall be the president of the city council when present, and shall give the casting vote when there is a tie; and in his absence the council may appoint

a president for the time being from their own number, who shall have authority to sign ordinances, and orders on the treasurer, and do all other things pertaining to the office of mayor, except to act as justice of the peace.

**SEC. 10. Powers of the council.** The council shall be judge of the qualifications of the election of its own members, and all other city officers, may determine the rules of its own proceedings, and may hold meetings as it sees fit, having stated times fixed by ordinance. It may also prescribe the manner of calling special meetings, and compel the attendance of its members in such a manner and by such penalties as it may adopt, and shall cause a record of its proceedings to be kept by the recorder.

**SEC. 11. Books and record.** The city council shall provide well bound books for their own use, and for the use of their officers under this charter. They shall cause the recorder to keep a journal of the proceedings of their meetings, which shall be signed by him and the presiding officer of each meeting. He shall also keep a record of the returns of the marshal, in which he shall record the number of lot, piece of ground, or description of land or property sold by him for taxes due, on assessment, the amount for which it was sold, the time when sold, the purchaser's name, and the time of redemption, when redeemed, for what amount, and the person to whom, when deeded; and said marshal shall so make his return of the tax list of each year, as to enable said recorder to state the above facts in said delinquent tax book; [329] a book to record the acts and reports of the street commissioners; also an order book, stating the amount allowed each person out of the city treasury, the name of the person to whom allowed, when and by whom drawn. They shall also provide the mayor with a record or docket book, in which he shall record all the proceedings had before him as such mayor, for the violation of ordinances, his judgments and the reports required to be made by him, as such mayor and justice of the peace; all books thus provided for shall be open for the inspection of the inhabitants of said city, at all reasonable hours, free of expense tax or fee.

**SEC. 12. Suits.** All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted, in the name of Saint Charles City, or the City of Saint Charles.

**SEC. 13. Imprisonment.** The city council shall have power to provide for the punishment of offenders by fine, not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or both at the discretion of the court.

**SEC. 14. Ordinances—nuisances, &c—licenses, &c.** The city council is invested with authority to make ordinances, to secure the inhabitants against fire, against violations of law and the public peace, to suppress riots, gambling, drunkenness, indecent or disorderly conduct, to punish lewd behavior in public places, to suppress disorderly houses and generally to provide for the safety, prosperity and good order of the city. To make regulations and laws, to prevent the introduction of contagious diseases into the city, to establish hospitals, and to make regulations for the government of the same; to declare what shall be a nuisance, and to prevent, remove or abate the same; to tax dogs or prevent them from running at large in the city; to open, alter, abolish, widen, extend, diminish in width, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes and alleys, and to establish, open and lay out and improve public squares and market places, and to diminish in size, alter, abolish, and vacate public squares and grounds, in said city; to provide for the lighting the streets; to establish, support and regulate night watches, and the police of the city; to erect market-houses and places, and provide for the government of the same; to provide all needful buildings for the use of [330] the city; to improve and

regulate the public grounds belonging to the city; to regulate or prohibit the erection of wooden buildings on any block or part of block in the city, when the same is shown to be necessary for the safety of the property of the inhabitants or owners of such block or part of block, or of the city; to fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, rendered necessary under this act, or any ordinance which may be adopted; to license, tax and regulate auctioneers, transient merchants, hawkers, peddlers and pawn brokers; to license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rate and price to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property; to license and regulate porters, and fix the rate of portorage; to license, tax, prohibit or regulate all theatrical exhibitions, and public shows, and all exhibitions whatever, when admission is obtained on the payment of money or other reward; to regulate the storage of gunpowder and other combustible materials; to regulate partition fences and walls in common, not otherwise regulated by law; to provide for the inspection and measurement of lumber and other building materials, and for the measurement of all kinds of mechanical works; to provide for the inspection and weighing of hay, the measuring of coal, wood, and other fuel used in the city; to prohibit the discharge of fire arms, and other fire works, and the racing, immoderate running, or driving or riding of horses or other animals within the city; to impose fines, forfeitures and penalties for the breach of any ordinance, not exceeding one hundred dollars, and imprisonment not exceeding thirty days, in the county jail, workhouse, or city prison, and provide for the recovery and appropriation of such fines and forfeitures.

**SEC. 15. Taxes—assessment—warrant—collector—correction of errors—distress and sale—notice of sale—redemption—prima facie evidence.** The city council shall have power and authority to levy and collect taxes upon all taxable property, real, personal, and mixed, within the city, not exceeding ten mills on the dollar any one year, which value may be ascertained and assessment made either direct or by duplicate from the township assessment by the assessor, or some competent person authorized by the council, adding thereto to any omitted or additional taxable property in the city, at [331] the time the assessment is made; to provide by ordinance when such assessment shall be made, and the rate thereof. Taxes on real property shall be a lien thereon, and it may be sold therefor as herein provided. The city council shall have power to correct or equalize any erroneous or injudicious assessment. It shall be the duty of the assessor, or person acting as such, to return such assessment list to the city recorder, who shall make out and deliver to the collector of said city a copy of said assessment, which said copy shall be sealed with the common seal of the city (if one is used) with a warrant, for the collection of the taxes so assessed, signed by the mayor and recorder of said city. The marshal, or such competent person as the city council shall appoint of record, after giving bond and security in at least double the amount of the tax to be collected, to be approved by the mayor and recorder, shall be the collector of all taxes so assessed, and shall, upon receiving a copy of such assessment and warrant as aforesaid, give thirty days' notice of the assessment and levy of the tax, and the rate thereof in general terms, without the names or description of property, in a newspaper printed in the city, if there be one, and if not, then by posting or sticking up notices, in three or more public places in said city for the same length of time. During the thirty days any person aggrieved by the assessment or taxation, may appear before the city council, which may correct the same if found erroneous. At the expiration of which thirty days, the said collector

shall make personal demand of every resident charged with tax, if to be found within said city, and shall give at least one publication in some newspaper printed in the city (if there be one), and if not to post three notices in three of the most public places in the city, describing the property and giving the amount of tax on same and the names of the owner or owners if known, and that if the taxes are not paid within twenty days thereafter, the same will be collected by sale of property of the delinquents; at the expiration of which twenty days said collector may, and he is hereby authorized, by distress and sale of personal property of such delinquent or delinquents, as constables on execution, to collect said taxes; or he may, after the expiration of said twenty days, if said tax shall remain unpaid, give notice by [332] publication in one of the newspapers published in said city, four consecutive weeks, or if there be no newspaper published in said city, then by posting up a notice in three public places in said city at least four weeks before the sale, stating the amount of said tax, costs and printer's fee, and the number of the lot, or the description of the piece of land or property on which the same are due, and the owner's name if known; and that the said lot, piece of land, or property will be sold on the day and at the time mentioned in said notice, unless payment be made of the taxes and costs and printer's fee, on or before said day of sale; and if such payment should not be made according to said notice, then said collector shall proceed and sell the same in accordance with said notice, or any subsequent notice or adjournment of sale for said amount due, to the bidder who will take the least quantity of the lot or piece of land or property off from the side or end which said collector shall designate, or the whole if no bid for a less quantity; and he shall give to the purchaser thereof a certificate stating the description of the piece of land, or the number of the lot or portion thereof or the property purchased, and price paid therefor, and the day of sale; and if the owner or claimant shall not redeem the same by paying the amount for which the same was sold, together with twenty-five per cent per annum thereon, to the purchaser, or to the city treasury, for the said purchaser's benefit, within two years from the day of said sale, said purchaser or his heirs or assigns shall be entitled to a deed therefor; and the mayor of said city shall on demand and the presentation of said certificate make, execute, and deliver to the holder or owner of each certificate, a deed for said property in said certificate mentioned as sold, which deed, when acknowledged or proven and recorded, as other deeds are acknowledged or proven and recorded, shall be good and valid in [law] and equity, to pass valid, good and sufficient title to such lots, piece of land, lot, ground or property, and shall be prima facie evidence in all courts, that all the provisions of the sale as herein provided, have been duly complied with; nor shall the same ever be enquired into until the amount for which the said property or real estate were sold, together with fifty per cent interest thereon as aforesaid, shall have been [333] paid to the holder thereof, or deposited with the city treasurer for his benefit.

**SEC. 16. Streets and alleys.** The city council have the control of the streets and alleys and public grounds of Saint Charles City, and may cause the side-walks to be paved and repaired, the streets and alleys to be graded, paved or macadamized, and to effect that, it may require the owners of lots adjoining to which it is to be done, to pave, repair or macadamize not exceeding one half of the street's width contiguous to their respective lots, or the same may be done by the city, and the cost and expense assessed on the owners of the contiguous lot or lots or property, which shall have the effect of a special tax levied on his, her or their property, and the same may be collected, and the property sold by the collector, as provided in the foregoing section.

SEC. 17. **Borrow money.** The city council is invested with authority to borrow money for any purpose, not exceeding two hundred thousand dollars, and pledge the faith of the city for the payment thereof, and issue the bond or bonds of the city therefor: provided, the question of borrowing be first submitted to the legal voters of the city, and a majority of all the votes cast shall be in favor of said loan; and upon a decision thus made in favor of any such loan, the city council will be authorized to assess and levy an additional tax not exceeding five mills on the dollar, and to provide the means to pay any indebtedness created by virtue of the authority granted in this section.

SEC. 18. **Marshal's duty—fees.** The marshal shall be a conservator of the peace and executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor or any justice of the peace in said city, and in cases for the violation of the city ordinances and of the criminal laws of the state of Iowa, may execute the same in any part of the county, and he shall have the same authority within the city to quell riots and disturbances, prevent crimes and to arrest offenders that the sheriff has within his county, and may in the same cases and under the same penalties, require the aid of the citizens, and to further perform all duties imposed by the city council, appoint one or more deputies and discharge them, and he shall be responsible for his or their acts and doings when acting officially. For the services of [334] legal process he shall be entitled to the same fees as a constable, and for services required by the council, such compensation as it may allow. He may exercise the duties of constable in St. Charles township, in said Floyd county.

SEC. 19. **Proclamation.** In all elections for city officers, or for other purposes, the mayor shall issue a proclamation to the voters of the city, or to the several wards, as the case may require, naming the time and place for each election, and the officers to be elected, or subject to be voted upon, and cause a copy to be posted up in three of the most public places in the city, or published in some newspaper printed in the city, at least ten days previous to such election. Within two days after the election, the judges of the election shall make return thereof to the board of the city council, who shall examine same at their next meeting, and cause an abstract of the votes to be recorded, and direct the recorder to inform the persons elected of their election.

SEC. 20. **Ineligible.** No member of the city council shall be eligible to any office within the gift of the city council during the term for which he was elected, nor shall he be interested directly or indirectly in the profits of any contract or job of work or service to be performed, and a violation of this section shall work a vacancy in such office.

SEC. 21. **Ordinances.** Ordinances passed by the city council, shall be signed by the mayor and attested by the recorder, and before they take effect, be published, by a copy thereof being posted in three of the most public places in the city, or published in some newspaper printed in the city, at least ten days previous to the taking effect of the same, and a copy thereof shall be preserved in a book kept for that purpose, by the recorder, and the recorder's certificate that the same have been published, and the manner and time thereof, shall be conclusive evidence of the fact.

SEC. 22. **Road tax.** Saint Charles city shall constitute one road district, and the city council shall have power, in addition to the taxes otherwise authorized, to levy road taxes, not exceeding the amount allowed by law to be levied by the county court for like purposes, and they may provide for the payment and collection of the same, in the same manner as that provided for the collection of county road taxes, [335] or in manner other city taxes



are collected. They may also direct in what manner such taxes shall be expended on the streets, alleys and bridges of said city; and all persons and property rightfully taxed within said city, in accordance with this section, shall thereby be exempt from all taxes to that extent for roads to the county; and the city council is hereby invested with full power and authority to receive from the county treasurer or other county officer all road revenue belonging to the city, and receipt for the same, which shall be a good voucher for the county treasurer or other county officer.

**SEC. 23. Street commissioners.** The city council may appoint in such manner as it determines, and during its pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it deems desirable, and may prescribe their duties, powers and qualifications, and may prescribe for the election of such officers by the citizens of said city; and when a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record until the next election and qualification of the successor, and in all cases in the absence or inability of the recorder to act, his place may be filled temporarily, or for the unexpired term, at the pleasure of the council.

**SEC. 24. Board of council.** The city council shall have power to make all ordinances which shall be necessary and proper for the government of the city, and the carrying out and putting in force and effect the power specified and granted in this charter, not inconsistent with the constitution of the state of Iowa or the United States.

The style of all ordinances shall be:

“Be it enacted by the city council of Saint Charles City.”

**SEC. 25. Ordinances.** All ordinances and by-laws passed by the city council, signed by the mayor and attested by the recorder, and published as herein required, shall be sufficient to allow the same to be read and received in evidence in all actions and suits in any courts in the state of Iowa; or when the said ordinances, by-laws and regulations shall be published in book or pamphlet form, and purporting to be published by authority of the corporation, the same shall be received [336] in evidence in all courts and places, without further proof.

**SEC. 26. Removal.** A removal out of the ward by any alderman, and a removal out of the city by any city officer, shall vacate his office, which shall be filled as provided by this charter.

**SEC. 27. Solicitor.** The city council may appoint a city solicitor, and pay him from the treasury of the city such sum or sums for his services as may be reasonable.

**SEC. 28. Security.** The mayor and justices of the peace in said city may, in all cases before issuing process, require security to be given for costs; and no prosecution or suit shall be entertained, in any court, against said city unless ample security has been given for costs.

**SEC. 29. Receipts and disbursements.** The city council shall provide by ordinance for the keeping of the public money of the city, and the manner of disbursing the same, and shall audit all claims against the city, and all officers of the city are accountable to the council in such manner as it directs. It shall publish annually a particular statement of the receipts and expenditures of the city, and of all debts owing to and from the same.

**SEC. 30. R. R. stock.** Said city shall have power to subscribe to the capital stock of any railroad company, and may issue, or cause to be issued, the bonds of the same, and shall be empowered and required to levy and collect all the necessary taxes to pay the principal and interest of said bonds:

provided, said subscription shall be authorized by a majority vote of the legal voters of said city.

SEC. 31. **Submit ordinances.** The city council may submit to the legal voters of said city, at any election of said city, or at a special election called for that purpose, the question of the enactment of any ordinance not repugnant to the constitution of the state of Iowa or that of the United States, the borrowing of money by the city for any particular purpose, whether the city shall subscribe to and take stock in any railroad company, or assist in the construction of any other public improvement, whether any street or streets, alley or alleys, block or portion of block, lot or lots or part of lot, or public ground in the city, shall be laid out, opened or improved, extended, or diminished or abolished and vacated, or any other measure to be taken by the city, and in all cases [337] where a majority of the legal votes cast in said city at such election, shall be in favor of such measure. The city council is hereby authorized and empowered to carry the same into effect according to law and the ordinances of the city: provided, that in all and every case the said city shall be liable to make full compensation at the fair cash value to the owners of all property, which shall then be taken for public use and for all damages which the owners may sustain by any change which said city council may at any time see proper to make.

SEC. 32. This act to take effect and be in force from and after its publication in the St. Charles Republican Intelligencer and Dubuque Tribune.

Approved January 28, 1857.

## CHAPTER 203.

### HISTORICAL SOCIETY.

AN ACT to provide for an annual appropriation for the benefit of a State Historical society.

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

SECTION 1. **Appropriation—how expended.** That there is hereby annually appropriated until the legislature shall by law otherwise direct, to a state historical society, formed or to be formed in connection with, and under the auspices of the state university, the sum of two hundred and fifty dollars, to be expended by said society in collecting, embodying, arranging and preserving in authentic form, a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other materials illustrative of the state of the history of Iowa, to rescue from oblivion the memory of its early pioneers, to obtain and preserve varieties of their exploits, perils and hardy adventures; to secure facts and statements relative to the history, genius and progress or decay of our Indian tribes; to exhibit faithfully the antiquities, past and present resources of Iowa; also to aid in the publication of such of the collections of the society as the society shall [338] from time to time deem of value and interest, to aid in binding its books, pamphlets, manuscripts and papers, and in paying other necessary incidental expenses of the society, but no part of such annual appropriation shall ever be paid for services rendered by the officers to the society.

SEC. 2. **Keep acc't and present to the governor.** It shall be the duty of the executive committee of the said state historical society of Iowa to keep an accurate account of the manner of expenditure of the said sum of money

hereby appropriated, and furnish the same, together with the vouchers thereof, to the governor of this state, in the month of December of the year the legislature shall meet, to be by him laid before the legislature.

**SEC. 3. Books and documents.** There shall be delivered to said society thirty bound copies of all documents published by order of the state, for the purpose of effecting exchanges with similar societies in other states, and also fifty bound copies of all such documents, to be transmitted through the medium of the secretary of said society, to M. Vattemere, at Paris, in furtherance of his system of international literary exchange.

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

Approved January 28, 1857.

## CHAPTER 204.

OTIS A. HOLMES.

AN ACT to authorize Otis A. Holmes to sell certain lands.

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

**SECTION 1. May sell land.** That Otis A. Holmes be, and hereby is, authorized to sell such lands as were conveyed to him by Richard Ash in trust for the heirs of said Ash.

**SEC. 2. Bond.** That said Holmes, before selling said lands, execute a bond to the said heirs by name, in the penal sum of \$2,000 conditioned for the faithful sale of said lands and prompt payment of the respective portions of the proceeds of such sale to the said heirs, as they shall severally direct, [339] and shall deposit said bond with the county judge of Jackson county.

**SEC. 3. Notice of sale.** That said Holmes shall give four weeks' notice of the time and place of said sale, by posting written notices thereof, in three public places, in Jackson county, Iowa; and shall sell such lands at private sale or public auction, and in such parcels at such time and place and shall be deemed most advantageous to the interest of said heirs, and shall execute deeds to the purchasers thereof, which deeds shall possess all the legal and equitable title in and to said land of said Holmes and said heirs to the said purchasers.

**SEC. 4. Deduction.** The said Holmes shall, after having deducted the necessary charges for said sale, dispose of the several shares of the proceeds thereof, in accordance with the directions of the several heirs of the said Richard Ash, and should no such directions be given by any of the said heirs, within a reasonable time after said sale, the said Holmes shall loan to the best advantage the share or shares to which any heir not thus giving notice may be entitled; such loan being subject to call at any time, shall recall and pay over such loans and interest upon proper demand by the party entitled thereto.

**SEC. 5.** This act shall take effect and be in force from and after its publication according to law.

Approved Jan. 28, 1857.

## CHAPTER 205.

## RAILROAD BONDS.

AN ACT to authorize city of Dubuque to issue bonds to aid in the construction of certain railroads therein named.

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

**SECTION 1. Bonds.** That the city of Dubuque is hereby authorized and empowered to aid in the construction of the Dubuque Western and Dubuque, St. Peters and St. Paul railroad companies, by issuing \$250,000 of city bonds to each, in pursuance of a vote of the citizens of said city, taken in the month of December, A. D. 1856. Said bonds shall be [340] legal and valid, and the city council is authorized and required to levy a special tax to meet the principal and interest of said bonds in case it shall become necessary from the failure of funds from other sources.

**SEC. 2. How expended.** The proclamation, the vote, bonds issued or to be issued, are hereby declared valid, and the said railroad companies are hereby authorized to expend the monies arising from the sale of said bonds, without the limits of the city and county of Dubuque, in the construction of either of said roads, and the city of Dubuque nor any of the citizens shall ever be allowed to plead that said bonds are invalid.

**SEC. 3.** This act to be in force from and after its publication in the Iowa Republican and Iowa Capital Reporter, without expense to the state.

Approved January 28, 1857.

I hereby certify that the foregoing act was published in the Iowa City Republican Feb. 23, 1857, and in the Iowa Capital Reporter, Feb. 24, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 206.

## COURT-HOUSE SQUARE.

AN ACT to vacate court-house square, in Waterloo, Blackhawk county.

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

**SECTION 1. Vacate square.** That block 29, on the west side of Cedar river, in the town of Waterloo, in Blackhawk county, state of Iowa, designated on the recorded plat of said town as court-house square, be, and the same is hereby vacated as such court-house square, and the title thereto, with all the rights to convey the same, be vested as hereinafter provided.

**SEC. 2. Title revert.** Within sixty days after the passage of this act, a copy thereof shall be filed for record in the office of the recorder of deeds of the said Blackhawk county, and from the date of said filing, the title to said block 29, shall be [341] vested in Charles Mullan, the original owner thereof, as fully as if the same had not been by him relinquished for such court-house square.

**SEC. 3.** This act shall be in force from and after its passage.

Approved January 28, 1857.

## CHAPTER 207.

## PLAT VACATED.

AN ACT to vacate a certain plat in Blackhawk county.

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

SECTION 1. **Plat vacated.** That the plat of the south-east quarter of section twenty-four, township eighty-nine, range thirteen west, in Blackhawk county, state of Iowa, caused to be made by Oren E. Hardy and Isaac Virden, and duly filed for record in the recorder's office of said county, on the 4th day of February, A. D. 1856, be and the same is hereby rendered null and void, and the streets or highways designated therein, vacated.

SEC. 2. **Title to streets.** That the title to the lands now embraced in said streets, shall, on the taking effect of this act, revert to and be vested in the owners of lands or lots adjacent thereto, in the following manner, to wit: To each owner of such adjacent lands or lots, such part of said streets as lies next to his or her lands, and of equal extent thereto, along the length of said street, and extending to the center of the same.

SEC. 3. **Sales not vitiated.** Nothing in this act shall be so construed as to vitiate or render void the title to any of the above described lands or lots which may have been conveyed by descriptions in accordance with the plat herein referred to.

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

Approved January 28, 1857.

## [342] CHAPTER 208.

## RAFTS.

AN ACT to provide for action against rafts.

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

SECTION 1. **Rafts liable.** That any raft found in the waters of this state shall be liable for all debts contracted by the owner, agent, clerk, or pilot thereof, on account of work done or services rendered for such raft.

SEC. 2. **Lien 20 days.** Claims growing out of either of the above causes shall be liens upon the raft, its tackle and appendages, for the term of twenty days from the time the right of action therefor accrued.

SEC. 3. **Enforce.** The same rules shall govern and the same process shall be had, to enforce the lien in this act provided for, that is prescribed for similar liens against boats in chapter 120 of the code of Iowa.

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

Approved Jan. 28, 1857.

CHAPTER 209.  
NORMAL SCHOOLS.

AN ACT authorizing and requiring the payment of certain moneys due the normal schools of Andrew and Oskaloosa.

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

SECTION 1. **Andrew school.** That the auditor of the state is hereby required to issue his warrant on the treasurer of state for the sum of one thousand dollars, the sum due the normal school at Andrew, in this state, and that William Thomas be, and he is hereby authorized to receive the said warrant.

SEC. 2. **Oskaloosa school.** That the auditor is hereby required to issue his warrant on the state treasurer for the further sum of one thousand dollars, the amount due the normal school at Oskaloosa, in this state, and that the treasurer of Mahaska [343] county, be, and he hereby is authorized to receive said warrant, who shall dispose of the warrant as he shall be directed by a majority of the persons who constituted the last board of directors of said school.

SEC. 3. **Treasurer pay.** It is hereby made the duty of the treasurer of state to pay said orders out of any moneys in the treasury not otherwise appropriated.

SEC. 4. **Repeal.** That the act entitled "an act directing the payment of certain moneys to the normal schools of Oskaloosa and Andrew," approved January, A. D. 1855, be, and the same is hereby repealed.

SEC. 5. This act to take effect and be in force from and after its publication according to law.

Approved Jan. 28, 1857.

CHAPTER 210.

DUBUQUE.

AN ACT for revising and consolidating the laws incorporating the city of Dubuque, and to establish a city court therein.

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

SECTION 1. **Boundaries—corporate powers.** That all that part of the county of Dubuque, in the state of Iowa, included within the following boundaries, to wit: beginning at a point in the middle of the main channel of the Mississippi river, in the south line continued of section thirty-one (31) in township 89 north of range three (3) east of the fifth principal meridian; thence west along the south line of said section continued, and along the south line of sections thirty-five (35) and thirty-six (36) in the same township, of range two (2) east of the fifth principal meridian to the west line of said section thirty-five (35); thence north along the west line of sections thirty-five (35), twenty-six (26), and fourteen (14) to the north line of said section fourteen (14); thence east along the north line of said sections fourteen (14) and thirteen (13) to the range line between townships two (2) and three (3) east of said meridian; thence north on last mentioned range line, to its

intersection with the north line of section seven (7) in the [344] same township of range three east of said meridian; thence east along the north line of section seven (7) and along said line continued to the main channel of the Mississippi river; thence down along the middle of the main channel of the Mississippi to the place of beginning, shall be and is hereby declared to be a city, and the inhabitants thereof are created a body corporate and politic, with perpetual succession, under the name and style of the city of Dubuque, and as such, and by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, in all matters whatsoever; and also of purchasing, using, occupying, enjoying, and conveying real, personal, and mixed estate, and may have and use a corporate seal, and may change, alter and renew the same at pleasure; and shall be competent to have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation.

**SEC. 2. Council and officers.** The right and power to exercise the corporate powers hereby and herein granted, and the administration of the fiscal, prudential and municipal affairs of said city, with the conduct, direction and government thereof, shall be vested in a mayor and aldermen, to be denominated the city council, neither of whom, while holding their respective offices, shall hold any other under the city government; and in a recorder, auditor, treasurer, marshal, city judge, clerk of city court, and city attorney, and such other officers as are herein mentioned, as the city council, for the better fulfillment and administration of the corporate duties and powers herein granted, may by ordinance create and establish.

**SEC. 3. Officers—election and term—oath—bond.** The mayor, aldermen, recorder, treasurer, auditor, marshal and city attorney, shall be elected at the annual election, by the qualified voters of said city, as hereinafter provided, and the said recorder, treasurer, auditor, marshal and city attorney, shall hold their offices, respectively, for the term of one year from the date of their election, and until their successors are elected and qualified. Such other officers as the city council may by ordinance [345] provide for, shall be either elected by the people or appointed by the city council, as such ordinance may determine; if elected by the people they hold their offices for the term of one year, and until their successors are qualified; if appointed by the city council, they shall hold their offices for such time as shall be fixed by ordinance, not longer than one year, or at the pleasure of the council. All city officers, before entering on the duties of their respective offices, shall take an oath or affirmation to support the constitution of the United States and of the state of Iowa, and faithfully and impartially to perform the duties of the offices to which they may be elected or appointed, and when required by the council shall, except the city judge, give bonds in such sums and with such sureties as the council may determine and approve, for the faithful performance of all the duties appertaining to their respective offices. All elective officers shall be citizens of the state of Iowa, and qualified voters in said city.

**SEC. 4. Annual election.** The annual election for city officers shall take place on the first Monday of April in each year. Polls shall be opened in each ward under the direction of judges of election, and a clerk to be appointed by the city council. It shall be the duty of the mayor at least ten days previous to each election to issue his proclamation, setting forth the time and place at which the polls shall be opened, which shall be published in the official paper of the city. The rules prescribed by law for the regu-

lation of township elections shall govern as far as applicable, the election of city officers, and returns within two days shall be made out in the same manner as by the township trustees, and delivered in a sealed envelope to the mayor, who shall, within one week from the day of election, at a regular meeting of the city council, or at a special meeting to be called for that purpose, open the returns in the presence of the council, and the council upon examination and comparison of the returns, shall judge and decide the result, and these proceedings shall be entered upon the record by the recorder in his minutes of the proceedings of said council of that meeting. Every person qualified to vote for state or county officers in the county of Dubuque, and who shall have resided in said city for the space of six months, shall [346] be qualified to vote at city elections in the ward where he resides.

**SEC. 5. Wards.** The city of Dubuque shall be divided in such manner as the city council may by ordinance determine, into five or more wards, which may be altered or changed at the pleasure of the said council: provided, that such change shall not affect the right of any member to hold his seat during the time for which he is elected. Two aldermen shall be elected from each ward, who shall hold their offices for the term of two years, and these terms shall be so arranged that one alderman shall be elected from each ward each year. Any citizen who is a qualified voter in said city may be elected alderman from the ward in which he resides, and a removal of his residence from such ward shall be deemed a vacation of his office. No member of the city council shall be directly or indirectly interested in the profits of any contract or job for the city, and to become so interested, or being so interested when elected, shall be deemed a vacation of said office. Neither shall any alderman vote in said council upon any question in which he is directly or indirectly interested.

**SEC. 6. Powers of the council.** The city council shall have power to judge as to the qualification of its members, and to establish rules and regulations for the government of its proceedings; and to prescribe the times and places at which the meetings of the council shall be held; and to make all ordinances necessary and proper for carrying into effect the powers herein granted, and to enforce obedience to such ordinance by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or by such fine and imprisonment.

**SEC. 7.** The city council shall have the power, and it is hereby made their duty:

First.—**Vacancies.** To fill all vacancies which may occur among the officers of said city, by appointment; the person so appointed to hold office until the next succeeding April election, when the vacancy shall, if an elective office, be filled by election by the people.

Second.—**Salaries.** To establish and fix the salaries and compensation of all officers of said city, not fixed by this act.

Third.—**Protection.** To provide all needful regulations and precautions to protect the city and the inhabitants thereof against [347] injuries by fire, thieves, robbers, burglars, and all persons violating the public peace.

Fourth.—**Riots and disorder.** To provide for the suppression of riots, gambling, and all indecent and disorderly conduct, and for the punishment of all lewd and lascivious behavior in the streets and other public places in said city.

Fifth.—**Wood building.** To prohibit the erection in any square or fraction of a square in said city, of any building or of any addition to any build-



ing, except the entire walls thereof shall be of stone or brick and mortar, and to provide for the removal of any building erected contrary to true intent and meaning of said prohibition.

Sixth.—**Fire company.** To organize and establish fire companies, and provide them with engines and other apparatus, and to regulate and prohibit the establishment of an independent fire company or companies, after the passage of this act.

Seventh.—**Obstructions.** To require and compel the removal of all obstructions of the public streets and alleys, and the abatement of all nuisances in said city.

Eighth.—**Nuisances.** To cause all grounds or lots where water shall at any time become stagnant, or remain standing, to be raised, filled up or drained at the expense of the owner thereof, and to effect this object the said council may give notice to the owners thereof, or their agents, or in case of non-resident owners without known agents, notice may be given by publication in one or more of the newspapers published in said city, to fill up, raise, or drain such grounds at their own expense, and the council shall designate how high such ground shall be filled up or raised, or in what manner they shall be drained; and in case the owners shall fail to fill up, or drain such grounds, within the time designated in said notice, the city council may cause the same to be done at the expense of the city, and assess the expense thereof against said grounds, and such assessment shall be placed in the hands of the city collector, who shall proceed to collect the same, with costs, by sale of such grounds in such a manner and under such restrictions and regulations as may be provided by ordinance: provided, the owners of such grounds shall have the right to redeem within one year after sale, by paying the purchasers the amount by them paid with 10 per cent interest thereon.

[348] Ninth.—**Health regulations.** To make regulations to secure the general health of the city, and to cause the removal of all dirt, filth or other nuisance which may at any time be accumulated upon any lots, or streets and alleys in said city, at the expense of the owners of the grounds on which it lies.

Tenth.—**Hospitals, &c.** To establish hospitals, workhouses, and a city jail, and make regulations for the government thereof.

Eleventh.—**Prohibition.** To prohibit hogs, cattle, horses, and all other animals from running at large in the streets, alleys and public places in said city.

Twelfth.—**Police.** To establish a day and night police, and punish resistance to them or any other city officers in the discharge of their duties.

Thirteenth.—**Streets, alleys, &c.** To open, alter, extend, widen, establish and vacate, and to grade, pave and otherwise improve, clean and keep in repair the sidewalks, streets, alleys, wharves, docks, landings, and other public grounds of said city.

Fourteenth.—**Bridges, &c.** To establish, erect and keep in repair, bridges, culverts and sewers, and regulate the use of the same; to establish, alter and change the channel of water-courses, and to wall them up and cover them over.

Fifteenth.—**Market.** To erect market houses, establish market places, and provide for the regulation and government thereof.

Sixteenth.—**Buildings.** To provide for all needful buildings for the use of the city, and for enclosing, improving and protecting all public grounds belonging to the city.

Seventeenth.—**Wharves.** To regulate the use of wharves and public landings, fix the rate of wharfage, and regulate the stationary anchorage and moorings of all boats and rafts within the city.

Eighteenth.—**Licenses.** To license, tax and regulate auctioneers,, peddlers and traveling merchants, grocers, merchants, retailers, hotel-keepers, and keepers of livery stables, of eating-houses, boarding-houses, saloons and places of amusement, and bankers, dealers in money, warrants, notes and other evidences of indebtedness, and works of all kinds.

Nineteenth.—**Hacks, &c.** To license, tax and regulate hackney carriages, omnibusses, wagons, carts, drays and all other vehicles and porters, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage, drayage or portorage of property.

[349] Twentieth.—**Shows, &c.** To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements, and billiard tables, ten-pin alleys, and to suppress gambling-houses, and bawdy-houses, and houses of prostitution; also to tax and destroy dogs; to regulate the weights and measures to be used in said city; to provide for the inspection of wood and lumber, and for the inspection and weighing of coal and hay, and to provide for and regulate the inspection of beef, pork, flour, butter, lard and other provisions, and to regulate the vending of meat, poultry, vegetables and other provisions.

Twenty-first.—**Walls.** To establish regulations respecting character and size of the foundation and other walls of buildings in said city, and to enforce the same by the removal of buildings erected in violation of such regulations at the expense of the owner or lessee of the lots upon which they are situated.

Twenty-second.—**Lands.** To purchase land or other property for the use of the city, and to dispose of all personal property of the city at the pleasure of the council, and of the real estate of the city, when authorized so to do by the majority of the legal voters; and the council may by ordinance provide for submitting the question of the sale of the real estate, or any part thereof, to the voters of said city, in such manner and at such times as it may deem expedient.

Twenty-third.—**Collect taxes.** To collect taxes to defray the current expenditures and pay the debts of the city: provided, that the tax for any one year shall not exceed one per cent. upon the assessed value of all property taxed.

Twenty-fourth.—**Assessment.** To provide for the assessment of all taxable property in said city, with reference to taxation for city purposes. Appeal shall lie from the assessment of any officer appointed by the city council to assess property, to the city council, whose adjudication shall be final.

Twenty-fifth.—**Audit claims.** To audit all claims against the city, and order the payment of such as shall be allowed.

Twenty-sixth.—**Ferries.** The city council shall have the exclusive right to license and regulate ferries, and to establish the rates of ferriage between Dubuque and the opposite bank of the Mississippi river.

Twenty-seventh.—**Ordinances.** To make all such ordinances as to them [350] shall seem necessary to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of said city and the inhabitants thereof.

SEC. 8. **Take effect.** The ordinances passed by the city council shall take effect from and after the date of their publication in such newspaper of the

city of Dubuque as the council shall designate, the date of which publication shall be noted by the recorder in his record of the ordinances, and such record shall be evidence of the time and fact of such publication: provided, that the city council may authorize the revision and publication of the ordinances in book or pamphlet form, in which case such revised ordinances shall take effect from and after the date of such publication, and such book or pamphlet shall contain the resolution of the city council authorizing its publication, and a certificate of the city recorder that the ordinances and resolutions therein contained are correct copies from the records in his office, and shall then be received without further proof, as presumptive evidence of such ordinances and resolutions: and provided further, that the city council may provide for the taking effect of any ordinance not before a day certain therein specified. All ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and shall be recorded in books kept for that purpose.

**SEC. 9. Orders.** All orders of the city council for the payment of money, shall be signed by the mayor and attested by the recorder, and countersigned by the city auditor.

**SEC. 10. Fines, &c.** All fines and forfeitures collected for violations of city ordinances shall be paid into the city treasury, and the mayor shall see that the same is done without unnecessary delay.

**SEC. 11. Mayor's duty.** The mayor is the executive officer of the city, and it is his duty to be vigilant and active at all times, in causing the ordinances and regulations of the city to be put in force and duly executed, and shall take care that all officers under the city government comply with the law and ordinances and resolutions of the council; he is ex-officio president of the city council, but shall have no vote therein except a casting vote when there is a tie. The city council shall elect a mayor pro tempore, who, in case of the absence [351] or inability of the mayor, shall discharge all the duties and possess all the powers that belong to the mayor.

**SEC. 12. Recorder's duty.** The recorder shall be secretary of the city council, and shall keep a full record of the proceedings; he shall have the custody of all the records, books and papers of the city, and of the city seal, and shall discharge such other duties as may be devolved upon him by law or ordinance, and shall keep his office at such place as the city council shall provide and designate.

**SEC. 13. Auditor's duty.** The city auditor shall keep in proper books provided for that purpose, a full and fair exhibit of the finances of the city, its revenues, expenditures, indebtedness and audits. He shall countersign all orders on the treasury drawn for money appropriated by the city council, when signed by the mayor and attested by the recorder, and shall perform such other duties as the council may by ordinance or resolution require.

**SEC. 14. Marshal's duty.** It shall be the duty of the city marshal to attend the meetings of the city council, to execute its orders, to arrest and bring before the proper court, with or without warrant, all whom he shall find in the actual violation of any ordinance, and to perform such other duties as may be devolved upon him by law or ordinance. The city council may by ordinance authorize the marshal to appoint deputy marshals.

**SEC. 15. Treasurer's duty.** It shall be the duty of the city treasurer to take charge of and keep the funds and monies of the city; he shall keep the same in three separate funds, to be denominated the "general fund," the "road fund," and the "school fund," and shall pay out money only upon orders from the city council, signed by the mayor and attested by

the recorder, and countersigned by the auditor, or upon orders from the board of education under authority of ordinance, which orders shall specify the fund drawn upon. He shall keep an account with each fund, and shall from time to time report his receipts and expenditures, as required by the city council.

**SEC. 16. Attorney's duty.** It shall be the duty of the city attorney to appear for the city court and all other courts; to take charge of the legal business of the city; to give his written opinion whenever called upon by the city council; [352] to give legal advice to all officers of the city, and to perform such other duties as may be devolved upon him by law or ordinance.

**SEC. 17. Borrow money.** The city of Dubuque is authorized to borrow money upon the credit of the city, and to issue the bonds of the city: provided, that the proposition to borrow money shall first pass the city council, and shall then, under proclamation by the mayor, be submitted to the vote of the people, which proclamation shall state the amount of money to be borrowed, and the purpose for which the money is to be borrowed; and in case the proposition is adopted by a vote of two-thirds of the qualified electors of said city, the city council may at any time thereafter within the space of one year, authorize the borrowing of the money, and the issuing of the bonds.

**SEC. 18. Road dist.** The city of Dubuque is constituted a special road district, and the care and supervision of the highways in said city is devolved upon the city council; and the city council is authorized, in addition to the taxes otherwise authorized, to levy a special road tax, which shall not exceed the limits fixed by law of the road tax to be assessed by the county court. No county or township officer having the care or supervision of roads is required to expend labor upon the highways within the city of Dubuque, but the duties and responsibilities imposed by law upon such officers shall, as to the streets and highways in said city, devolve upon the city council.

**SEC. 19. Streets—damages.** The city council shall have power to open, widen or extend any street or alley in said city, and under such regulations as may by ordinance be prescribed, may cause a jury to be summoned who shall apportion and assess the damages and benefits which any person may sustain by reason thereof, upon the lots or lands adjoining, or in the immediate vicinity, which may be benefited thereby; and such apportionment and assessment shall be returned to the city council, and shall be collected and paid into the city treasury. Notice must be given to all persons whose property is appropriated, in writing or by publication, or they will not be bound by the proceedings. The damages assessed to any persons constitute a valid claim on the part of such persons against the city, and may be sued [353] for and collected as any other claim. The date at which any property shall be considered as appropriated shall be at the time of the passage of a resolution by the council ordering the laying out and establishment of the street, and the jury shall be summoned to assess the damages at least within one month thereafter, and their apportionment shall be final, and shall not be subject to be quashed by the city council, but may be returned to the same jury for the correction of any irregularities or informalities.

**SEC. 20. Give notice.** The marshal shall notify the owners of all lots and grounds against which any sum shall be apportioned, to pay the same within thirty days. In cases where neither such owners, nor any agents be residents of the city of Dubuque, or are unknown, notice may be given by publication in any newspaper in said city for two weeks. If default of payment shall be made, the recorder shall deliver to the collector of taxes for the city a statement of the same, and he shall proceed to collect the same by sale of the property as may be prescribed by ordinance.

**SEC. 21. Tax for paving.** The city may level a special tax on any lot or lots, or the owner thereof, on any alley, street or highway, or any part thereof, for the purpose of grading, paving or macadamizing the same, or for the purpose of grading, paving or curbing the side walks, and may collect the same under such regulations as may be prescribed by ordinance.

**SEC. 22. Lands.** The city may appropriate lands for the purpose of using the same for jails, workhouses, markets, and other public buildings, and to provide for supplying the city with water by constructing aqueducts, reservoirs, and other conveniences, and when compensation therefor cannot be otherwise agreed upon, it may be ascertained as follows: The city shall make application to the city court by petition, setting forth the facts in the case, and praying that the damages may be ascertained by a jury in said court, and for judgment condemning the ground and vesting the title thereof in the city, and the court may proceed without further pleadings, to assess the damages against the city, and tender a decree accordingly.

**SEC. 23. Addition.** No addition to the city of Dubuque shall be lawful unless it is first submitted to the city council for their [354] approval, who shall have exclusive authority to provide for and regulate the width of streets and alleys in such addition, and when the same shall be so approved of, it shall be admitted to record on the records of the city, and shall thereafter become a lawful addition thereto: Provided, that the owner or owners of the land included in said addition shall furnish for the use of the city, a correct map of the same for public reference, and the provisions of chapter 42 of the code of Iowa, shall also be complied with in all such cases, so far as the same are applicable and not inconsistent with this act.

**SEC. 24. School dist.** That the city of Dubuque shall constitute one permanent school district, and subject to alteration by the school fund commissioner, and shall be subject to the city council of said city, who shall provide for the adequate support and maintenance of common schools in said district. The city council of said city shall, by ordinance, provide for the appointment or election of a board of education, and may invest such board with the necessary powers for the proper care and management of the common schools in said district, the employment of teachers, and to provide schoolhouses and other buildings, and for taking and returning to the proper officer, as required by law, of the number of persons between the ages of five and twenty-one years, to expend the money in the treasury placed to the credit of the board, and to perform such other duties in connection with the public schools as the city council may deem proper to impose upon the same.

**SEC. 25. Com. schools.** The city council shall furnish the funds necessary to support the common schools in said city; and to provide school houses, and for other expenses; and for this purpose shall, in addition to other taxes authorized by law, levy a special school tax, not to exceed one-fourth of one per centum upon the assessment of any one year.

**SEC. 26. S. F. Com'r.** The city council shall have power, by their order upon the school fund commissioner of Dubuque county, to receive from him for the use of said district, all money apportioned to said district from the school fund. All money received from the city for school purposes shall be paid into the treasury, and shall constitute a separate fund, [355] to be denominated the school fund, and shall only be appropriated for school purposes.

**SEC. 27. Receipts & Expenditures.** The city council shall provide for the publication, at least once in each year, of a full statement of all receipts and expenditures for school purposes for the current year, and which shall show

the number of schools kept, the number of teachers employed, the wages paid, the whole number of persons in attendance, and the time such schools have been kept during the current year.

**SEC. 28. City court.** There shall be and is hereby established in the city of Dubuque a court, to be denominated the city court; which court shall be a court of record and have a seal, and the officers thereof shall be a judge, clerk, and the city marshal. Said court shall hold a session every day during the year, except Sundays, the fourth of July, Thanksgiving day, Christmas day and New Year's day; but its session shall be divided into monthly terms, commencing on the first Monday of each month. It shall be held at some suitable place to be provided by the city council.

**SEC. 29. Judge of city court.** The judge of the city court shall be elected at the annual election in said city for city officers, and shall hold his office for a term of four years; he shall be a qualified elector of said city, and learned in the law; he shall take and subscribe in writing the same oath required by the judges of the supreme and district courts, and file the same with the recorder, and shall likewise be commissioned by the mayor. His salary shall be fixed by the city council, and shall not exceed fifteen hundred dollars per annum, payable out of the city treasury.

**SEC. 30. Clerk of city court.** The clerk of said court shall be elected at the annual election; shall be a qualified voter of said city and shall hold his office for the term of two years; he shall give bond to the city of Dubuque in the sum of five thousand dollars, with a condition in substance the same as required by law of the clerk of the district court, and on the back thereof shall subscribe the same oath, required of the clerk of the district court. His salary shall be fixed by the city council, and shall not exceed one thousand dollars per annum payable out of the city treasury.

**SEC. 31. Court powers.** The powers, duties and responsibilities of the judge, clerk and marshal in said court, shall correspond to [356] those of the judge, clerk and sheriff in the district court, and the authority of the process of said court shall have the same extent and limitation as that of the district court, and may be served by the city marshal or by any sheriff; but the marshal shall not have power to serve process, other than subpoenas, beyond the limits of said city.

**SEC. 32. Jurisdiction.** Said court shall have jurisdiction of all offences and suits under city ordinances, and shall have general jurisdiction concurrent with the district court in all civil cases, and shall have concurrent jurisdiction with justices of the peace in all criminal cases. In civil cases the defendant must reside, or if a non-resident of the State, must be found in the city of Dubuque, or in cases of attachment of property where the defendant is not served, or in cases where the suit is brought to obtain possession of personal property, or to enforce a lien or mortgage, or when it relates to real property, such property or some part thereof must lie in said city, or some part of the personal property must be found therein; when by its terms a contract is to be performed in the city of Dubuque, suit for the breach thereof may be brought in said court. Suit may be brought in divorce cases in said court, if the plaintiff resides in said city. Appeal from the city court lies directly to the supreme court of the State of Iowa.

**SEC. 33. Rules—juries.** The rules and regulations of law which govern the district court, shall govern the city court as far as applicable. In order to provide juries for said court, the clerk thereof, at least ten days prior to the commencement of each term, shall issue a venire to the marshal, who shall, within five days thereafter, summon twenty-four jurors, qualified electors of said city, and otherwise qualified to serve as jurors in the courts of this

state, to appear in said court on the second day of the next term thereof. The jurors summoned for any term may be dismissed as soon as the docket of jury cases for that term is disposed of; and if a jury shall afterwards be required to try any cause coming before the court for such term, a special venire shall issue. If a jury cannot be obtained otherwise, talesmen may be summoned by the marshal from the city or the bystanders. If any juror fail to appear in obedience to summons, he may be brought into court by attachment, and if [357] he fail to show reasonable excuse, he may be fined as for contempt, in any sum not more than ten dollars and costs. No man shall be required to serve as regular juror at more than one term in any one year. When a jury is demanded, a jury fee of three dollars shall be taxed among the costs.

**SEC. 34. Actions.** Actions for the violation of city ordinances shall be brought in the name of the state of Iowa, for the use of the city of Dubuque. The proceeding shall be by information sworn to, which shall be filed with the clerk of the city court, or with any justice of the peace having his office within said city, whereupon said clerk or justice of the peace shall issue a warrant for the apprehension of the accused. But the city council may by ordinance provide that certain designated officers may arrest any person actually found violating any ordinance, and commit them for trial without warrant; the trial shall be in a summary manner, and without the intervention of a jury, unless demanded by the defendant.

**SEC. 35. Fees.** The fees in the city court shall be the same as in the district court, and the same, and all fines and forfeitures shall be accounted for by the clerk of said court to the city of Dubuque, and shall be paid into the city treasury as often as the city council may direct. The fees of the marshal and other officers serving the process and executing the orders of said court, belong and are payable to the officers serving the same.

**SEC. 36. Absence, &c.** In case of the absence or disability of the city judge, the criminal business pending in the city court shall be transferred to some justice of the peace having jurisdiction of the subject matter, by a delivery to him of all papers relating to the same, who shall proceed to dispose of the same as if the prosecution had been originally commenced before him; and all civil business shall be continued as in like cases in the district court.

**SEC. 37. Own real estate.** The city of Dubuque shall be and hereby is invested as the lawful owner and proprietor, with all the real, personal and mixed estates, and all the rights and privileges thereof, together with all the property, funds and revenues, and all the moneys, debts, accounts and demands due and owing, or in any wise belonging to the city of Du- [358] buque, under any previous act of incorporation, and all rights, interests, claims and demands against or in favor of said city, may be continued, prosecuted, defended and collected in the same manner as though this act had never been passed.

**SEC. 38. Charges agn'st officers.** The city council shall provide by ordinance for the mode in which charges may be preferred against any officer under the city government, and for the hearing of the same, and they may remove any city officer, except the city judge, from office, as provided in the next section.

**SEC. 39. Expulsion, &c.** Any member of the city council may be expelled or removed from office by a vote of two-thirds of all the aldermen elected; but not a second time for the same offense; and any officer under the city government, appointed by the city council, may be removed from office by a vote of a majority of all the aldermen elected; but it shall require a vote

of two-thirds of all the aldermen elected to said council to remove any officer elected by the voters of the city, or of any ward or district.

**SEC. 40. Interest on loan.** The city council are authorized to levy in each year a special tax, to pay the interest on such loans as are authorized by the seventeenth section of this act.

**SEC. 41. Terms.** The aldermen of the city of Dubuque, and all other officers now elected, shall hold and exercise their offices for and during the term for which they are chosen.

**SEC. 42. Repeal.** All acts and parts of acts heretofore passed relative to the incorporation of said city of Dubuque, shall be, and the same are hereby repealed, as far as the same come within the purview of this act. All ordinances passed under prior acts of incorporation of said city, and heretofore in force, not inconsistent with the provisions of this act, shall continue in force until altered or repealed, and shall be deemed in compliance with the requirements of this act as far as applicable.

**SEC. 43. Public act.** This act shall be taken and viewed in all courts as a public act.

**SEC. 44. Submission of charter.** This act shall be submitted for the approval of the electors of the city of Dubuque, at an election to be held on the first Monday in March, A. D. 1857, but prior to said election the whole act shall be published in the North-West, the Tribune, the Express and Herald, the National Demo- [359] crat, the Republican, and the Staats Zeitung, newspapers, at the expense of said city. The tickets which shall be polled at such elections shall contain either the words, "for the amended charter," or "against the amended charter." And if a majority of all the legal votes at such election shall be in favor of the amended charter, then this act shall be in force from and after its publication in the North-West and Express and Herald newspapers, without expense to the state. If a majority of such electors shall vote against the amended charter, then this act shall not be in force until after the next session of the general assembly of the state of Iowa.

Approved January 28, 1857.

I certify that the foregoing was published in the North-West, February 24, 1857.  
ELIJAH SELLS,  
Secretary of State.

## CHAPTER 211.

### CITY OF CAMANCHE.

AN ACT to incorporate the city of Camanche.

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

**SECTION 1. Boundaries.** That all that portion of the state of Iowa, included within the following limits, to wit: commencing at the centre of ninth avenue and eighth street, as laid down and platted by the Camanche land company; thence running along the centre of Eighth street to the intersection of the centre line of said street, and the section line between section twenty-eight (28) and twenty-nine (29), township eighty-one (81), range six east of the fifth principal meridian; thence thirty-nine hundred and sixty feet; thence south to the middle of the main channel of the Mississippi river;



thence up and along the middle of said main channel to the centre line of ninth avenue; proceed thence along said centre line to the intersection of said eighth street and ninth avenue to the place of beginning, be, and the same is hereby declared a city, and the inhabitants thereof are created a body corporate and politic, by the name and style of Camanche, and by that name shall have perpetual succession, and shall have and use a common seal which they may alter and change at pleasure.

**SEC. 2. Wards.** The said city is hereby divided into two wards, as follows: that part of the city which lies north and east of the centre of Chicago street, shall be the first ward; and that part lying south and west of Chicago street shall be the second ward: provided, that the city council may change, unite, or divide the said wards, or any of them, whenever they shall think it for the interest of the city.

**SEC. 3. Submit charter—if adopted.** On the passage of this act, the county judge shall order an election for the purpose of submitting this charter to the citizens of said city, which election shall take place on the first Monday in March, A. D. 1857, and shall be conducted in all respects as now provided by law, the township trustees conducting said election as in other cases. The returns of said election shall be made to the county judge, and in the event that a majority of all the votes polled are in favor of said charter, then it shall be the duty of said judge to order and provide for an election in each ward in said city, to be held at such places as he may think proper, for the election of the officers as provided in section seven, which election shall be held on the first Monday, in April, A. D. 1857, and shall be conducted in all respects as now provided by law, and returns made to the county judge, whose duty it shall be to notify the persons elected to the respective offices named in section seventh of this charter, who shall enter upon their duties as prescribed by this act, or by ordinance of the city council.

**SEC. 4. Citizens.** All legal voters are declared citizens of said city, and are entitled to vote at all elections thereof.

**SEC. 5. Challenge.** All persons offering to vote may be challenged as in township and state elections.

**SEC. 6. Who eligible.** No person shall be eligible to the office of mayor unless he be a citizen of the city and resident thereof six months preceding his election, nor shall any person be eligible to any other office mentioned in this act unless he be a citizen of the city, and have been a resident thereof six months preceding his election.

**SEC. 7. Aldermen.** The officers of the city shall be a mayor, two [361] aldermen from each ward, one marshal and recorder, one treasurer, one assessor, and one wharf-master, for the choice of whom an election shall be holden annually, on the first Monday in April, and each of whom shall hold his office for the term of one year, (except in case of aldermen) as hereinafter provided, and until their successor is elected and qualified.

**SEC. 8. Aldermen.** Two aldermen shall be elected in each ward, and such one of the two as receives at the first election the highest number of votes, shall hold his office for the term of two years, and the other one year; and thereafter one shall be elected each year in each ward, to hold his office for the term of two years. If there be a tie vote in the above case, the matter shall be determined by lot.

**SEC. 9. Mayor's duty.** It shall be the duty of the mayor to see that all the laws and ordinances of the city are executed and their violation punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses, permits granted by the city council,

and to perform such duties and exercise such powers as pertain to the office of mayor of the city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

**SEC. 10. Judicial jurisdiction—proviso.** He shall be a conservator of the peace within the city, and ex-officio a justice of the peace, and is invested with exclusive jurisdiction for the violation of ordinances of the city, and with criminal jurisdiction of offences against the laws of the state, committed within the city, and civil jurisdiction limited to the city in the same manner as that of justices is or may be limited to their township; he shall not be disqualified from acting in such judicial capacity by any proceeding being in the name of, or in behalf of the city: provided, that in case of inability of the mayor of Camanche to act as a justice or conservator of the peace, or to perform the judicial duties of his office, whether said inability arise from sickness, absence from home, or any other cause, any justice of the peace of Camanche township may take cognisance and jurisdiction arising under any of the ordinances of said city, such inability being entered of record of the justice acting in such cases; he shall be entitled to demand [and] receive in civil [362] actions, and in actions for the breach of the laws of the state, such fees as are at the time allowed by law justices of the peace.

**SEC. 11. Appeals.** Appeals to the district court in the same county shall be allowed from the judgment and decision of the mayor, in the same cases, time, and manner as they are at the time allowed by law, from those of other justices, and they shall be tried in the same manner.

**SEC. 12. Preside.** He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie; in his absence the council may appoint one of their own number president for the time being, who shall have authority to sign ordinances, and orders on the treasury, and to administer oaths, and to do all other things pertaining to the office of mayor, except as a justice of the peace, stating in connection with the signature, in the absence or inability of the mayor.

**SEC. 13. Recorder's duty.** The recorder is required to keep a true record of all the official proceedings of the council, and such records shall at all times be open to the inspection of any citizen, and he shall perform such other duties as may be required by the council.

**SEC. 14. Marshal's duty.** The marshal is made a conservator of the peace; he is the executive officer of the mayor's court, and shall execute and return all proceedings directed to him by the mayor, and in cases for the violation of the criminal laws of the state, and of the ordinances of the city, may execute such process in any part of the county; he is invested with the same authority within the city, to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the sheriff has in his county; he shall perform such other duties as the council prescribe, and, with its approval, may appoint one or more deputies, for whose official acts he shall be responsible, and whom he may discharge; for the service of legal process, he shall be entitled to the same fees as a constable; and for services required by the council, such compensation as it may allow.

**SEC. 15. Authority.** The legislative authority of the city is vested in the city council, consisting of the mayor and a board of aldermen, composed of two from each ward of the city.

**SEC. 16. Meetings.** The council may hold meetings as it sees fit, [363] having stated times fixed, or having provided by ordinances for the manner of calling them.

**SEC. 17. Quorum.** A majority of the council shall be necessary to form a quorum; it shall be the judge of the election and qualifications of its own

members; it shall determine the rules of its own proceedings; it may compel the attendance of its members at its meetings in such manner and by such penalties as it may adopt, and it shall cause a record of all its proceedings to be kept.

**SEC. 18. First. Protection.** The council is invested with the following powers: to make ordinances to secure the inhabitants against fire, against violation of the law and public peace; to suppress riots, drunkenness, gambling, and indecent and disorderly conduct, and generally to provide for the safety, good order and prosperity of the city, and the health, morals and convenience of the inhabitants.

**Second. Penalties.** To impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the city, or by complaint before the mayor, as in case of complaint before a justice of the peace, and the laws of the state in relation to carrying into effect a judgment of a justice of the peace, under complaint, shall be applied to judgments in the above cases, that the charges thereof be paid by the city.

**Third. Fire company.** To establish and organize fire companies, and to provide them with engines and other apparatus.

**Fourth. Powder—wood buildings.** To regulate the keeping of gunpowder within the city, and to provide that no building of wood shall be erected in such parts of the city as may be designated, and to declare such buildings a nuisance and cause their removal.

**Fifth. Wharves.** To remove obstructions from, and have entire control of the landing of the Mississippi river, and to build wharves and regulate the landing, wharfage and dockage of boats and all other water crafts, goods, lumber, and other things, landed at or taken from the same: provided, that nothing in this section shall be so construed as to affect the right of the state or counties, or to prevent the county of Clinton from granting ferry charters in said county.

**Sixth. Licenses.** To exercise exclusively the power to provide for the license, regulation or prohibition of exhibitions, shows, [364] and theatrical performances, billiard tables, balls and ten-pin alleys, and places where any games of skill or chance are played; but this power extends to no exhibition of a purely literary, scientific or artistical character, and when the laws of the state permit license for the sale of intoxicating liquors, that subject shall be within the exclusive authority of the council, and it may at all times prohibit the retail of the above liquors, unless such prohibition would be inconsistent with the laws of the state at the time existing, and it may revoke or suspend any of the licenses above mentioned, when it deems the good order and welfare of the city requires it.

**SEC. 19. First. Health.** The city council shall have power to make all requisite ordinances in relation to the cleanliness and health of the city.

**Second. Cartage.** To regulate cartage and drayage within the city, and may license therefor, and may also make prohibition of all animals running at large within the city.

**Third. Streets.** That the city council shall have power whenever they deem it expedient for the public interest of said city, to open and extend streets and alleys, to alter the width, course or grade of any of the streets and alleys of said city, and to vacate the same.

**Fourth. Damages.** That if any property holden in said city shall be injured by any such alteration, such person may make application to the board or council for the assessment of damages, whereupon such applicant shall

give ten days' notice in some newspaper published in said city, in case the claimant be a resident of said city, or twenty days, in case such claimant be a non-resident, stating the time and place of meeting and the object of the same, and at the time specified in said notice, said councilmen shall proceed to view and assess the damages, if any, done by reason of such alteration, taking into consideration the advantages and disadvantages of such alterations and improvements, and shall within five days thereafter make an award and return the same to the county judge of Clinton county, who shall enter judgment thereon (if approved) and such judgment shall be final.

**SEC. 20. School dist.** That the city of Camanche shall constitute one permanent school district, not subject to alteration by the [365] school fund commissioner, and shall be subject to the control of the city council of said city, who shall provide for the adequate support and maintenance of common schools in said district, and so much of the code of Iowa as require regular meetings of each school district on the first Monday of May and October of each year, and so much thereof as requires the election of trustees in each school district, is hereby declared inapplicable to said district. The city council of said city shall by ordinance provide for the appointment or election, as they may consider most proper, of a board of education in said district, and shall invest in said board the necessary power for the proper care and management of the common schools in said district, employment of teachers and the supervision of schools, and provide for the taking and returning to the proper officers, as required by law, of the number of persons in said district between the ages of five and twenty-one years, and the performance of such other duties as may seem necessary for the proper discharge of the duty hereby imposed upon said council.

**SEC. 21. School houses.** That the city council of said city shall furnish all necessary additional school houses for the support of common schools in the said district, and for that purpose shall levy and collect, in the same manner as other moneys for current expenses in said city, such sum of money as may be necessary therefor, and for the necessary repair and improvement of the same; but the sum levied in any one year shall not exceed the rate of one-half of one per cent. on the assessment of such year, and the city council are authorized and directed, when necessary, to borrow in anticipation of such tax, the amount necessary for the purchase of school lots and the erection of school houses thereon, but not to exceed the sum of ten thousand dollars, and to give the bonds of the city therefor, to be repaid by the tax so levied and collected as aforesaid for the purpose aforesaid.

**SEC. 22. Draw school fund.** That the city council shall have power, by their order on the school fund commissioner of the county of Clinton, to receive from him, for the use of said district, all monies appropriated to said district from the school fund; and in addition thereto, shall in each year levy and collect, [366] in the same manner as other monies for current expenses, such further sum, but not to exceed in any one year the rate of five mills on each dollar for the assessment of such year, as may be, with the fund received from the school fund, adequately to provide for the payment of necessary teachers' wages and incidental expenses in maintaining common schools in said city, arising the current year.

**SEC. 23. School fund.** That all monies received by the city council from the said school fund commissioner, or collected in pursuance of any tax by this act authorized, shall be paid into the city treasury, and a separate account thereof shall be kept by the treasurer and recorder, and no monies shall be drawn therefrom only to be appropriated to the special purpose for which the same was received or collected, and shall only be paid on or-

der in which said purchase is stated; and the city council shall provide for the publication, at least once in each year, for the information of all persons, of a full statement of all receipts and expenditures for school purposes, during the current year, and which shall show the number of schools kept, the number of teachers employed, the wages paid, the whole number of persons in attendance, and the time such schools have been held during the current year.

**SEC. 24. Road dist.** The city of Camanche is hereby constituted a special road district, and the city council shall have power, in addition to the taxes otherwise authorized to levy road taxes not exceeding the amount allowed to be levied by the county court, and may provide for the payment and collection of the same, in the same manner as other taxes for current expenses; they may also provide for the manner in which all such taxes shall be expended on the streets and highways in said city, and all persons and property rightfully taxed within said city, in accordance with this section, are thereby exempt from all taxes for roads to the county.

**SEC. 25. Supervisor.** The city council, or such officers as they may appoint, shall have exclusive jurisdiction and control of said special road district.

**SEC. 26. City tax.** The city council is authorized to levy and collect taxes not exceeding one-half of one per cent., in any one year, on the value of all property within the city, which is liable for state and county taxes, including improvements [367] on real property, to carry into effect the provision of this act; the council may also levy a tax on dogs; the latest assessment rolls shall form the basis of assessment, but the city assessor may add thereto any property omitted, assessing the same himself.

**SEC. 27. Duplicate.** The city council shall make out a duplicate of taxes in proportion to the valuation of each individual in said city, on or before the first day of May, in each year, to be signed by the mayor, and countersigned by the recorder, which duplicate shall be delivered to the collector of said city, whose duty it shall be to proceed to collect the same within each time and in such manner as the ordinances of said city shall require, and pay over the amount of such taxes, so collected, upon the order of the city council, signed and countersigned in the same manner as provided for such duplicate, provided that the said council shall have power, on the complaint of any person aggrieved, to correct or amend any illegal or erroneous assessment before making out and delivering such duplicate to the collector.

**SEC. 28. Tax sale.** The collector shall have power to sell personal property, and for want thereof, to sell real estate, for the non-payment of taxes within said city, giving the purchaser a certificate of such sale, setting forth a brief description of the property sold, and at what time he will be entitled to a deed, which certificate shall be assignable by endorsement thereon, but no real estate shall be sold for the non-payment of such taxes unless the assessment of such tax or taxes shall have been duly notified by publication for at least six consecutive weeks prior to such sale, in some newspaper published in said city, or by notice posted for the same length of time in some public place in each ward thereof.

**SEC. 29. Redemption.** All real estate sold under or by virtue of section 28, may be redeemed by the owner thereof, by paying the amount of the taxes for which the same was sold, at any time within one year from the date of the sale thereof, together with the costs of advertising and sale, and fifty per cent interest upon the whole amount of such taxes and costs; but if any real estate so sold remain unredeemed to the expiration of one year from the date of the sale thereof, the collector of said city shall, upon the

payment of a fee of one dollar to him by the purchaser of such real estate, at such [368] sale, his assignee or legal representative, make, execute, and deliver a deed of such real estate to the said purchaser, his assignee or legal representative.

**SEC. 30. Auditing.** The council shall audit all claims against the city, provide for the keeping of the public money of the city, and the manner of drawing the same from the treasury, and all officers of the city shall be accountable to the council in such manner as it directs; it shall be the duty of the council to publish annually a particular statement of the receipts and expenditures of the city, and all debts owing to and from the same.

**SEC. 31. Meetings.** The council shall prescribe the manner of calling the meetings of the citizens, except for the election of the officers.

**SEC. 32. Additional officers.** The council shall have power to appoint, in such manner as they may determine, any and all additional officers necessary to carry into effect any and all of the provisions of this bill, and proscribe their respective duties, powers, qualification and compensations.

**SEC. 33. Paving, grading, &c.** The council shall have power to levy and collect a special tax on the lot or lots, or the owner or owners thereof, on alley, street or highway, or any part of any street, alley or highway, within the city of Camanche, for the purpose of curbing, grading or paving the side-walk in front of such lot or lots respectively; and also for the purpose of repairing the same, or for the purpose of lighting such street, alley or highway, or for the purpose of paving or macadamizing the street, alley or highway, in front of such lot: provided, that in case any special tax is so levied on any lot or lots or the owner thereof, for the purpose aforesaid, such lot or lots, or the owner or owners thereof, in respect thereto, shall not be liable to any other tax, general or special, for making any improvement of the same kind on any other street, alley, or highway, or any part thereof, in said city.

**SEC. 34. Borrow money.** The council shall have power to borrow money for any object in its discretion, if at any regular notified meeting under a notice stating directly the nature and object of the loan, and the amount thereof, as nearly as practicable, if the citizens determine in favor of the loan by a majority of the votes given at such election, held for that [369] purpose, and such loan can, in no case, be diverted from the specified object.

**SEC. 35. Ordinances.** Ordinances passed by the city council shall be signed by the mayor, and attested by the city recorder, and before they take effect be published in one or more newspapers printed in the city, at least ten days; they shall also be recorded in a book kept for the purpose and signed by the mayor and attested by the recorder.

**SEC. 36. Vacancies.** The city council shall have power to fill all vacancies occurring in their board or other offices, by death, resignation, or otherwise.

**SEC. 37. Official oath.** The mayor, aldermen, marshal, treasurer, recorder, and assessor, shall take an oath to support the constitution of the United States, and of the state of Iowa, and faithfully and impartially to perform their duty to the best of their ability. Other officers shall qualify in such manner as shall be prescribed by the council. The oath of office may be administered by the mayor or recorder, when he is qualified; and in the transaction of the business of the corporation those officers, and the president for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

SEC. 38. **Bonds.** Such of the officers as the council may determine, shall give bond in such penal sum, and with such conditions as may be prescribed, and to be approved as required.

SEC. 39. **Duty of officers.** The duties of all the officers, in addition to the duties herein prescribed, shall be such as are provided by ordinance, and they will be entitled to such compensation for their services and subject to such penalties and forfeitures, for violation of duty, as the ordinance may prescribe.

SEC. 40. **Collector.** The marshal shall be the city collector.

SEC. 41. **Ineligible.** No member of the city council shall be eligible to any office in the gift of the council, during the term for which he is elected, nor shall he be interested, directly or indirectly, in the profits of any contract or job of work, of service, to be performed by the city.

SEC. 42. **Proclamation.** For all elections for city officers, the mayor is directed to issue a proclamation to the voters of the city, or of the several wards, as the case may be, naming the time [370] and place or places of the election, and the officers to be chosen, and cause a copy to be posted up in each ward, at least ten days before the election, or instead thereof he may cause a copy to be published in a newspaper published in the city, the same length of time.

SEC. 43. **Open polls.** The polls shall be opened, (the council having appointed judges and clerks,) between the hours of eight and ten in the forenoon, and continue open until four o'clock in the afternoon. Within two days after the election the judges of the election shall make their returns to the city council, which shall examine them and cause an abstract of the votes to be recorded in a book kept for the purpose.

SEC. 44. **Powers of corporation.** The inhabitants of said city, by the name and style aforesaid, shall be capable in law and equity of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, in all matters whatsoever; of purchasing, using, occupying, enjoying and conveying real, personal and mixed estate in said city; of purchasing, receiving and holding property, real, personal and mixed, beyond the limits of said city, for burial grounds, or for other purposes, for the use of the inhabitants of said city, and shall be competent to have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation.

SEC. 45. **Public act.** That this act shall be taken and received in all courts and by all judges, magistrates and other public officers as a public act, and all printed copies of the same which shall be printed by and under the authority of the senate and house of representatives, shall be admitted as good authority thereof, without any other proof whatever.

SEC. 46. This act shall take effect and be in force from and after its publication in the Iowa Register, published in Camanche.

Approved January 28, 1857.

## [371] CHAPTER 212.

## FERRY AND BRIDGE.

AN ACT to establish a ferry and build a bridge across the Des Moines river.

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

**SECTION 1. Guy Wells, 20 years.** That Guy Wells and his associates, their heirs and assigns, are hereby authorized to establish and keep a ferry across the Des Moines river, opposite the north half of section thirty-three (33), in township sixty-five (65), range (5) west, in the county of Lee, and state of Iowa, for the term of twenty years: provided, the said Guy Wells, his associates, their heirs and assigns, keep or cause to be kept at said ferry a good and sufficient boat or boats, together with such small craft as may be necessary for the public convenience, with a sufficient number of men to propel and manage the same without delay.

**SEC. 2. Bridge.** Be it further enacted, that the said Guy Wells, his associates, their heirs and assigns, shall have the privilege at any time within the said twenty years, to build a bridge across the said Des Moines river at said point, with all the privileges granted for said ferry: provided, they build in said bridge a good and substantial draw, of at least fifty feet span; and cause the same to be opened at all times, without unnecessary delay, to admit the free passage of steam boats or other water crafts navigating the said river.

**SEC. 3. Rate of toll.** That no higher rate of tolls shall be charged under the provision of this act, than is approved and signed by the county judge of Lee county, state of Iowa, and said rates shall be printed or painted upon some conspicuous place of the bridge.

**SEC. 4. Repeal.** That all acts now in force, coming in conflict with this act, be, and the same are hereby repealed. That chapter 28 of the laws of Iowa, which became a law January 1st, 1849, be and the same is hereby repealed.

**SEC. 5.** This act to be in force from and after its publi- [372] cation in the Iowa Capital Reporter and Keokuk Times and Gate City, without expense to the state.

I certify that the foregoing act was published in the Iowa Capital Reporter Feb. 27, 1857, and in the Gate City, and Daily Times, March 3, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 213.

## CHANGE A NAME.

AN ACT to change the name of George Granger, and make him an heir at law.

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

**SECTION 1. Change.** That the name of George Granger, be, and the same is hereby changed to George Granger Custer.

**SEC. 2.** This act to take effect from and after its publication according to law.

Approved January 28, 1857.



## CHAPTER 214.

## DAM AT VINTON.

AN ACT authorizing Samuel Douglas and his associates to erect a dam across the Cedar river, in Benton county, state of Iowa.

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

SECTION 1. **May make dam—damages.** That Samuel Douglas, George Greene, Joseph Dysart, William Greene, James C. Traer and John Shane, their heirs or assigns, be, and they are hereby authorized to construct a dam across the Cedar river, at any point not exceeding five miles from the town of Vinton, Benton county, state of Iowa: provided, that the persons erecting said dam, shall be liable for all damages caused or sustained by reason of the building of the same.

SEC. 2. **Exclusive right—time 2 years.** *Be it further enacted,* that the said Samuel Douglas and his associates, their heirs or assigns, shall have [373] the exclusive right to construct said dam across said river, at any point not more than five miles distant from the town of Vinton, in Benton county, Iowa; and that they have the exclusive right to use of the water power created by the erection of said dam: provided, the said Douglas and his associates, their heirs or assigns, shall construct said dam within two years from the passage of this act.

SEC. 3. This act shall be in force from and after its publication in the Iowa Capital Reporter and Vinton Eagle, which publication shall be at the expense of said Douglas and his associates.

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa Capital Reporter February 27, 1857, and in the Vinton Eagle.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 215.

## STATE ROAD.

AN ACT to alter a portion of the state road running from Independence to Dubuque, by way of Dyersville.

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

SECTION 1. **Alter from Independence to Dyersville.** That the state road running from Independence to Dubuque, by way of Dyersville, be so altered as to commence in Dyersville at the line of Delaware and Dubuque counties, and making the main street of Dyersville said road.

SEC. 2. **Vacate.** *Be it further enacted,* that so much of said road as is affected by this act, be, and the same is hereby vacated. This act to take effect and be in force from and after its publication according to law.

Approved January 28, 1857.

## [374] CHAPTER 216.

## RAILROAD BONDS.

AN ACT relating to the bonds of the Keokuk, Fort Desmoines and Minnesota railroad company, and the Keokuk, Mt. Pleasant and Muscatine railroad company.

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

SECTION 1. **May issue bonds.** That the Keokuk, Fort Desmoines and Minnesota railroad company, and the Keokuk, Mount Pleasant and Muscatine railroad company, be, and are hereby respectfully authorized and fully empowered to issue such an amount of construction bonds as may be necessary to construct and fully equip the same, and provide depots, station houses, water tanks, and other necessary building, for each or either of them. And as security for said bonds, said company or companies are hereby authorized to issue a mortgage or deed of trust upon all property, real and mixed and personal, belonging to the company so issuing bonds aforesaid. And said mortgage or deed of trust shall be a good valid lien upon any and all property mentioned and described in the same.

SEC. 2. **Record mortgage.** That said mortgage or deed of trust shall be recorded in the office or offices of the county recorder or recorders wherein the property described, in said mortgage or deed of trust, may be situated, and from the date of the filing of the same, in the county recorder's office or offices, shall be notice to all persons of the right of persons under the same.

SEC. 3. **Sell bonds.** That the officers or duly appointed agent or agents of the said company or companies, issuing any of said bonds as provided for in this act, be, and hereby are fully authorized and empowered to sell and dispose of said bonds at such price as they may agree upon, and it shall not be lawful for said company, at any time thereafter, to plead that the said bonds are usurious.

SEC. 4. This act shall be in force on and after its passage and publication in the Keokuk Daily Gate City and Daily newspaper, without expense to the state.

Approved January 28, 1857.

## [375] CHAPTER 217.

## HEDGES.

AN ACT relating to hedges and hedge growers.

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

SECTION 1. **Contract for hedges.** That all contracts in writing, for the planting or growing of any hedge shall run with the land which the hedge is designed to benefit and all transfers of the ownership of land shall operate as a transfer of any hedging contract relating to the same, and the person to whom such land is transferred, no matter by what mode, may sue and be

sued upon such hedging contract as though he was one of the original parties to the same.

SEC. 2. **Lien on land.** All labor or capital expended in pursuance of the contract above mentioned, by any one, in planting or growing any hedge, shall operate as a lien on the land which is to be benefited by the hedge, and the said land shall be liable for the value of the labor and capital expended in planting or growing such hedge, notwithstanding any transfer of the ownership of the land.

SEC. 3. **To perpetuate lien.** Any hedge planter or grower who desires to establish and perpetuate his lien, shall file with the recorder of deeds in the county where the hedge is situated, a memorandum in writing, having his own signature, containing the following particulars, to wit:

- 1st. The name of the hedge planter or grower.
- 2d. The name of the other party to the contract.
- 3d. The numbers of the land which the hedge is designed to benefit.
- 4th. The date of the contract or time of planting the hedge.
- 5th. The number of rods planted.
- 6th. The price to be paid and the time of payment for the planting or growing of the same.

Such filing shall operate as constructive notice to all persons of the existence of the hedging contract and lien.

SEC. 4. **Record.** The recorder of deeds shall keep a book for the purpose of recording such memorandums, for which he shall be entitled to the ordinary fees.

[376] SEC. 5. Suit may be brought upon hedging contracts, as in ordinary cases, and execution issued against the personal property of the defendant, and the land subject to the lien resorted to afterward in case the demand is not satisfied.

SEC. 6. **Recorder's certificate.** The certificate of the recorder endorsed on the memorandum referred to in section 3, shall [be] evidence of the filing and recording of the same, but not evidence of the facts which it contains, which must be established by the production of the contract, or other competent proof.

SEC. 7. This act to take effect and be in force from and after its publication according to law.

Approved Jan. 28, 1857.

## CHAPTER 218.

### UNITED STATES LAND.

AN ACT giving to the United States jurisdiction and exemption from taxation over and upon all lands purchased as sites for public buildings in Iowa.

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

SECTION 1. **U. S. jurisdiction.** The exclusive jurisdiction over the lands of the state of Iowa, as the United States has already purchased, or may hereafter purchase within the limits of state of Iowa, is hereby ceded to the United States of America: provided, said United States shall purchase said lands of the purchasers thereof and shall erect thereon buildings for

public uses, and provided further, that nothing in this act shall be so construed as to prevent, on such lands, the service of judicial process issued by any court of this state, or prevent the courts of this state from exercising jurisdiction of crimes committed thereon.

SEC. 2. **Exempt from taxation.** All the lands over which jurisdiction is hereby ceded, and the buildings and property which may be placed thereon by said United States, shall be exempt from taxation so long as the same are owned by said United States.

SEC. 2. [3] This act to be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved Jan. 28, 1857.

I hereby certify that the foregoing act was published in the Iowa City Republican Feb. 26, 1857, and in the Iowa Capital Reporter.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 219.

### DAM.

AN ACT to authorize George F. McClure to construct a dam across the Des Moines River.

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

SECTION 1. **Construct dam.** That George F. McClure, his heirs and assigns, be, and they are hereby authorized to construct and maintain a dam across Des Moines river, on section eighteen, township eighty-nine, range twenty-eight west, in Webster county.

SEC. 2. **Exclus'e right.** The said McClure, his heirs and assigns, shall have the full and exclusive right to all the water-power created by the erection of such dam: provided, that said McClure, his heirs and assigns, shall construct such locks, in connection with said dam, at any time hereafter as the general assembly of the state may by law require.

Approved January 29, 1857.

## CHAPTER 220.

### MECHANICS' LIEN.

AN ACT to amend chapter 64 of the code of Iowa.

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

SECTION 1. **Amend code.** That when any person intends to avail himself of the provisions of chapter 64 of the code of [378] Iowa, it shall be the duty of such person within thirty days from the time of the performance of the work, or of the furnishing of the material, to file in the office of the recorder and treasurer of the county in which the premises may be, and to record the same in a book to be provided in each county by the county judge, and kept for that purpose, a statement which shall plainly set forth:

First. **Statement.** The kind of work done, or materials furnished, for which the lien is claimed.

Second. The amount for which the lien is claimed.

Third. The time when the work was done or materials furnished, and the time when the same is to be paid for, if any time has been fixed by contract with the owner or owners of the land.

Fourth. The particular real estate on which the lien is claimed; if in a city or town, by the No. of the lot and block, and if not in a city or town, then by the quarter section, township and range in which the real estate is situated, or by such other description as shall plainly designate the same and point out the particular property to all purchasers.

Fifth. The name of the person or persons with whom the contract for the labor or materials was made, and against whom the lien is claimed.

SEC. 2. **Lien per code.** Any person failing to comply with the provisions of this act within the time specified, shall still be entitled to a lien as provided in chapter 64 of the code of Iowa, but the same shall not have any preference or priority over purchasers or incumbrances by deed of conveyance or mortgage of the real estate on which the lien is claimed, nor of judgment creditors, whose rights may accrue subsequent to the time within which said statement is herein directed to be filed and recorded.

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

Approved Jan. 29, 1857.

[379] CHAPTER 221.

LICENSE LAW.

AN ACT to license and regulate the sale of malt, spiritous and vinous liquors, in the State of Iowa.

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

SECTION 1. **Co. judge grant license.** That the county judge of any county in this state may, at any regular term of the county court, grant and issue a license for the sale of malt, spiritous and vinous liquors to any person who shall comply with the following conditions:

First. **Applicant file petition.** The applicant for a license under this act shall file with the county judge the petition of at least twelve freeholders of the township in which he resides, signed and attested before a justice of the peace, or other competent officer, setting forth that the applicant for a license is a man of respectable character and standing, and a resident of this state, and praying that license may issue to him.

Second. **File bond.** The applicant shall at the same time file with the county judge, his bond to the county in the sum of five thousand dollars, with good and sufficient sureties conditioned, that during the continuance of his license, he will not keep a notorious or disorderly house, that he will not allow gambling with cards, dice, or any other implements or devices used in gaming, within his house or within any outhouse, yard, or other premises under his control; for the payment of all damages, fines and forfeitures which may be adjudged against him under the provisions of this act.

Third. **Use of schools.** The applicant shall pay into the county treasury for the use of the school fund, to be distributed by the school fund commissioner as other moneys, the sum of not less than one hundred nor more than five hundred dollars at the discretion of the county judge, and file the treasurer's receipt therefore, in duplicate with the county judge, before such license shall issue.

SEC. 2. **One year.** Said license shall continue in force for one year and and no longer, and no license shall issue for a less period than six months.

SEC. 3. **Penalties.** Any person licensed as aforesaid, who shall sell or give any malt, or spirituous, or vinous liquors, or other in- [380] toxicating drink, to any minor, apprentice, or servant, under twenty-one years of age, without the consent of the parent, guardian, or master thereof, shall forfeit and pay for each offense the sum of twenty-five dollars to the use of such parents, guardian or master, to be recovered by action of debt before any court having competent jurisdiction.

SEC. 4. **Indians, &c.** Any person so licensed, who shall sell any intoxicating liquor to any Indian, insane person, or idiot, shall be subject to a fine of not less than fifty dollars for each such offense, which said fine shall be paid into the school fund of the state, to be sued for and recovered before any court of competent jurisdiction.

SEC. 5. **Damages.** The person so licensed shall pay all damages that community or individuals may sustain in consequence of said traffic. He shall support all paupers, widows, and orphans, and pay the expenses of all civil and criminal prosecutions growing out of or justly attributable to his said retail traffic in intoxicating drinks, said damages and expenses to be recovered in any court of competent jurisdiction by an action on the bond named and required in the first section in this act, a copy of which, properly authenticated, shall be taken in evidence in all courts of justice in this state, and it shall be the duty of the county judge to deliver on demand such a copy thereof to any person who may claim to be injured by such traffic.

SEC. 6. **Action.** It shall be lawful for any married woman, or any other person at her request, to institute and maintain in her own name a suit on any such bond for all damages sustained by herself and children on account of such traffic, and the money when collected shall be paid over for the use of herself and children.

SEC. 7. **Suit.** When any person shall become a county or city charge, by reason of intemperance, a suit may be instituted by the proper authorities on the bond of any person licensed under this act, who may have been in the habit of selling or giving intoxicating liquor to the person so becoming a public charge: provided, that the person against whom a judgment may be rendered under the provisions of this act, may recover by similar action a proportionate part of said judgment from any and all persons engaged in said traffic, who may have sold or given liquor to such person [381] becoming a public charge, or to any person committing an offense.

SEC. 8. **Proof.** On the trial of any suit under the provisions of this act, the cause or foundation of which shall be the acts or injuries of a person or persons under the influence of liquor, it shall only be necessary, to sustain the action, to prove that the defendant or defendants sold or gave liquor to the person or persons so intoxicated or under the influence of liquor, whose acts or injuries are complained of, on that day or about that time when said acts were committed or said injuries received; and in action for damages brought by a married woman, or other person whose support legally devolves upon a person disqualified by intemperance from earning

the same, it shall only be necessary to prove that the defendant has given or sold intoxicating drinks to such person in quantities sufficient to produce intoxication, or when under the influence of liquor.

**SEC. 9. Liquor bills void.** No suit for liquor bills, when sold in quantities less than five gallons, shall be entertained by any court in this state, and when it shall appear that any promissory note, mortgage, or other obligation upon which a suit is pending, was given in whole or in part for liquor sold in less quantities than five gallons, such suit shall be dismissed at the cost of the plaintiff, except such sale be for medicinal, mechanical or sacramental purposes.

**SEC. 10. Penalty.** All persons who shall vend or retail, or for the purpose of avoiding the provisions of this act, give away under any pretext, malt, spirituous or vinous liquors, or any intoxicating drink, without first having complied with the conditions and obtained license as set forth in the first section thereof, shall for each offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than one thousand, or be imprisoned not exceeding one year, in the county jail, or be both fined and imprisoned; and shall be liable in all respects to the public and to individuals the same as he would have been had he given the bond and obtained the license as herein provided.

**SEC. 11. Warrant and arrest.** It is hereby made the duty of justices of the peace, and all other competent courts of this state, upon the filing of complaint under oath, when any person within [382] the jurisdiction of said court is guilty of a violation of the provisions of this act, to issue a warrant forthwith for the arrest of such person complained of, as in other cases of misdemeanor, and if upon examination, the court shall have reason to believe the party guilty, he shall be held to answer at the next term of the district court as in other cases of misdemeanor.

**SEC. 12. Suit.** All suits for damages or expenses arising under this act may be commenced and prosecuted before a justice of the peace, when the damages claimed do not exceed \$100, although the penalty in the bond may exceed that amount, and the judgment shall be for the damages proved.

**SEC. 13. Convicted person.** When any person licensed under this act shall be convicted for any violation of its provisions, or when judgment for damages or expenses as herein provided, rendered against any person licensed, it shall be the duty of the court so convicting or rendering judgment, to transmit forthwith to the county judge a certified copy of said conviction or judgment, with a statement of the evidence in the case, for which shall be allowed a fee of \$1, to be assessed with the costs.

**SEC. 14. Revoke license.** Upon the receipt of the certified copy and statement mentioned in the 13th section, the county judge shall, if he deems the case sufficient, cite the power to appear and show cause why his license shall not be declared forfeited, and may in his discretion revoke and annul said license. No person whose license has been declared forfeited by the county judge, shall be eligible to receive license within five years from such forfeiture.

**SEC. 15. Powers of towns & cities—proviso.** All the powers and duties in this act, devolved upon the county judge, shall belong to, and be exercised exclusively by the proper authorities of any and all incorporated towns or cities of this state, within the incorporated limits thereof; and the authorities of such towns and cities are hereby empowered to make all needful rules, and pass all necessary ordinances, decrees or orders to carry out the intent of this act. They may determine what municipal officer shall receive the petition, file the bond and receipt, and issue the license as in the first section of this act required: provided, however, that such incorporated cities and

towns may require such additional sum to be [382] paid for license under this act, as to the authorities thereof shall seem best, not to exceed one thousand dollars, which sum, together with the sum herein required to be paid to the county treasury, may be paid to the treasurer of said city or town, who shall account for the same, and his receipt therefor shall be equivalent to the receipt of the treasurer of the county for all purposes named in the first section of this act.

**SEC. 16. Not prohibited.** Nothing contained in this act or an act entitled "an act for the suppression of intemperance," approved January 22d, 1855, or any other act heretofore passed, shall be held to prohibit the manufacture of beer, ale, wine or cider.

**SEC. 17. Submit this act.** The county judge of any county shall upon the petition of one hundred of the legal voters in said county, order a vote to be taken at any election therein, upon the question of licensing the sale of spirituous or vinous liquors as in this act provided; and if a majority of the legal voters in any county shall vote in favor thereof, then the proper officer shall proceed to issue license for such sale as herein provided. Thirty days' notice of such election shall be given by proclamation published in one or more newspapers published in said county, and if there be no newspaper published in the county, then by posting such proclamation in twelve of the most conspicuous places in said county.

**Ballots.** The ballots shall be either written or printed "for license," and "against license," and shall be received, counted and returned, as the ballots for county officers are now received, counted and returned: provided, that the question of license under this act shall be submitted to the voters of any county but once in any one year.

**SEC. 18. Repeal.** All acts and parts of acts now in force, coming in conflict with the provisions of this act, are hereby repealed: provided, that the act entitled "an act for the suppression of intemperance," approved January 22d, 1855, be not and is not by this act repealed in any county of this state, unless the people of such county by a vote taken as herein provided, shall adopt this act.

[383] **SEC. 19.** This act shall be in force from and after its publication in the Iowa Capital Reporter and Iowa City Republican.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 20, 1857, and in the Iowa Capital Reporter Feb. 19, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 222.

### DESMOINES RIVER.

AN ACT in relation to the Des Moines river improvement.

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

**SECTION 1. Com'r contract.** That there shall be appointed by the governor of the state of Iowa, a commissioner who, with the commissioner already existing by law, shall be, and is hereby fully authorized and empowered, to agree and contract with any party or parties for the speedy and earliest prosecution of the work upon the Des Moines river improvement,



upon such terms as they may believe to be just and advantageous to the state, and it shall also be the duty of said commissioners upon just and equitable terms to ascertain and pay any and all indebtedness which may be due any party or parties for money advanced, work done or materials furnished for or on account of said improvement. In case of a disagreement between the commissioners as to the terms of the contract or settlement, the attorney general shall act as a third commissioner, and any two of the commissioners shall have power to act. Any settlement or contract entered into by said commissioners shall not be valid until approved by the governor.

**SEC. 2. Sell & Mortgage lands.** That it shall be lawful for said commissioners to sell and dispose of lands belonging to the Des Moines river grant, and not heretofore sold or any portion thereof, or pledge the same or any portion thereof, by mortgage or deed of trust, together with the improvement contemplated, and make them the basis of bonds to be issued for money [384] borrowed, which sale, if any is made, shall be for the payment of indebtedness and the construction of said improvement; and the proceeds of said bonds, if any shall be issued in conformity to the above provisions, shall be applied to the prosecution of said improvement, or to the payment of just claims against the same, and any diversion therefrom of said lands or the monies raised by the pledge of the same shall be illegal.

**SEC. 3. Duty of commissioners.** That the commissioners be, and they are hereby empowered to enter into contract with any company for the sale of all the lands and the tolls and water rents for a term of years, who will give satisfactory evidence and security for the entire completion of the improvement.

**SEC. 4. Bonds.** That any and all bonds, if there should be any issued in pursuance of the provisions of this law, shall be signed by the governor and countersigned by the commissioners and duly registered in the office of the auditor of state, and shall contain a condition that the unsold lands of the Des Moines river grant, and improvements are alone bound as security for the same, and that the state is in no way responsible other than to faithfully appropriate such lands or the income of the improvement to the liquidation of the same. In case a contract is made with any person or persons, the provisions of the contract shall be such as that the lands donated by congress for said improvement, and yet remaining unsold, shall be faithfully applied to said work at their actual value, either by being sold in the manner hereinafter provided, or by being taken by the contracting party at a fair valuation: provided, that any disposition of said lands shall be in strict compliance with the terms and conditions of the act of congress donating the same.

**SEC. 5. Advertise.** That if any lands are sold as above provided for by said commissioners, it shall be their duty to advertise the same by publication in at least three newspapers in or nearest to the county, wherein said lands are situated, and one newspaper published at Fort Des Moines, at least thirty days before the sale, and said sale shall not be valid unless made at public auction at the county seat of the county in which the same are situated. In case it is necessary, in order to carry out the provisions of this act, to value any of [385] the said lands, the same shall be valued by three persons, who shall be citizens of this state, and who shall be chosen as follows: one by the governor of the state, one by the attorney general, and the third to be the commissioner of said improvement, who shall appraise the required amounts of said lands at their actual cash value, at the time of such valuation, and the said appraisors shall first subscribe an oath that they will faithfully and impartially perform the said duty.

**Salary.** That the salary of the commissioners shall hereafter be twelve hundred dollars per annum, and the salary of the commissioner herein pro-

vided for shall be the same as the commissioner for the time he shall be actually employed in the business connected with said improvement.

SEC. 6. **Transfer papers.** That it shall be the duty of the register of the Des Moines river improvement, as early as practicable, to transfer and deliver over to the register of the state land office any and all vouchers, plats, books, and other things belonging to and connected with said register's office.

SEC. 7. **Register abolished.** That the office of register and the office of assistant commissioner, be and the same are hereby abolished, and the register of the state land office be, and hereby is required to do and perform all the duties, heretofore performed by the register of the Des Moines river improvement.

SEC. 8. **Old accounts.** That said commissioners be and are hereby authorized to settle all accounts of former commissioners and agents of the Des Moines river improvement, and demand and receive from any and all of them all vouchers, books and other things belonging to and connected with said improvement, and the same shall be transferred and kept at the office of the commissioners of said improvement.

SEC. 9. **Com. report.** It shall be the duty of the commissioner or commissioners to report semiannually to the governor a full and true statement of his or their doings, and the progress of the improvement, and all matters of importance connected therewith, and these reports, or a summary of them, shall be by the governor reported to the legislature.

[386] SEC. 10. This act shall take effect and be in force from and after its publication in the Iowa City Republican and Capital Reporter.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 23, 1857, and in the Iowa Capital Reporter.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 223.

### STATE OFFICERS.

AN ACT relating to the reports of state officers and printing the same.

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

SECTION 1. **When prepared.** That it shall be the duty of the several state officers to have their reports prepared and placed in the hands of the state printer at least two months before the assembling [of] the legislature.

SEC. 2. **Printer's duty.** It shall be the duty of the state printer to have one thousand of each the aforesaid reports printed and laid upon the desks of the members of the general assembly on the first day of the session.

SEC. 3. This act to take effect from and after its publication according to law.

Approved January 29, 1857.

## CHAPTER 224.

## STAY ON EXECUTION.

AN ACT to amend chapter 112 of the laws of the fourth session of the General Assembly.

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

SECTION 1. **Amend.** That section one of chapter 112, of the laws of the 4th general assembly, be, and the same is hereby so [387] amended as to require stays on execution to be taken within ten days from the rendition of judgment.

SEC. 2. **File in 10 days.** No person shall hereafter be entitled to any stay on execution or judgment, who shall fail to comply with the provisions of the act to which this is amendatory, within ten days from the rendition of final judgment, on which stay of execution is proposed to be taken.

Approved January 28, 1857.

## CHAPTER 225.

## RAILROAD BONDS.

AN ACT to authorize the Iowa Southern Railroad Company to issue bonds.

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

SECTION 1. **Issue bonds.** That the Iowa Southern Railroad Company is hereby authorized to issue construction bonds to such an amount as may be necessary to construct and equip fully the same, and provide depots, station houses, water tanks and other necessary buildings; and as security for said bonds, said company are authorized to mortgage or execute a deed of trust upon any and all property, real, personal or mixed, belonging to the company so issuing said bonds and said mortgage or deed of trust shall be a lien upon any and all property mentioned and described in the same.

SEC. 2. **Recorded.** That said mortgage or deed of trust shall be recorded in the office or offices of the county recorder or recorders wherein the property described in said mortgage or deed of trust may be situated, and from the date of filing of the same in the recorder's office shall be notice to all persons of the right of parties under the same.

SEC. 3. **Sale of bonds.** That the officers or duly authorized agent or agents of the company issuing any of said bonds as provided in this act, are hereby fully authorized and empowered to sell and dispose of said bonds at such price as they may agree upon, and it shall not be lawful for said company at any time thereafter to plead that said bonds are usurious.

[388] SEC. 4. This act shall be in force from and after its publication in the Fort Madison Plaindealer and Fort Madison Argus newspapers, without cost to the state.

Approved January 29, 1857.

## CHAPTER 226.

## SALARY OF COUNTY OFFICERS.

AN ACT to amend Sec. 211 of Chapter 22 of the Code of Iowa.

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

**SECTION 1. Amendment to code.** That all of section two hundred and eleven of chapter twenty-second of the code of Iowa, after the words "five hundred and fifty dollars," be, and the same is hereby repealed, and that the following shall be substituted for the part of said section thus repealed: when the population amounts to six thousand, the salary shall be increased fifty dollars for each additional thousand inhabitants, until the salary reaches the sum of twelve hundred dollars, which shall be the highest salary paid to any of the officers named in said section.

**SEC. 2. Repeal.** That all parts of said chapter 22 conflicting herewith, be, and the same is hereby repealed.

**SEC. 3.** This act to be in force from and after its publication in the Iowa City Republican and Capital Reporter.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 4, 1857.

ELIJAH SELLS,  
Secretary of State.

## [389] CHAPTER 227.

## CHANGE OF VENUE.

AN ACT regulating changes of venue in criminal cases.

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

**SECTION 1. Cause for the change.** That no person shall be entitled to change of venue in any criminal cases pending in the district courts of this state, where the ground of the application is the alleged excitement and prejudice of the people, unless the facts constituting such ground are sworn to by three disinterested persons in addition to the applicant himself.

**SEC. 2. May allege.** The application need not set up a statement of the facts upon which the affiants base their belief of excitement and prejudice, but may allege the same in general terms.

**Testimony.** The court may, in the exercise of a sound discretion, hear additional testimony from either the defendant or the state, by affidavit or otherwise, and after being fully advised, shall decide the application according to the very right of the matter.

**SEC. 3. Exceptions.** The court shall, if the defendant demand it in case his application be over-ruled, grant a bill of exception to defendant, which bill shall embrace all the evidence produced before the court, on hearing of such application.

**SEC. 4.** All acts and parts of acts coming in conflict with this act are hereby repealed.

**SEC. 5.** This act to be in force from and after its publication according to law.

Approved January 29, 1857.

## CHAPTER 228.

## COUNTY JUDGES.

AN ACT further defining the duties of county judges.

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

SECTION 1. **Transmit the names of co. officers.** That the county judges of the several coun- [390] ties of this state are hereby required to furnish the secretary of state the names by the first day of April, A. D. 1857, of each county judge, clerk of the district court, treasurer and recorder, prosecuting attorney, sheriff and school fund commissioner, in their counties respectively, designating the office to which each is elected, and the date of the expiration of their said office, and also to report in like manner, and from all county officers hereafter elected or appointed, within ten days after their election and qualification, to said secretary of state.

SEC. 2. **Record.** It is hereby made the duty of the secretary of state to procure a suitable book, at the expense of the state, in which he shall record the name, the office and term of each officer so reported, as contemplated in the first section of this act.

SEC. 3. This act to take effect from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 29, 1857.

I certify the foregoing act was published in the Iowa City Republican Feb. 26, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 229.

## CHANGE OF NAME.

AN ACT to change the name of Newcastle to Webster City.

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

SECTION 1. **Change.** That the name of the town of New Castle, in Hamilton county, Iowa, be, and the same is hereby changed to that of Webster City.

SEC. 2. This act shall take effect and be in force from and after its publication according to law.

Approved January 29, 1857.

## [391] CHAPTER 230.

## SCHOOL DISTRICT.

AN ACT to legalize school district number five (5) in Butler township, Butler county, Iowa.

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

SECTION 1. **Legalize.** That school district number five (5) in Butler township, Butler county, commencing at the center of section 19, township 92,

range fifteen west, thence north one mile and a half, thence east one half mile, thence north one mile, thence east one mile and a half, thence south two miles and a half, to the center of section twenty one, thence west to the place of beginning, be, and the same is hereby declared legal.

SEC. 2. This act to be in force from and after its publication according to law.

Approved January 29, 1857.

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CHAPTER 231.

FIFTH JUDICIAL DISTRICT.

AN ACT to attach Guthrie county to the fifth judicial district, and fix the time of holding courts in said county.

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

SECTION 1. **Attached.** That Guthrie county be, and the same is hereby attached to the fifth judicial district.

SEC. 2. The district court shall be held as the district judge may appoint.

SEC. 3. This act to take effect and be in force from and after its publication in the Iowa City Republican and Capital Reporter.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa Capital Reporter Feb. 25, 1857, and in the Iowa City Republican, Feb. 26, 1857.

ELIJAH SELLS,  
Secretary of State.

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[392] CHAPTER 232.

J. L. JONES.

AN ACT for the relief of J. L. Jones.

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

SECTION 1. **Appropriation.** That the sum of one hundred and twenty-five dollars, be, and the same is hereby appropriated out of any money in the treasury, not otherwise appropriated, to J. L. Jones, in payment for services rendered by him in the institution for the blind.

SEC. 2. This act to take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa City Republican.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 26, 1857, and in the Iowa Capital Reporter Feb. 25, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 233.

## STATE ROAD.

AN ACT to establish a state road.

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

**SECTION 1. Com'rs locate.** That Allen Mullenix, of Clayton county; H. C. Lacy, of Fayette county, and M. V. Burdis, of Howard county, be, and they are hereby appointed commissioners to locate and establish a state road, commencing at West Union, in Fayette county, to be located upon the most feasible route via Stacyville, in Mitchell county, to the northern boundary of the state, in range eighteen (18) west, there to intersect a territorial road in Minnesota.

**SEC. 2. Meet.** That the commissioners, or a majority of them herein appointed to locate said road, shall meet on the first Monday in July, or within three months thereafter, at West Union, Fayette county, and take to their assistance the necessary aid to locate said road, and shall proceed to discharge their duties according to law.

**SEC. 3. Interest of the people.** That due regard shall be had to the interests of the people residing upon the proposed route, and that whenever a road is now laid out that can be used upon this route, the commissioners must make such road or roads a part of the said state road.

**SEC. 4. Compensation.** The commissioners and necessary assistants to be paid according to law.

**SEC. 5.** This act to take effect from and after its publication.

Approved January 29, 1857.

## CHAPTER 234.

## SALARIES.

AN ACT fixing the salaries of the governor and state officers of the state of Iowa.

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

**SECTION 1. Gov.'s salary.** That the governor of said state shall receive, as a yearly compensation for his services, the sum of fifteen hundred dollars.

**SEC. 2. Officers' salary.** The secretary, auditor, and treasurer, of the state, shall respectively receive a yearly compensation of fifteen hundred dollars for their services.

**SEC. 3. When paid.** The salaries in this act provided for shall be paid quarterly.

**SEC. 4.** This act to be in force and take effect from and after its publication in the Capital Reporter and Iowa City Republican.

Approved Jan. 29, 1857.

I hereby certify that the foregoing act was published in the Iowa City Republican Feb. 24, 1857, and in the Iowa Capital Reporter.

ELIJAH SELLS,  
Sec'y of State.

## [394] CHAPTER 235.

## FENCE.

AN ACT to amend an act entitled an act concerning fence.

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

**SECTION 1. When hogs & sheep are restrained.** That in all counties in this state, where by a vote of the legal voters of such county, or by any act of the general assembly of this state, it has been or may be hereafter determined that hogs and sheep, or either of them, shall be prohibited from running at large, a fence made of three rails of good substantial material, or three boards not less than six inches wide, and three quarters of an inch thick, such rails or boards to be fastened in or to good substantial posts, not more than ten feet apart, where rails are used, and not more than eight feet apart, where boards are used, or any other fence, which in the opinion of the fence viewers shall be equivalent thereto, shall be declared a lawful fence: *provided*, that the lowest or bottom rail or board shall not be more than twenty nor less than sixteen inches from the ground, and that such fence shall be fifty four inches in height.

**SEC. 2. County lines.** In all cases where fences are built upon county lines, between counties in one of which hogs and sheep are prohibited from running at large, and the other in which they are not prohibited from running at large, such fence shall be built in the manner prescribed in the act to which this is amendatory: *provided*, that the owners of any hogs or sheep shall be liable for all damages sustained by any person in consequence of such hogs or sheep crossing such county lines by way of the highway.

**SEC. 3. Trespassing animals.** In all cases of damages committed by trespassing animals in any county wherein the above described fences are lawful, the same rights and liabilities shall attach as are now provided in like cases, or in cases of trespassing animals under the act to which this is amendatory: *provided*, that nothing in the foregoing provisions shall be so construed as to deprive drovers or other persons of their right to drive hogs, sheep, or other stock from one part of the state to another.

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

Approved January 29, 1857.

## CHAPTER 236.

## COUNTY SEAT.

AN ACT to locate the seat of justice in Chickasaw county.

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

**SECTION 1. Commission'rs.** That D. P. Wallen, of Bremer county; H. B. Hoyt and C. A. Newcomb, of Fayette county, be, and they are hereby appointed commissioners, to re-locate the seat of justice of Chickasaw county; said commissioners, or any two of them, shall meet at the house of Lorenzo Baily, in Chickasaw county, on the first Monday of March, 1857, or within



two months thereafter, as a majority of them may agree in the pursuance of their duties under the provisions of this act.

**SEC. 2. Oath.** That said commissioners shall, before entering upon the duties of their office, take and subscribe an oath, to impartially and faithfully locate the county seat of Chickasaw county, according to the best interests of said county, taking into consideration the future as well as the present population of said county, which oath shall be filed in the office of the county judge of Chickasaw county.

**SEC. 3. Location.** Said commissioners, after being qualified as aforesaid, shall proceed to locate the seat of justice of said county; and as soon as they come to a determination, they shall proceed to make out a certificate, containing a particular description of the place so selected, and upon which they have located said county seat, which shall be signed by said commissioners and filed in the office of the county judge of Chickasaw county, and the place thus designated shall be the seat of justice of said county.

**SEC. 4. Per diem.** The said commissioners shall each receive the sum of three dollars per day while in the discharge of their duties, and two dollars for every twenty miles travel in going and returning, to be paid by said county.

[396] **SEC. 5.** This act to take effect from and after its publication in the Iowa City Republican and Iowa Capital Reporter, without expense to the state.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa City Republican, March 4, 1857, and in the Iowa Capital Reporter.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 237.

### FIFTH JUDICIAL DISTRICT.

AN ACT to attach the county of Sac to the fifth judicial district.

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

**SECTION 1. Sac co. attached to 5th dist.** That the county of Sac is hereby attached to and made a part of the fifth judicial district.

**SEC. 2. Repeal.** All acts and parts of acts conflicting with this act are hereby repealed.

**SEC. 3.** This act shall take effect and be in force from and after its publication in Iowa Republican and Iowa Capital Reporter.

Approved January 29, 1857.

## CHAPTER 238.

### KEOKUK.

AN ACT to amend an act entitled an act to incorporate the city of Keokuk.

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

**SECTION 1. Improving streets.** That for all costs of improving streets and alleys in the city of Keokuk, except contracts already specially let, for work

particularly designated, payment shall be made as follows, to wit: Two-thirds (2-3) of the cost of same by a special tax to be levied on the property deemed benefitted by any such improvement, and one [397] third by a tax on the city generally, except grading and paving alleys, making gutters, and grading and paving side-walks, and paving streets, which last work shall be paid for by assessment, as well for repairs as for original work, foot per foot upon the property fronting on said streets and alleys.

**SEC. 2. Levy of tax.** The two-thirds of the cost of said improvements named in section No. 1, of this act, to be levied on the property benefitted by such improvements, shall be assessed by a board of three commissioners, to be chosen by the city council, (or council and aldermen, as the case may be.) for each proposed improvement, which board shall take into account both damages and benefits accruing to the property deemed especially interested. The damages arising to any property from any improvement, shall be considered a part of the cost of same, and the benefits shall be deducted from the cost of said improvement. The parties damaged shall be paid amount of said damage by deduction from their proportion of said tax, or in cash, when collected by the city, and the benefits shall be taxed with the other cost of the improvement, upon the property benefitted. The part of the tax to be paid by the city for making such improvements, shall be levied and collected of the tax payer of the city, as the city government may direct.

**SEC. 3. Appeal.** Any person or persons deeming himself or themselves aggrieved by the action of the commissioners named in section 2 of this act, may appeal from their decision to the district court, and its decision shall be final.

**SEC. 4. Sewers.** The cost of making sewers shall be assessed upon the property deemed benefitted thereby, and in case it shall be deemed best for the sake of economy, in any case, to run a sewer through private property, the city may proceed to condemn so much of said property as the case may require, and determine the damages by a board of three commissioners, to be appointed as in section 2 of this act. The levying of taxes for construction of sewers shall be by commissioners similarly appointed, only except if the city council deem any sewer of benefit generally to the city, they may levy the cost of same upon the whole city, but if not so excepted, the damages and benefits shall [398] be assessed as in section No. 2, regarding street improvements.

**SEC. 5. Bonds.** In case the city council shall deem, from the magnitude of any improvement named in section No 2 and 4 of this act, that the immediate payment of the amount assessed to the individuals would be onerous and burdensome, they may—after giving thirty days' notice of the levy of said tax in the city official paper or papers, and requesting with such notice the parties, who may wish an extension of the time of payment, to signify the same to the collector of taxes—proceed to issue bonds of the city of Keokuk, to run for a term not longer than two years, and not to bear more than ten per cent interest for the amount due from such parties; but the amount of such tax and interest shall be a lien upon the property of said parties so accommodated, and shall be collected in time to meet said bonds by the city authorities as a special fund for their liquidation.

**SEC. 6. Petition.** No street improvement shall be ordered by the city council unless the owners of two thirds of the number of feet in each block, on which said improvement fronts, shall petition the council to order the same, except where more than one-third of the frontage of a block or blocks shall be owned by one individual; in which case the council may, by a vote of three fourths of its members order said improvement, a petition of two-thirds of the other owners of said property having been presented, and notice

of an application for same having been published for one week preceding in the official paper or papers of the city.

**SEC. 7. Taxes.** The city government are hereby authorized to levy such taxes as it or they may deem necessary to pay the interest upon the debt of said city, and support and carry on its municipal affairs, and all laws contrary to this provision are hereby repealed.

**SEC. 8. Take effect.** Section 7 of this act shall be in force from and after its publication in the daily papers of the city of Keokuk, without cost to the state; and the remaining sections of this act shall be in force from and after such publication and the submission of its provisions to the voters of said city, at a special election, at which election a majority of the legal voters acting shall vote for its adoption. The [399] time and manner of holding such election to be specified by the city council.

Approved January 27, 1857.

## CHAPTER 239.

### RAILROAD TAX.

AN ACT to authorize the city of Keokuk to levy a direct tax, not exceeding \$150,000,

for the benefit of the Keokuk and Fort Des Moines Railroad Company.

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

**SECTION 1. Question submitted.** That the mayor or mayor pro tem, of the city of Keokuk, is hereby authorized, (and if requested by the city council, he shall be bound) to order an election of the legal voters of said city, at which shall be submitted the following proposition, viz: "Will the city of Keokuk levy a direct tax of one hundred and fifty thousand dollars, for the benefit of the Keokuk and Fort Des Moines Railroad Company, (or less, as the said company may request) principal, and interest on same sum, at rate of not to exceed ten per cent per annum, to be collected, one third, (and interest on whole sum named) in one year, one-third, (and interest on two-thirds) in two years, and one third (and interest on same) in three years from the date of the issue of bonds, to be issued in pursuance of the provisions of this act." The votes shall be printed respectively "For the levy of the tax," and "Against the levy of the tax."

**SEC. 2. Issue bonds.** In case them ajority of the votes cast at said election shall be in favor of the tax, then the mayor or mayor pro tem of said city shall be and is hereby authorized to issue the bonds of said city of Keokuk for the amount so voted, payable one-third in one year, one-third in two years and one-third in three years, with interest coupons payable annually, at rate of not over ten per cent. per annum.

**SEC. 3. Stock certificate.** Said railroad company shall be bound to issue to each individual for the amount of tax he or she may have paid in pursuance of the provisions of this act, either certificates of stock of said company, or scrip for stock in same, which scrip, when presented in sums of even hun- [400] dreds of dollars, shall be redeemed by the issue of certificates of stock of said company.

**SEC. 4. Lien.** The amount of the tax and interest shall be a lien on the taxable property of said city, and shall be collected in time to meet the said

bonds and interest, and shall be held by the authorities of said city separate and apart from said funds, as a special fund, sacred for the liquidation of said bonds and interest thereon.

SEC. 5. This act shall take effect from and after its publication in the Gate City and Times, newspapers of said city, without cost to the state.

Approved Jan. 29, 1857.

## CHAPTER 240.

### ORIGINAL NOTICES.

AN ACT to regulate the services of original notices, in courts of record, in certain cases.

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

**SECTION 1. Service of no—notice.** That where the person on whom the service of an original notice is to be made, cannot be found within the state, and the fact appears by affidavit to the satisfaction of the court, or a district judge, or of the county judge of the county where the trial is to be had, and it in like manner appears that a cause of action exist against the defendant in respect to whom the service is to be made, or that he is a proper party to an action relating to real property in this state, such court or judge may grant an order that the service be made by the publication of such original notice in either of the following cases:

**First. Publication.** Where defendant is a foreign corporation, has property within the state, or the cause of action arose therein.

**Second.** Where the defendant, being a resident of this state, has departed therefrom with intent to defraud his creditors or to avoid the service of process or keep himself concealed therein with the like intent.

[401] **Third.** Where he is a non-resident of this state, but has property therein, and the action arises on contract, and the court has jurisdiction of the subject of action.

**Fourth.** Where the subject of the action is real or personal property in the state, and the defendant has or claims a lien on interest, actual or contingent, therein, or the relief demanded consists wholly or partly in excluding the defendant from any interest or lien therein.

**Fifth.** Where the action is for divorce in the cases prescribed by law.

**Sixth.** Where the proceeding is against lands as a defendant, in case foreclosing the right of redemption under the laws now in force.

**Time—send copy.** The order of publication may be made without a return "not found," on the process, but such return may be required if deemed necessary by the judge, and for this purpose the sheriff may be required to return the process in vacation. The order must direct the publication to be made in some newspaper designated as most likely to give notice to the person to be served, for such length of time as may be deemed reasonable, not less than once a week for four weeks, and must also direct a copy of the original notice and petition to be forthwith deposited in the post office, directed to the person to be served, at his place of residence, unless it appear that such residence is neither known to the party making the application, nor can with reasonable diligence be ascertained by him; the affidavit upon which the order was granted, the order where granted out

of term time, the affidavit of publication, and the affidavit showing a compliance with an order directing the deposit of a copy of the original notice and petition in the post office, must be filed with the clerk of the court where the cause is pending. The service shall be deemed complete at the expiration of the time prescribed in the order of publication.

SEC. 2. **Defend.** The defendant against whom publication is ordered, or his representatives, on application and sufficient cause shown at any time before judgment, must be allowed to defend the action, and except in an action for divorce, the defendant against whom publication is ordered, or his representatives, may in like manner, upon good cause shown, be allowed to defend after judgment, or at any time [402] within one year after notice thereof, and within seven years after its rendition, on such terms as may be just, and if the defense be successful, and the judgment or any part thereof have been collected, or otherwise enforced, such restitution may therefor be compelled as the court directs: provided, the title to property sold under such judgment to a purchaser in good faith, shall not be affected thereby.

SEC. 3. All acts inconsistent with this act are hereby repealed.

Approved Jan. 29, 1857.

## CHAPTER 241.

### RAILROAD TAX IN KEOKUK.

AN ACT to authorize the city of Keokuk to levy a direct tax of not to exceed \$150,000 for the benefit of the Keokuk, Mount Pleasant and Muscatine Railroad Company.

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

SECTION 1. **Question submitted.** That the mayor or mayor pro tem., of the city of Keokuk, is hereby authorized (and if required by the city council, he shall be bound) to order an election of the legal voters of said city, at which shall be submitted the following proposition, viz.: "will the city of Keokuk levy a direct tax of one hundred and fifty thousand dollars, for the benefit of the Keokuk, Mt. Pleasant and Muscatine railroad company, (or less, as the said company may request) principal and interest on same sum, at rate of not to exceed ten per cent per annum, to be collected one-third (and interest on whole sum ordered) in one year, one third (and interest on two-thirds) in two years, and one-third (and interest on same) in three years from the date of the issue of bonds, to be issued in pursuance of the provisions of this act. The votes shall be printed respectively, "for the levy of the tax," and "against the levy of the tax."

SEC. 2. **Bonds.** In case the majority of the votes cast at said election shall be in favor of the tax, then the mayor, or the mayor pro tem., of said city shall, and is hereby authorized to issue the bonds of said city of Keokuk for the [403] amount so voted, payable one-third in one year, one-third in two years, and one-third in three years, with interest coupons payable annually at rate of not over ten per cent. per annum.

SEC. 3. **Certificate.** Said railroad company shall be bound to issue to each individual for the amount of tax he or she may have paid in pursuance of the provisions of this act, either certificate of stock of said company or script for stock in same, which script, when presented in sums of over fifties of dollars, shall be redeemed by the issue of certificates of stock of said company.

**SEC. 4. Tax lien.** The amount of tax and interest shall be a lien on the taxable property of said city, and shall be collected in time to meet the said bonds and interest, and shall be held by the said city separate and apart from other funds, as a special fund, sacred for the liquidation of said bonds and interest thereon.

**SEC. 4. [5]** This act shall take effect from and after its publication in the Gate City and Times, newspapers of said city, without cost to the state.

Approved January 29, 1857.

I certify that the foregoing act was published in the Gate City and Daily Evening Times, March 5, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 242.

### SEAT OF JUSTICE OF FLOYD COUNTY.

AN ACT to locate the seat of justice of Floyd county.

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

**SECTION 1. Commission'rs.** That D. W. Poindexter, of the county of Mitchell; Lorenzo Bailey, of Chickasaw county, and James P. McKenney, of Winneshiek county, be, and they are hereby appointed commissioners to locate the seat of justice for Floyd county.

**SEC. 2. Meeting.** That the said commissioners, or a majority of them, shall meet at St. Charles, in said county, on the first [404] Monday of June, or within sixty days thereafter, and shall proceed to locate said seat of justice at such place as they or a majority of them may determine.

**SEC. 3. Location.** It shall be the duty of said commissioners to locate the county seat as near the geographical center of said county as is consistent with the present and future convenience of the inhabitants of said county.

**SEC. 4. Qualify.** Before entering upon the discharge of their duties aforesaid, the said commissioners shall make and subscribe an affidavit in substance that they will faithfully perform the duties assigned them under and by virtue of this act, which affidavit, together with a return in writing, designating the place so selected by said commissioners, shall be filed by them in the office of the county judge of said county, and the place so selected shall be the seat of justice of said county.

**SEC. 5. Compensation.** Said commissioners shall each be entitled to two dollars and fifty cents for each day spent by them in discharge of their duties, which shall be paid like other county charges, out of county treasury.

**SEC. 6. Repeal.** All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, including the act of the present session of the general assembly to legalize the acts of certain commissioners heretofore appointed to locate the seat of justice of said county.

SEC. 10. [7] This act shall take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter, without expense to the state.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa City Republican March 4, 1857.

ELIJAH SELLS,  
Secretary of State.

[405] CHAPTER 243.

RAILROAD BONDS, LEE COUNTY.

AN ACT authorizing the county of Lee to issue bonds to aid the construction of the Keokuk, Mt. Pleasant and Muscatine railroad.

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

SECTION 1. **Issue bond.** That the county of Lee is hereby authorized to issue bonds, to aid in the construction of the Keokuk, Mount Pleasant and Muscatine railroad, to the amount of one hundred and fifty thousand dollars: provided, the county judge of said county shall first submit the question to the vote of the people of said county in the manner provided in sections 114 and 115 of the code.

SEC. 2. **Proposition.** The proposition of the question must be accompanied by provision to levy a tax, for the payment of the principal and interest of said bonds, in addition to the usual taxes, sufficient to meet the payment of said bonds, principal and interest, not to exceed one per cent. upon the county valuation in one year, and to continue from year to year, until the amount of said bonds be paid.

SEC. 3. **Conditions.** The proposition shall state the rate of interest said bonds shall draw, and when payable, and at what time the principal of said bonds shall fall due and become payable.

SEC. 4. **Notice, bond, &c.** Upon a majority of the votes being cast in favor of the proposition submitted, the county judge shall cause the proposition and the result of the vote to be entered at large in the minute book of the county court, and a notice of its adoption to be published for two successive weeks in any two newspapers of the county; and at any time after the vote and after the notice of its adoption, shall have been published, as above provided, he shall issue said bonds, which shall be and continue a subsisting debt against said county, until they are paid and discharged.

SEC. 5. **Rescind.** The proposition thus adopted may be rescinded in a like manner, and upon like notice, by a subsequent vote taken thereon, but neither contracts made under them, nor the taxes appointed for carrying them into effect, can be rescinded.

SEC. 6. This act to be in force from and after its publi- [406] cation in the Keokuk Daily Evening Times, Daily Gate City, the Fort Madison Argus, and the Fort Madison Plaindealer, without expense to the state.

Approved January 29, 1857.

I certify that the foregoing act was published in the Gate City, March 4, 1857, and Daily Evening Times, March 5, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 244.

## CHANGE OF NAME.

AN ACT to change the name of the village of Woodbridge.

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

SECTION 1. **Change name.** That the name of the village of Woodbridge, in Chickasaw county, be changed to Nashua.

SEC. 2. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa City Republican, without expense to the state.

Approved January 29, 1857.

I certify the foregoing act was published in the Iowa City Republican, March 2, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 245.

## CENSUS RETURNS.

AN ACT providing for indexing and distributing the census returns of the state of Iowa.

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

SECTION 1. **Index.** That the auditor of state be required to provide a suitable index for the census returns of the state, and have the same printed in connection with the said census returns.

[407] SEC. 2. **Distribution.** That so soon as said census returns are printed and ready for distribution, it shall be the duty of said auditor to distribute the same in the following manner: he shall distribute among the several organized counties of the state 6,000 copies of said census returns, in proportion to population, as nearly as practicable, but no county shall receive less than seventy-five copies, and to each member of the present general assembly of the state of Iowa ten copies, and the balance remaining on hand after such distribution shall be delivered by him to the secretary of state, to be disposed of according to law.

SEC. 3. **Expense paid.** Said auditor shall, for the purpose of defraying the expense incurred in providing such index and making such distribution receive the sum of three hundred dollars from the state treasury out of any monies not otherwise appropriated.

SEC. 4. This act to be in force from and after its publication in the Iowa City Republican and Capital Reporter.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 24, 1857, and in the Iowa Capital Reporter.

ELIJAH SELLS,  
Sec'y of State.



## CHAPTER 246.

## LAWS.

AN ACT to provide for the publication and distribution of the acts, resolutions and memorials of the present session of the General Assembly.

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

SECTION 1. **Publication.** That six thousand copies of the acts, resolutions and memorials passed at the present session of the general assembly, be published under the superintendence of the secretary of state: provided, however, that the joint memorials in relation to mail routes and increased mail facilities shall not be included in the resolutions to be so published.

[408] SEC. 2. **Distribution.** The secretary shall divide four thousand copies among the organized counties in proportion to their population, but giving no county less than fifty copies, and as soon as practicable after receiving the same from the printer, transmit to the county clerk of each county, the number of copies to which his county is entitled, and to each member of the general assembly three copies of said laws.

SEC. 3. **To whom.** The county clerk shall furnish each county and township officer with a copy of such acts, &c., and he shall sell the remainder at fifty cents per copy, paying over the money to the county treasurer, who shall pay the same into the state treasury.

SEC. 4. **Compensation.** For superintending the printing, indexing and distributing the laws as herein provided, the secretary of state shall be entitled to receive the sum of five hundred dollars out of any money in the treasury, not otherwise appropriated.

SEC. 5. This act shall take effect and be in force from and after its publication in the Iowa City Republican and Capital Reporter.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 11, 1857, and in the Iowa Capital Reporter Feb. 7, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 247.

## STATE ROAD.

AN ACT to vacate part of a territorial road.

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

SECTION 1. **Vacate.** That all that part of the territorial road leading from Salem or vicinity to Mt. Pleasant, Henry county, lying and being that piece or plat of land containing about 10 acres of land and being a subdivision of section 16, in Centre township [of] said county, and marked R. L. B. Clark in the published map of Mt. Pleasant, be, and the same is hereby vacated.

**Proviso.** Provided also, that said road, from the point where it [409] touches the south line of said lot, piece, or plat, shall be carried down the same of the same width easterly to the south-east corner thereof, and from thence northerly along the east line of said plat or piece to the north-east corner thereof, and thence continued to intersect and coincide with the present lines of said old territorial road as the same now are on the northward of said piece or plat of lands.

SEC. 2. This act shall take effect and be in force from and after its publication according to law.

Approved January 27, 1857.

## CHAPTER 248.

### THIRD JUDICIAL DISTRICT.

AN ACT fixing the time of holding courts in the third judicial district.

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

**SECTION 1. Terms of court.** That the several courts in the third judicial district of this state, be held as follows:

First. Commencing in Davis county, on the fourth Monday in March and August.

Second. In the county of Van Buren on the second Monday after the fourth Monday in March and August.

Third. In the county of Jefferson on the fourth Monday in March and August.

Fourth. In the county of Keokuk on the fourth Monday in March and August.

Fifth. And in the county of Wapello on the eighth Monday after the fourth Monday in March and August.

**Writs returnable.** No process, writ, notice or other proceeding shall be invalidated by reason of anything contained in this act, but all processes, writs and notices returnable by virtue of laws heretofore in force, shall be in like manner returnable to the courts fixed by this law, and all proceedings shall be treated as if commenced under this act.

SEC. 2. This act to be in force from and after its publi- [410] cation in the Des Moines Courier, published at Ottumwa, and in the Fairfield Ledger, published at Fairfield.

Approved January 29, 1857.

## CHAPTER 249.

### STATE ROAD.

AN ACT to locate a certain State road therein named.

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

**SECTION 1. Commission'rs.** That W. P. Organ and Marcus Hull, of Washington county, and Ephrm Patterson, of Johnson county, be, and the same

are hereby appointed commissioners to locate and establish a state road from Washington via Pilats and Haritt's mill, in Washington county, to intersect the Wassonville and Iowa City road near said Ephraim Pattersons, in Johnson county.

SEC. 2. **Meeting.** Said commissioners or any two of them, with necessary assistants, shall meet on the first day of April, or within nine months thereafter, at Washington, or some point agreed upon by them, and proceed to locate said road on the nearest and most eligible route between the above points, and they shall receive such compensation as is now paid by law for similar services: provided, should either commissioners act as surveyor, such commissioner shall receive only such per diem as is provided for surveyor by law: and provided further, that no expense herein incurred shall be paid by the state.

SEC. 3. This act shall take effect from and after its publication according to law.

Approved Jan. 29, 1857.

[411] CHAPTER 250.

RULES OF COURT.

AN ACT to authorize the supreme and district courts to adopt rules to regulate the practice of law in civil cases.

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

SECTION 1. **Rules of practice—approval.** That the supreme court and the several district courts of this state may adopt such rules as they may respectively deem necessary and expedient for the regulation of the practice of law in their respective courts, not inconsistent with law, and the authority hereby conferred shall be held to extend to and authorize the said courts to provide by rule for making up issues during vacation, also for the mode and manner of settling bills of exceptions, and may extend the time for signing bills of exceptions beyond the terms at which the cause is tried; also for filing at any time before going to trial, additional causes of action or defense, under such terms as said court may deem just and equitable, and may also provide by rule for allowing to the prevailing party in civil cases, some reasonable amount as costs, beyond fees of witnesses and fees of officers, by way of indemnity for his expenses in the action, in all cases where the defense is evidently put in for delay, or the prosecution is groundless, or the defense unfounded, and such other cases as they may deem it expedient: provided, no rule relating to costs shall be enforced in the district court until after having been submitted to and approved by the judges of the supreme court.

SEC. 2. That this act go into force from and after its publication in the Iowa City Republican and Capital Reporter.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa Capital Reporter Feb. 11, 1857. and in the Iowa City Republican, Feb. 10, 1857.

ELIJAH SELLS,  
Sec'y of State.

## [412] CHAPTER 251.

## APPEALS IN CRIMINAL CASES.

AN ACT providing for appeals in criminal cases.

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

SECTION 1. **Appeal.** That in all criminal cases in which judgment may hereafter be rendered by any of the district courts of this state against any defendant, either defendant or the state may, after judgment, appeal from such judgment to the supreme court of the state of Iowa at any time within one year from the rendition of such judgment.

SEC. 2. **Notice.** Any defendant desiring such appeal shall give notice in writing to the prosecuting attorney of the county wherein the case was tried, if such prosecuting attorney was engaged in the prosecution of such case, and if not, then he shall give such notice to the prosecuting attorney of the county where the cause originated, informing such officers that an appeal has been taken in such cause; he shall likewise give notice to the clerk of the district court in which the cause was tried, that he desires to appeal from said judgment or certain specified parts thereof.

SEC. 3. **Transcript.** The clerk shall therefore proceed forthwith to transcribe all the papers and records in the case, which may be designated by either the attorney for the state or the defendant, and shall forward the same to the clerk of the supreme court of the state of Iowa.

SEC. 4. **Docket case.** When such transcript is received by the clerk of the supreme court, he shall docket the cause, and the same shall be set down for hearing in accordance with the rules of said court.

SEC. 5. **Bond.** In any bailable case the defendant may stay proceedings under any judgment appealed from as contemplated by this act, by filing with the clerk of the district court, where such judgment is rendered, a bond with one or more sureties, to be approved by the said clerk, conditioned that he will be and appear at the next term of the said supreme court, on the first day of that portion of the term of said court, during which, according to the order of said court, causes coming from the district, from which said cause is [413] appealed, are set down for hearing, and conditioned that he will not depart said court without leave thereof, and shall abide the order of the court, which said bond shall be sent up to said supreme court by the said clerk of the district court.

SEC. 6. **Penalty.** The amount of such bond shall be fixed by the judge of the district, as in case of bail, and the sureties shall justify as sureties are required to do in cases of bail; any neglect to acknowledge such bond, or to have the sureties justify, shall not vitiate said bond.

SEC. 7. **If not bailable.** In cases not bailable, it shall be the duty of the district judge, upon application being made to him, to make such order as the case may require for the custody of the defendant.

SEC. 8. **Discharge.** In all bailable cases, when the defendant shall have filed his bond as above contemplated, he shall be discharged from further custody, and it shall be the duty of the district clerk, where such bond has been filed, to give forthwith to defendant, or his attorney or agent, upon demand, a written certificate, under the seal of his office, showing the fact that an appeal has been taken in such cause, and a bond filed and approved, in accordance with the provisions of this act, and the sheriff or other officers having the custody of such defendant, shall upon being served with such certificate forthwith liberate such defendant.

SEC. 9. **Time of trial.** When any appeal, contemplated by this act, shall be taken within twenty days of the first day of the next succeeding term of the supreme court, it shall not be heard, except by consent of parties, until the term following such first term, and when bonds are given in such cases, they shall provide for the appearance of the defendant at the term when such hearing is to be had.

SEC. 10. **Fail to appear.** If the defendant in any such appealed cause fail to appear according to the conditions of his bond, the supreme court shall, upon the request of the attorney for the state, order a forfeiture of the same against the principals and sureties.

SEC. 11. **Copy of forfeiture, &c.** Upon the payment of fees by the attorney for the state, for a certified copy of such forfeiture, the clerk of the supreme court shall furnish such copy, together with said bond, upon which suit may be brought against obligors, in any court of the state where either of them reside, or in the county [414] where the suit originated, or in which the cause was tried before the district court.

SEC. 12. **Case remanded.** Should the case appealed be remanded by the supreme court back to the district court for further proceedings, the supreme court shall require the defendant to give new bond for his appearance at the next succeeding term of the district court from which the cause was appealed, which bond shall be conditioned for his appearance at said district court on the first day of the term thereof, there to remain and abide all orders and judgments of said court, in the further proceeding of the same; the said last mentioned bond shall be sent by the clerk of the supreme court to the said district court, in company with the procedendo in said cause.

SEC. 13. **When to appear.** If the term of the said district court be commenced within thirty days from the rising of the supreme court at which said appealed cause is heard, then the bond last provided for shall require the appearance of the defendant at the term next following the said first term of the district court aforesaid.

SEC. 14. **Fail to appear.** Should the defendant fail to appear in accordance with the stipulations of such bond, the district court shall, on the request of the attorney of the state, order a forfeiture of said bond, upon which suit may be brought as in other cases of forfeited bail bonds.

SEC. 15. **May appear by attorney.** In all cases of misdemeanors, the defendant may appear by attorney, for all purposes except to answer the final judgment of the court.

SEC. 16. **Continuance.** That if the supreme court, when any such cause is pending before it, an appeal is not sufficiently advised, and desire a continuance of said cause, or for any other reason is not able to determine the same at the term at which the defendant is bound to appear, they may order such defendant to appear at the next succeeding term of said court, on his bond then on file, or they may require him to give new bond for that purpose.

SEC. 17. **Continuance after repeal.** When any of the bonds above provided for have been given, any court before whom such cause, after its appeal in the first instance, may in the further proceedings thereon come, may, if such cause is continued, or remanded, order the appearance of such defendant at any fu- [415] ture time and place where his appearance in the further prosecution of the case may be required, without requiring time to give new bond, and such order may be made from time to time, until the final disposition of the cause.

SEC. 18. **State may appeal.** The state can take an appeal by giving notice in writing to the defendant or his attorney, of the intention so to do; the provisions regulating the notice to be given by defendant are applicable to the notices contemplated by this section.

Approved January 29, 1857.

## CHAPTER 252.

### RAILROAD BONDS, LEE COUNTY.

AN ACT authorizing the county of Lee to issue bonds to aid in the construction of the Iowa Southern railroad.

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

SECTION 1. **Bonds.** That the county of Lee is hereby authorized to issue bonds to aid in the construction of the Iowa Southern railroad, to the amount of one hundred and fifty thousand dollars: provided, the county judge of said county shall first submit the question to the vote of the people of said county in the manner provided in sections No. 114 and 115 of the code.

SEC. 2. **Proposition.** The proposition of the question must be accompanied by a provision to levy a tax for the payment of the principal and interest of said bonds, in addition to the usual taxes, sufficient to meet the payment of said bonds, principal and interest, not to exceed one per cent. upon the county valuation in one year, and to continue from year to year until the amount of said lands be paid.

SEC. 3. **Rate of interest.** The proposition shall state the rate of interest said lands shall draw, and when payable, and at what time the principal of bonds shall fall due and become payable.

SEC. 4. **Adoption.** Upon a majority of the votes being cast in favor of the proposition submitted, the county judge shall cause the proposition and the result of the vote to be entered at [416] large in the minute book of the county court, and a notice of its adoption to be published for two successive weeks in any two of the newspapers of the county; and at any time after the vote of its adoption shall have been published as above provided, he shall issue such bonds which shall be and continue a subsisting debt against said county until they are paid and discharged.

SEC. 5. **Rescinding.** The proposition thus adopted may be rescinded in a like manner and upon a like notice by a subsequent vote taken thereon, but neither contracts made under them nor the taxes appointed for carrying them into effect can be rescinded.

SEC. 6. This act to be in force from and after its publication in the Keokuk Daily Times, the Daily Gate City, the Fort Madison Argus, and the Fort Madison Plaindealer, without expense to the state.

Approved January 29, 1857.

## CHAPTER 253.

## CITY OF PRINCETON.

AN ACT to incorporate the city of Princeton.

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

**SECTION 1. Corporation.** That the inhabitants of the town of Princeton in the county of Scott, and state of Iowa, be, and they are hereby constituted a body politic and corporate, by the name and style of the city of Princeton, and by that name shall have perpetual succession, and may have and use a common seal, which they may change at pleasure.

**SEC. 2. Boundaries.** All that district of country embraced within the following limits, and such addition as hereinafter provided, shall be the limits of the boundaries of said city, to wit: beginning at the north-west corner of the south-west quarter of the north west quarter of section two (2) township seventy-nine, (79) range five, (5) and running south on section line between section two (2) and three, (3) to south-west corner of the north-west quarter of section eleven, [417] same township and range, thence east on the east and west division line of said section eleven, to the center of the Mississippi river, north along the center of said river one and one-fourth miles, thence west to the place of beginning, are hereby declared to be within the boundaries of said city of Princeton.

**SEC. 3. Additions.** All tracts of land laid off in town lots, and duly recorded as required by law for the recording of town plats, adjoining said city of Princeton, or wherever any tract of land adjoining said city, and shall have been laid off, or shall hereafter be laid off into town lots and duly recorded as required by law, the same shall be annexed to and form a part of said city of Princeton.

**SEC. 4. Corporate powers—city council.** The inhabitants of said city, by the name and style aforesaid, shall be capable in law, of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, in all matters whatsoever, of purchasing, using, occupying, enjoying and conveying real, personal and mixed estates, in said city, of purchasing, receiving and holding property, real, personal and mixed, beyond the city, for burial grounds, or for other purposes, for the use of the inhabitants of said city, and shall be competent to have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation, and for the better ordering and governing said city. The exercise of the corporate powers of the same hereby and herein granted, an administration of its fiscal, prudential and municipal concerns, with the direction, conduct and government thereof, shall be vested in a mayor and board of aldermen consisting of at least six members, two from each ward, to be denominated the city council, together with such other officers as are hereinafter mentioned and provided for.

**SEC. 5. Wards.** It shall be the duty of the present board of officers of the town of Princeton, at least one month previous to the first Saturday in March, A. D. 1857, to divide the said city hereinafter bounded and described, into three equal wards, or as nearly equal as practicable: provided, that the said city council of the said city, as hereinafter [418] provided for, upon being duly elected and qualified, may confirm the boundaries of said wards,

or may change, unite or divide them, or any of them, whenever they shall think it necessary or proper.

**SEC. 6. May hold property.** That the said city of Princeton shall be, and hereby is invested as the lawful owner and proprietor, with all the real, personal and mixed estate, all the rights and privileges thereof, together with all the property, funds and revenue, and money, debts, accounts and demands, due and owing, or any wise belonging to said city, or which by or under any former act or acts, have been acquired, vested in, or is or may be owing, belonging to the city of Princeton, together with all rights, interests, claims and demands, in favor or against said city, may be continued, presented, and defended and collected in the same manner as though this act had never been passed.

**SEC. 7. Election.** That the qualified electors of said city shall, on the first Saturday in March, A. D. 1857, and annually on the same day thereafter, elect a mayor, who shall have resided in the said city one year, and the qualified electors of said city in each ward, shall at the same time elect six aldermen (two from each ward), who shall have resided in said city one year; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business; they shall be the judges of the election returns, and qualifications of their own members, and shall continue in office for the term of one year and until their successors shall be chosen and qualified. They shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection and examination of every citizen, and may compel the attendance of absent members in such manner and under such penalties as they may prescribe, and they shall meet at some convenient place in said city on the second Saturday in March, A. D. 1857, and after taking the oath of office before some officer qualified to administer oaths, shall elect from their own body a president pro tem.

**SEC. 8. Recorder—elect officers.** That the qualified electors of said city shall at the time specified in the preceding section and annually [419] thereafter elect a recorder, who shall attend all meetings of the said council, and keep a record of all their proceedings, shall keep the corporate seal, and perform such other duties as the said council shall ordain and prescribe; and the qualified electors of said city shall also at the time and times aforesaid elect an assessor, marshal, collector and treasurer of said city, and all other subordinate officers. The council shall define the duties of the several officers elected, subject to the provisions of this act; shall fix the nature and amount of compensation for their services, and shall require such security as they shall deem proper for the faithful discharge of the duties of their several offices.

**SEC. 9. Conducting election—second elct'n.** That in all elections for city offices it shall be the duty of the mayor to issue a proclamation to the qualified electors of said city, setting forth the time of such elections, the place or places where the same shall be holden, the officer and officers to be chosen, and cause such proclamation to be posted up in three of the most public places in said city, at least ten days previous to said election; and every such election shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon, and shall in all things be conducted agreeable to the laws regulating township elections for the time being; and it shall be the duty of the judges of said election, within two days thereafter, to make and direct the return thereof to the mayor of said city, at his office, in the same manner that election returns are required to be made by the township trustees for the time



being: provided, that in all elections for mayor, the returns shall be made and directed to the president pro tempore of the city council, and the mayor or president pro tempore of the city council, as the case may be, shall within five days after any such election, open the returns which shall have been made as aforesaid, and shall make an abstract of all the votes, and file the same with the city recorder, who shall make a record thereof in a book to be kept by him for that purpose, and the person or persons having the highest number of votes, shall be declared duly elected; but if from any cause the qualified voters of said city, or in any of the wards, as the case may be, should fail to effect any election at the time and in the manner herein provided, [420] the mayor shall forthwith issue his proclamation for a second or other election, which in all things shall be notified, conducted, regulated, and the returns thereof made, as in and by this act is prescribed, and the person or persons who shall be chosen at any such second or other election, shall hold their office until the next ensuing annual election, and until their successor or successors in office shall be elected and qualified; and it shall be the duty of the mayor or president pro tempore of the city council immediately to notify such person or persons who may be elected as aforesaid, of his or their election, by causing a written notice thereof to be served upon him or them by the city marshal, and every person so chosen or elected as aforesaid, shall, within ten days after his election, cause himself to be qualified to enter upon the duties of his office; in default thereof the office to which he shall have been elected shall be deemed and considered in law to be vacated, and it shall be the duty of the city council to prescribe the time and manner, and to provide the place or places of holding all elections in said city for city officers, and of making the returns thereof not herein otherwise directed and prescribed, and the said city council shall appoint judges and clerks for all city elections.

**SEC. 10. Citizenship.** That each and every white male citizen above the age of twenty one years, who shall have been a resident in said city six months immediately preceding any election for city officers, shall be deemed a qualified voter of said city, and shall be entitled to vote in said city, or in the ward where he may belong or reside, for mayor, aldermen, and all the other officers of said city or of their respective wards therein, and where any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the requisite qualifications of an elector, or if his vote shall be challenged by any elector who has previously given his vote in such election, shall tender to such person an oath as affirmation in the following form, to wit:

**Ineligible.** I do solemnly swear or affirm that I am a citizen of the United States, and that I have been a resident of this city six months immediately preceding this election and resident of this ward, and to the best of my knowledge and belief [421] have attained the age of twenty-one years, and that I have not voted at this election.

**SEC. 11. Ineligible.** That no member of the city council shall be eligible to any office within the gift of the city council during the year for which he may have been elected, nor shall any member of the city council be interested directly or indirectly in the profit of any contract or job for work or services to be performed for the city.

**SEC. 12. Mayor's duty.** That the mayor shall sign all by-laws and ordinances to be adopted and passed by the city council, and cause the same to be published six days before they go into effect; he shall preside, when present, at the city council when in session, and be denominated president of the same, and when there is a tie shall give the casting vote; he shall do and perform such other duties as the city council may prescribe and determine not inconsistent with the provisions of this act.

**SEC. 13. Qualification.** That the recorder, assessor, marshal, collector, treasurer, and all other subordinate officers of said city, shall, before entering upon the duties of their respective offices, take an oath or affirmation faithfully and impartially to perform the several duties of their offices, to which they have been elected, and when required shall give such bond to the city, with good and sufficient security, in such sum or sums, and with such conditions thereto, as the city council may from time to time direct; and in all cases, not herein provided for, shall respectively be allowed and receive such fees and compensation for their services, and be liable to such fines, penalties and forfeitures for negligence, carelessness, misconduct in office and positive violation of duty as the said city council shall order and determine. And it shall be the duty of the said recorder to keep the seal of said city, and all the records, papers and official documents thereunto belonging; he shall keep fair books, wherein shall be kept the accounts of the city, attest all orders issued by the city council for the payment of money and enter the same in municipal order in a book kept for that purpose, and shall perform such other duties as shall be required of him by ordinance.

**SEC. 14. Meeting.** That the city council shall provide for the times and places of holding their meetings not herein otherwise [422] wise provided for, which shall at all times be open to the public. They shall provide by ordinance for the election, by the qualified voters of said city, of such other city officers, whose election is not herein otherwise provided for, as shall be necessary for the good government of said city, and the due exercise of its corporate powers, and which shall have been provided for by ordinance; and all city officers whose term of service is not prescribed, and whose powers and duties are not defined in and by this act, shall perform such duties, exercise such powers, and continue in office for a term of time not exceeding one year, as shall be prescribed by ordinance.

**SEC. 15. Vacancies.** That whenever the office of mayor, councilmen, treasurer, recorder, or any other officer in and by this act specified and provided for, shall become vacant by death, resignation or removal from the city, or otherwise, it shall be the duty of the presiding officer of the council, as soon as may be, to issue a proclamation to the qualified electors, setting forth the vacancy and the manner of its occurrence, and the place or places where a special election will be holden, and the time thereof, for the purpose of choosing an officer to fill such vacancy; and the person so chosen, when duly qualified, shall enter upon the duties of such office, and continue therein during the remainder of the term for which his predecessor was elected; and in case of sickness or temporary absence of the mayor, the duties of his office during such sickness or temporary absence shall be discharged by the president pro tempore, who shall be obeyed and respected accordingly.

**SEC. 16. Ordinances.** That the said city council shall have power, and it is hereby made their duty, to make and publish from time to time, all such ordinances as shall be necessary to secure said city and the inhabitants thereof against injuries by fire, thieves, robbers, burglars and all other persons violating the public peace; for the suppression of riots and gambling, and indecent and disorderly conduct; for the punishment of all lewd and lascivious behavior in the streets and other public places in said city; they shall have power from time to time to make and publish all such laws and ordinances as to them shall seem necessary to provide for the safety, preserve the health, promote the prosperity, [423] and improve the morals, order, comfort and convenience of said city and its inhabitants; to impose fines,

forfeitures and penalties on all persons offending against the laws and ordinances of said city, and provide for the prosecution, recovery and collection thereof; and shall have the power to regulate by ordinance the keeping and sale of gunpowder within the city.

**SEC. 17. Fire companies—wharves, &c.** That the city council shall have power to establish and organize all fire companies, and provide them with proper engines and such other instruments as shall be necessary to extinguish fire, and preserve the property of the inhabitants of said city from conflagration; and they shall have power to establish and constitute landing places, wharves, docks and basins in said city at or on any of the city property, and fix the rates of landing, wharfage and dockage of all steamboats, boats, rafts and other watercrafts, and of all goods, wares, merchandise, produce and other articles that may be moored at, landed on or taken from any landing, wharf, dock or basin belonging to the city.

**SEC. 18. Wood buildings.** That for the purpose of more effectually securing said city from the destructive ravages of fire, the said council shall have power and authority on the application of three fourths of the whole number of owners and proprietors of any square or fractional square in said city, to prohibit in the most effectual manner, the erection of any building or the addition to any building before erected, more than ten feet high in any square or fractional square, except the outer wall thereof, shall be composed entirely of brick or stone and mortar, and to provide for the most prompt removal of any building or addition to any building, which may be erected contrary to the true intent and meaning of this section.

**SEC. 19. Shows, &c.—licenses.** That the city council shall have power, and it is hereby made their duty to regulate by good and wholesome laws and ordinances, all houses of public entertainment in said city, all theatrical exhibitions and public shows, and all exhibitions of whatever name or nature, to which admission is attained on payment of money or any other reward, to license and establish ferries across the Mississippi river, from said city to the opposite shore, to fix the rates of the same, and to impose reasonable fines and [424] penalties for the violation of any such laws and ordinances, and the city council shall have full and exclusive power to grant or refuse license to showmen, keepers and managers of theatrical exhibitions, and other exhibitions for money or other reward; auctioneers for the sale of goods, wares, merchandise, horses, and other animals at public auction; keepers of billiard tables, ball and ten-pin alleys; keepers of ferries from said city across the Mississippi to the opposite shore; and in granting any such license, it shall be lawful for said city council to exact, demand and receive such sum or sums of money as they shall think reasonable and expedient; to annex thereto such terms and conditions in regard to the time and place, and other circumstances under which such license shall be acted upon, as in their opinion, the peace, quiet and good order of society as said city may require; and for the violation of said terms and considerations as aforesaid, the city council shall have power to revoke or suspend any such license whenever the good order and welfare of said city may require it, in such manner as shall be provided by ordinance.

**SEC. 20. Nuisances.** That the city council shall have power, and they are hereby authorized to require and compel the abatement and removal of all nuisances within the limits of said city, under such regulations as shall be prescribed by ordinance; to cause the ground therein, when the water shall at any time become stagnant, to be raised, filled up or drained, and to cause all putrid substances of either animal or vegetable, to be removed, and to effect their objects, the said city council may from time to time give orders to the proprietor or proprietors, or to his, her or their agent or

agents, and to the non-resident proprietors who have no agents therein, notice by publication in one or more of the newspapers printed in said city, or in the county in which said city is located, for the period of two weeks, of all or any ground, subject at any time to be covered with stagnant water, to fill up, raise or drain such ground at their own expense, and the said city council shall designate how high such grounds shall be filled up and raised, or in what manner they shall be drained, and fix some reasonable time for filling up, raising or draining the same, and if such proprietor or proprietors or agent shall neglect or refuse to fill [425] up, raise or drain such grounds in such manner and within such time as the said city council shall have designated and fixed, they shall cause the same to be done at the expense of the city, and assess the amount of the expense thereof, on the lot or lots of ground so filled up, raised or drained as aforesaid, and place the assessment so made as aforesaid, in the hands of the city collector, who shall proceed to collect the same by the sale of such lot or lots, if not otherwise paid, in such manner and under such restrictions and regulations as may be prescribed by ordinances: provided, the proprietor or proprietors shall have the privilege and right to redeem such lot or lots within one year after such sale, by paying to the purchaser or purchasers the amount by them paid, together with ten per cent. interest thereon.

**SEC. 21. Commission'rs—animals—drays, &c.** That one or more commissioners, as may be deemed necessary by said council, shall be elected annually by the qualified voters within the city, on the first Saturday in March in each year, whose compensation shall be regulated, and whose duties defined by said city council; the said city council shall have the power, whenever the public convenience or safety shall require it, to prohibit hogs, cattle, horses and all other animals from running at large in the streets, lanes, alleys, commons and other public places in said city; they shall have power to license and regulate all carts, wagons and drays, and every description of two and four-wheeled carriages, which may be kept in said city for hire, and all livery stables, brokers and loan offices.

**SEC. 22. Schools.** That said city council shall have power whenever they deem it expedient, to provide for the establishment and support of public schools within said city, and to pass all ordinances necessary and proper for the good government of the same.

**SEC. 23. Money paid into treasury.** That all money raised, recovered, received or collected, by means of any tax, license, penalty, fine, forfeiture, or otherwise made under the authority of this act, or which may belong to said city, shall be put into the city treasury, and shall not be drawn therefrom, except by order or under authority of the city council; and it shall be the duty of the city council to liquidate and settle all claims and demands against said city, and to require all officers, agents, or other persons entrusted with disbursements or expendi- [426] tures of the public money, to account to them therefor at such time and in such manner as they may direct, and they shall annually publish, for the information of the citizens, a particular statement of the receipts and expenditures of all public moneys belonging to said city, and also of all debts due and owing to and from the same. And the city council shall have the power to pass all such laws and ordinances as may be necessary and proper to carry into effect, the powers herein and by this act granted.

**SEC. 24. Publication.** That every law or ordinance of said city, before it shall be of any force or validity, or in any manner binding on the inhabitants thereof or others, shall be signed by the mayor and be published in one or more newspapers in said city at least six days, or written or printed copies of said law or ordinance posted in three of the most public places in said city for the aforesaid mentioned time of six days.

**SEC. 25. Grades.** The city council shall have exclusive power to establish and regulate the grades of wharves, streets, and banks along the Mississippi river within the corporate limits of said city.

**SEC. 26. Mayor's duty—expense—process.** And the mayor within said city shall have full power and authority, and it is hereby made his duty, at such times as complaint and application shall be duly made before him, to issue all needful process for the apprehension of offenders against any of the by-laws, ordinances or regulations of said city, and to hold a court for the trial of all offenders within said city, and the same to fine, imprison or discharge, as the by-laws, ordinances, and regulations of said city, and the facts of the case may require, and for the purpose he is authorized and required to cause to come before him when necessary a jury of six citizens of said city, who shall be qualified voters of said city; and all such offenders, on conviction, shall be liable for the costs of prosecution, and judgment shall go accordingly, and in case of acquittal the same shall be paid by the corporation, having first been allowed by the city council, and shall be executed and returned by the marshal within said city council; and until other provisions shall be made by the city authorities, it shall be lawful to commit all offenders against said by-laws, ordinances and regulations, on conviction, to the jail [427] in Scott county; and in case where a portion or all the punishment shall be imprisonment, the keeper of said jail is hereby required to receive such person or persons on the proper warrant of the mayor into his custody, in the same manner as in ordinary cases; and all expenses of such imprisonment, in case where the same cannot be collected from the person or persons convicted and imprisoned, shall be paid out of the city treasury. The fees of the mayor, marshal or jurors, in such cases, shall be the same as are allowed by statute in similar cases for the state of Iowa. The said mayor is also hereby authorized to issue all needful process, to arrest any offender against the criminal laws of the state, and shall proceed to try said person or persons by the same rules that govern justices of the peace.

**SEC. 27. Marshal's duty.** The city marshal shall, within the city, in matters of criminal nature arising under any law of the state, possess the same powers and perform the same duties, and receive the same compensation as either constable in Princeton township; he shall execute and return all process issued by the mayor under this act or any ordinance of the city.

**SEC. 28. Trials.** That all trials for violations of the by-laws, ordinances and regulations, shall be in a summary manner, and that no person shall for any offense be deprived of his or her liberty, or be fined in any sum not less than one nor more than fifty dollars, unless convicted by a jury of six citizens of said city, qualified to vote as aforesaid.

**SEC. 29. Care of property.** That the said city council shall have the custody, care and management of all personal, real or mixed estate, and other corporate property of said city; all the real, personal and mixed estates, moneys, funds and resources, which from time to time may be owned by, or of right belong to said city, with full power to purchase, hold, possess, use and occupy, and to sell and convey the same for the use and benefit of the said city and the inhabitants thereof: provided, that the city council shall not have power to sell any real estate belonging to said city of Princeton, unless the qualified voters thereof, in pursuance of ten days' previous notice given by order of the city council, and published in one or more of the newspapers printed in said city, or posted in three of the most public [428] places in said city, setting forth the time, place and purpose of voting, and there shall be a majority of written or printed ballots given expressing their assent thereto.

**SEC. 30. Taxes.** The city council shall have power to levy an annual tax upon all property, real and personal, within the limits of said city, subject to taxation for county revenue, to carry into effect the provisions of this act: provided, that no such tax shall in any one year exceed one-half of one per cent. upon the assessed value of the property upon which the same is levied.

**SEC. 31. Duplicate.** The city council shall make out a duplicate of taxes in proportion to the valuation of each individual in said city, on or before the first day of May, in each year, to be signed by the mayor, and countersigned by the recorder, which duplicate shall be delivered to the collector of said city, whose duty it shall be to proceed to collect the same within such [time] and in such manner as the by-laws or ordinances of said city shall require, and pay over the amount of such tax so collected, upon the order of the city council, signed and countersigned in the same manner as is provided for such duplicate: provided, that the said council shall have power, on the complaint of any person aggrieved, to correct or amend any illegal or erroneous assessment, before making out or delivering such duplicate to the collector.

**SEC. 32. Sale of property.** The collector shall have power to sell personal property, and for want thereof, to sell real estate for the non-payment of taxes within said city, giving the purchaser a certificate of such sale, setting forth a brief description of the property so sold, and at what time he will be entitled to a deed, which certificate shall be assignable by endorsement thereon; but no real estate shall be sold for the non-payment of such taxes, unless the assessment of such tax or taxes shall have been duly notified by publicotion for at least six consecutive weeks before the day when the said taxes are payable, in some newspaper published in said city, or by notice posted for the same length of time, in some public place in each ward thereof, nor unless the intended sale of such real estate shall have been notified in the same manner and for the same length of time prior to such sale.

[429] **SEC. 33. Redemption.** All real estate sold under or by virtue of section 32 may be redeemed by the owner thereof, by paying the amount of the taxes for which the same was sold, at any time within two years from the date of the sale thereof, together with the costs of advertising and sale, and fifty per cent. interest per annum upon the whole amount of such taxes and costs. But if real estate so sold remain unredeemed at the expiration of two years from the date of the sale thereof, the collector of said city shall, upon the payment of a fee of two dollars to him by the purchaser of such real estate at such sale, his assignee or legal representative, make, evacute and deliver a deed of such real estate to the said purchaser, or his assignee, or representative.

**SEC. 34. Borrow money.** The said city council, whenever they think it expedient, shall have power by ordinance to borrow money on the credit of the city: provided, it shall not exceed twenty thousand dollars, and also to appropriate money, and provide for the payment of all debts and expenses of the city.

**SEC. 35. Present officers.** That the present president and trustees of the town of Princeton shall have the power and authority granted in this charter to the mayor and aldermen, and said mayor and aldermen are hereby authorized to perform all the duties prescribed in this charter, from and after its passage, until their successors in office shall be elected by the citizens of Princeton and qualified to fill such offices.

**SEC. 36. Public act.** That this act shall be taken and received in all courts, and by all judges, magistrates, and other public officers, as a public act, and all printed copies of the same, which shall be printed by and under the authority of the senate and house of representatives, shall be admitted as good authority thereof without any other proof whatever.

**SEC. 37. Repeal.** That all acts and parts of acts heretofore passed relative to the incorporation of said city of Princeton, and coming within the purview of this act, be, and the same are hereby repealed.

**SEC. 38.** This act shall take effect and be in force from [430] and after its publication in the Davenport Gazette and Iowa State Democrat, without expense to the state.

Approved January 29, 1857.

I certify that the foregoing act was published in the Davenport State Gazette, Feb. 26, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 254.

### ASSIGNMENTS.

AN ACT to amend chapter 62, title 13, of the code of Iowa, and to close up assignments for benefit of creditors.

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

**SECTION 1. Inventory.** That in any case of assignment for the benefit of creditors, the debtor or debtors, shall annex to such assignment an inventory, under oath or affirmation, of his, her or their estate, real and personal, according to the best of his, her or their knowledge, and also a list of his, her or their creditors, and the amount of their respective demands; but such inventory shall not be conclusive as to the amount of the debtor's estate, but such assignment shall vest in the assignee or assignees the title to any property belonging to the debtor or debtors at the time of making the assignment, and comprehended within the general terms of the same. Every assignment shall be duly acknowledged and recorded in the county where the person or persons making the same reside, or where the business in respect to which the same is made, has been carried on.

**SEC. 2. Notice.** That the assignee or assignees named in such assignment shall forthwith give notice thereof by publication in some newspaper published in the county, if any, and if none, then in the nearest county thereto, which publication shall be continued at least six weeks; and shall also send a notice thereof by mail to each creditor of whom he or they shall be informed, directed to their usual place of residence; notifying the creditors to present their [431] claims, under oath or affirmation, to him within three months thereafter.

**SEC. 3. File inventory—bond.** That the assignee or assignees shall also forthwith file with the clerk of the district court of the county where such assignment shall be recorded, a true and full inventory and valuation of said estate, under oath or affirmation, so far as the same has come to his or their knowledge and shall then and there enter into bonds to said clerk, for the use of the creditors, in double the amount of the inventory and valuation, with one or more sufficient sureties, to be approved by said clerk,

for the faithful performance of said trust, and the said clerk shall give a receipt therefor, and the assignee or assignees, may thereupon proceed to perform any duty necessary to carry into effect the intention of said assignment as respects the collection of debts, and the sale of real or personal estate.

**SEC. 4. Claims.** That at the expiration of three months from the time of first publishing notice as before provided, the assignee or assignees shall report and file with the clerk of the district court as aforesaid, a true and full list, under oath or affirmation, of all such creditors of the assignor or assignors, as shall have claimed to be such, with a true statement of their respective claims, and also an affidavit of publication of notice, and a list of the creditors, with their places of residence, and the date of mailing, to whom notice has been given.

**SEC. 5. File exceptions.** That any person interested as creditors or otherwise by himself or attorney, may appear within thirty days after filing such report, and file with said clerk any exceptions to the claim or demand of any creditor exhibit as aforesaid, and the clerk of said court shall forthwith cause notice thereof to be given to the creditor, which shall be served as in case of an original notice in the district court, and shall be returnable at the next term of the district court in said county; and the said district court shall, at the next term, proceed to hear the proofs and allegations of the parties in the premises, and shall render such judgment thereon as shall be just, and may allow a trial by jury thereon.

**SEC. 6. Dividends.** That at the first term of the said district court, after the expiration of the three months, as aforesaid, should [432] no exception be made to the claim of any creditor, or if exceptions have been made, and the same have been adjudicated and settled by the court, the said court shall order the assignee or assignees to make from time to time fair and equal dividends, (among the creditors) of the assets in his or their hands, in proportion to their claims, and as soon as may be, and within one year thereafter, to render a final account of said trust to said district court, and said court may allow such commissions and allowances to said assignee or assignees, in the final settlement as may be considered by the court just and right.

**SEC. 7. Court to have supervision.** That the assignee or assignees, in the execution of said trusts, shall at all times be subject to the order and supervision of the district court, and said court may by citation and attachment, compel the assignee or assignees from time to time to file reports of his or their proceedings, and of the situation and condition of the trust, and to proceed in the faithful execution of the duties required by this act and the order of such court, until a final settlement and distribution is made.

**SEC. 8. Not void—citation.** That no assignment shall be declared fraudulent or void, for want of any list or inventory as provided in the first section of this act. The district court of the county may, upon application of the assignee or assignees, or any creditor, compel the appearance in person, of the debtor or debtors before such court, by citation returnable forthwith, or at the next term thereof, and by attachment to answer, under oath, such matters as may then and there be inquired of him, her or them; and such debtor or debtors may then and there be fully examined, under oath, as to the amount and situation of his, her or their estate, and the names of the creditors and amounts due to each, with their places of residence; and may compel the delivery to the assignee or assignees, of any property or estate embraced in the assignment.



**SEC. 9. Additional inventory.** That the assignee or assignees shall, from time to time, file with the clerk of the district court an additional inventory and valuation of any additional property or estate which may come into his or their hands under said assignment, after the filing of the first inventory, as above provided, in the same manner as in the case of the first in- [343] ventory, and the clerk may thereupon require additional security by bond, as upon the filing a first inventory.

**SEC. 10. Debts not due.** That any creditor may claim debts to become due as well as debts due, but on debts not due a reasonable abatement shall be made when the same are not drawing interest, and all creditors who shall not exhibit his, her or their claim, within the term of three months from the publication of notice as aforesaid, shall not participate in the dividends until after the payment in full of all claims presented within said term and allowed by the district court.

**SEC. 11. Powers.** That any assignee or assignees as aforesaid shall have as full power and authority to dispose of all estate, real and personal assigned, as the debtor or debtors had at the time of the assignment, and to sue for and recover in the name of such assignee or assignees everything belonging or appertaining to said estate, real or personal, and generally to act and do whatever the said debtor or debtors might have done in the premises, but no sale of any real estate belonging to said trust shall be made only on notice, published as in case of sales of real estate on execution, unless the district court shall order and direct otherwise.

**SEC. 12. Death or failure of assignee.** That in case any assignee shall die before the closing of his trust, or in case any assignee shall fail or neglect for the period of twenty days after the making of any assignment, to file an inventory and valuation, and give bonds as required by this act, it shall be the duty of the county judge of the county, where such assignment may be recorded, on the application of any person intrusted as creditor or otherwise, to appoint some one or more discreet and qualified person or persons to execute the trust embraced in such assignment; and such person or persons, on giving bond with sureties as required above of the assignee or assignees named in such agreement, shall possess all the powers thereby and by this act conferred upon such assignee or assignees, and shall be subject to all the duties hereby imposed as fully as though he or they are named in the assignment; and in case any security shall be discovered to be insufficient, or on complaint before the district court it should be made to appear that any assignee or assignees are guilty of wasting or misapplying the trust estate, said district court may direct and require the giving additional [434] security, and may remove such assignee or assignees, and may appoint others in their stead to fulfill the duties of said trust; and such person so appointed, on giving bond, shall have full power to execute such duties, and to demand and sue for all estate in the hands of the person or persons removed, and to demand and recover the amount and value of all monies and property or estate so wasted and misapplied, which he or they may neglect or refuse to make satisfaction for, from such person or persons, and his or their sureties.

**SEC. 13. Assignments heretofore made.** That in all cases of assignment heretofore made, which have not been closed by final settlement, it shall be the duty of any assignee or assignees having any such trust estate in his or their hands or under their control, to report to the district court of the county where such assignee may reside, the situation and amount of such trust estate, and the creditors having claims against the same, with the amounts due to each as far as the same have come to his or their knowledge,

at the first term of said court after the taking effect of this act, and in case of any neglect to file such report, any creditor or person interested in such estate may, on filing a petition to that effect with the clerk of said court, obtain a citation to such assignee or assignees, to be served as in case of an original notice, requiring such assignee or assignees to appear before said court, to show cause why such report should not be filed, and on such hearing the court may order such report, and may require such assignee or assignees to give bond, with sureties, for the faithful performance of the trust, and may fully investigate the proceedings of such assignee or assignees, in the premises, and may summon such assignee or assignees, if in the judgment of the court such removal is proper, and may appoint others to execute the same; and may make all such orders in the matter as may be proper and necessary to insure a faithful performance of the trust, and a speedy close of the same by a final distribution and settlement of the estate as in cases above provided.

SEC. 14. This act shall take effect and be in force from and after its publication according to law.

Approved January 29, 1857.

[435] CHAPTER 255.

IOWA CITY.

AN ACT further to amend an act entitled an act to incorporate Iowa City, approved January 24th, A. D. 1853.

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

SECTION 1. **Police magistrate.** That the city council of Iowa City shall appoint, in such manner as it determines, and during its pleasure, an officer to be called the police magistrate of said city, who shall be a conservator of the peace within said city, and is invested with exclusive original jurisdiction for the violation of the city ordinances, and with criminal jurisdiction of offenses against the laws of the state, committed within the limits of the city, and with civil jurisdiction limited to the city, in the same manner as justices of the peace within their respective townships. He shall be ex-officio a justice of the peace, and shall not be disqualified from acting in his judicial or ministerial capacity by any proceeding being in the name or behalf of the city.

SEC. 2. **Appeals.** Appeals to the district court in the same county shall be allowed from the judgments and decisions of the police magistrate in all cases, as appeals from the judgments and decisions of justices are now or may hereafter be allowed.

SEC. 3. **Marshal.** The marshal of said city shall be a conservator of the peace, and is the executive officer of the police court. He shall perform such duties as are now or may be hereafter required of him by law or by the ordinances of said city, except as herein otherwise provided.

SEC. 4. **Collector.** That the treasurer of said city shall be the collector of taxes for said city, and shall give bond to the approval of the city council in such sum as they may require: provided that this section shall not be construed to interfere with or change the duties of treasurer and marshal during their present term of office.

SEC. 5. **Repeal.** That section twelve of the act to which this is an amendment, and all parts thereof conflicting with this act, be, and the same are hereby repealed: provided that nothing in this act contained shall be so construed as to take away any of the powers of the present collector of [436] taxes, or to invalidate, in any manner, his acts as such collector during his present term of office.

SEC. 6. **Aldermen.** That section twenty five of the act to which this is amendatory, shall be so construed as to include aldermen, with the other elective officers of the city.

SEC. 7. **Fees.** The recorder, marshal, and assessor, shall receive such fees as the city council may deem right, and section twenty-two of the act to which this is amendatory be, and the same is hereby repealed.

SEC. 8. This act to take effect and be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter, without expense to the state.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 24, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 256.

### GRAVE YARD.

AN ACT to vacate a certain grave yard therein named, and authorizing the sale of the grounds, &c, occupied by such grave yard.

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

SECTION 1. **Vacated.** That the grave yard heretofore situated and being in and upon block 43, Bloomfield, Davis county, Iowa, be, and the same is hereby vacated.

SEC. 2. **Notice.** Within sixty days after this act goes into effect, it shall be the duty of the county judge of Davis county, Iowa, to give public notice that said grave yard is vacated; and that the friends of deceased persons buried in said yard, may remove such deceased persons from said grave yard, within ninety days from the time such notice is published; and that in case such removal is not made, the same will be done under the sanction of the said county judge.

SEC. 3. **Publication.** Such notice may be by publication in a newspaper, published in said county, and if none be so published, then by posting up in three public places, in the town of Bloomfield, [of] said county.

[437] SEC. 4. **Judge may remove.** If, after the expiration of ninety days from the time of such publication of notice is made, there be any bodies still interred and unremoved in said grave yard, it shall be the duty of the county judge to cause the same to be removed as speedily as practicable.

SEC. 5. **Sale.** That the said county judge is also authorized at any time, after this law goes into effect, to sell said block at public sale to the highest bidder, by having given four weeks' previous notice in the manner now required in case of sales of real estate under execution; but no title shall be made by said judge until such deceased persons, as have been in-

tered in said block, be removed, unless there be a reservation in the conveyance of said block of the right to enter at any time thereafter and remove such deceased persons: provided, that said block may be sold out in parcels to suit purchasers, and may be sold on credit not exceeding one year from day of sale, the purchase money to be secured to the satisfaction of said judge: and provided also, that if said block, or any part thereof, be not sold at said public sale, it may then be disposed of at private sale, but in no case to be sold for less than the appraised value thereof, such value to be fixed by three disinterested persons appointed by said judge for that purpose.

**SEC. 6. Proceeds.** It shall be the duty of the county judge to apply the proceeds of the sale of said block to defraying the expenses incurred in the removal of such persons as said judge, under this act, shall be required to remove; and if, after defraying said expenses, there be any balance of the proceeds of said sale remaining, such balance shall be paid over to the trustees of the Bloomfield cemetery, to be applied by them in the fencing and otherwise improving said cemetery.

**SEC. 7.** This act to be in force from and after its publication in the Iowa Capital Reporter and Iowa Flag: provided, said publication shall not be at the expense of the state.

Approved January 29, 1857.

This act having remained in the hands of the Governor three days (Sundays excepted) the General Assembly being in session, has become a law this 29th day of January, A. D. 1857.

ELIJAH SELLS,  
Sec'y of State.

[438] CHAPTER 257.

APPROPRIATION BILL.

AN ACT making appropriation for the support of the State Government, for the fiscal years of 1857 and 1858, and for paying the mileage and per diem of the members and officers of the sixth General Assembly; also for incidental expenses of said session.

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

**SECTION 1. Appropriat'ns.** That the following sums of money be, and the same are hereby appropriated, to defray the expenses of the state government for the fiscal years of 1857 and 1858, and for the payment of the mileage and per diem of the members of the sixth general assembly, the officers thereof, and the incidental expenses of the session, to be paid out of any money in the treasury not otherwise appropriated.

**SEC. 2. State officers.** For the salary of the governor, two thousand dollars, and for the contingent expenses of the governor's office, one thousand dollars.

**SEC. 3.** For the salary of the secretary of state, three thousand dollars and for pay of clerks or deputies, twelve hundred dollars.

**SEC. 4.** For the salary of the auditor of state, three thousand dollars, and for pay of clerks or deputy, twelve hundred dollars.

**SEC. 5.** For the salary of the treasurer of state, three thousand dollars, and for pay of clerk or deputy, four hundred dollars.

SEC. 6. For paying salary of superintendent of public instruction, twenty-four hundred dollars.

SEC. 7. For salaries of chief justice, and associate justices of the supreme court, twelve thousand dollars, and for contingent expenses, one thousand dollars.

SEC. 8. For salary of each district judge, twenty-four hundred dollars.

SEC. 9. For salary for state librarian, four hundred dollars.

SEC. 10. For salary of attorney general sixteen hundred dollars, and the fees now allowed by law.

SEC. 11. For salary of register of state land office, two thousand dollars.

[439] SEC. 12. **Contingent fund.** Any officer or officers having a contingent fund, or employing a deputy or clerk, shall keep a correct account of the amount expended from such fund or pay to such deputy or clerk, which account shall be audited and paid as other claims are audited and paid, and no money of said contingent fund or amounts, appropriated for payment of deputies or clerks, shall be allowed to such officer or officers than the amount thus audited.

SEC. 13. **Senate.** For payment of mileage and per diem of members of the senate, six thousand dollars, or so much thereof as their certificates entitle them to.

SEC. 14. **House.** For payment of mileage and per diem of the members of the house of representatives, eleven thousand one hundred and ninety-eight dollars, or so much thereof as their certificates entitle them to.

SEC. 15. **Officers of assembly.** That the pro tem. and permanent officers of the general assembly receive the following compensation:

Cyrus Franklin, speaker pro tem., \$2 per day, three days,	\$ 6 00
S. McFarland, speaker,	114 00
J. W. Logan, chief clerk, \$6 per day,	360 00
W. P. Hepburn, assistant clerk, \$4 per day,	240 00
G. A. Hawley, enrolling clerk, \$4 per day,	240 00
A. R. Fulton, engrossing clerk, \$4 per day,	240 00
William Said, sergeant at arms, \$3 per day,	180 00
Jesse B. Brown, \$3 per day,	180 00
Chief messenger, Wilson, \$3 per day,	180 00
Mr. Cartwright, assistant messenger, \$2 per day,	120 00
Westcott, 2d assistant messenger, \$2 per day,	120 00
Willis Connard, 3d assistant messenger, \$2 per day,	120 00
J. F. Struble, fireman, \$3 per day,	180 00
J. G. Maggatt, assistant fireman, \$3 per day,	147 00
Mr. Struble, \$2 per day,	33 00
Willis Connard, for paste,	5 00
C. Billings Smith, chaplain,	110 00
H. D. LaCossitt, clerk to investigating committee,	80 00
Francis White, organization clerk,	8 00
Wm. Parks, doorkeeper pro tem.,	6 00
[440] <b>Contingencies.</b> J. O. Hawkins,	\$6 00
Geo. W. McCleary, for amount paid out over his appropriation for years 1855 and 1856,	285 00
To pay clerks of census board,	325 00

SEC. 16. **Sec'y of senate.** For compensation of the secretary of the senate, for superintending the printing of the senate journal, and indexing the same, the sum of four hundred dollars.

SEC. 17. **Clerk of house.** For compensation of the chief clerk, and assistant clerk of the house, for superintending the printing of the house journal and indexing the same, the sum of five hundred dollars, to be divided equally between them.

SEC. 18. **Officers of penitentiary.** For pay of the officers of the penitentiary, as follows, to wit:

For salary of the warden, one thousand dollars.

For salary of the deputy warden, six hundred dollars.

For salary of clerk, seven hundred and twenty dollars.

For salary of the inspectors, three hundred and sixty dollars.

SEC. 19. **Further appropriations.** That there be paid to the following named persons the sums set opposite their respective names, to wit:

To E. Wright and M. Bailey, for 1 table,	\$ 7 50
“ Sanders & Davis, for papers,	74 00
“ J. B. Howell & Co., “	34 00
“ Gassner & Schoenbom “	1 00
“ Sylvester Harrison & Brother,	997 50
“ R. B. Cochran,	4 00
“ A. R. Wickersham,	13 00
“ Bates & McCormick,	3 00
“ A. P. Luse & Co.,	24 50
“ H. H. Sherard,	5 00
“ Editors Keokuk Times,	41 50
“ Editors Keokuk Post,	7 50
“ W. W. Jenkin,	67 50
“ A. Stoddard & Co.,	10 85
“ John Bittman,	22 50
“ John Teesdale,	991 50
“ Geo. W. Ells,	76 00
“ Anson Hart,	58 14
“ J. W. Logan,	1 00
{441] <b>Further appropriations.</b> To J. W. Logan,	5 55
To William Lee,	2 00
“ Field & Robbins,	3 75
“ Francis Rodman,	50 00
“ R. M. Bixby,	10 15
“ H. T. Baldy,	3 00
“ J. H. Sypherd,	17 00
“ Wm. B. Daniels,	47 50
“ C. O. Meyers,	2 00
“ Henreich Bender	3 00
“ C. S. D. Crockwell,	6 30
“ Cedar Valley Times,	4 00
“ Allen & Barnhart,	2 00
“ Ed. Oskaloosa Times,	50
“ Needham & Brown,	6 00
“ Editors Life in the West,	3 50
“ Morris & Seymour,	75 50
“ M. L. Morris,	154 36
“ Claiborne Hall,	8 00
“ S. Coldrun & Co.,	109 18
“ R. M. Burnett,	117 60
“ Gray & Oviatt,	40 40
“ G. W. & H. O. Hutchinson,	19 25

“ Seydell & Bixby,	415 04
“ J. M. Estis,	47 70
“ Post Company,	7 50
“ Gower, Mygatt & Galley,	18 70
“ Hart & Love,	3 65
“ Stowe, Ballard & Bruff,	21 10
“ Finkbine & Loveless,	90 33
“ Cossit & Mulkorn,	24 80
“ J. N. Seydel,	3 40
“ W. W. Hamford,	50
“ G. H. Jennison,	1 00
“ G. W. Marquardt,	15 00
“ R. M. Burnett, [error]	34 60
“ R. M. Burnett, [error]	38 00
“ James D. Eads,	373 50
“ F. A. Smith,	9 00
“ Tipton Advertiser,	50
“ Herald, Waterloo,	50
[442] <b>Further appropriations.</b> To Cedar Falls Banner,	\$2 00
To Standard Democrat,	50
“ Mail, Chariton,	6 00
“ Des Moines Courier,	2 00
“ Albia Free Press,	3 00
“ Albia Independent,	50
“ Fort Des Moines Statesman,	5 00
“ Iowa State Gazette,	7 50
“ Nonpareil, Dubuque,	1 00
“ Muscatine Enquirer,	4 00
“ Winterset Pilot,	3 50
“ Sentinel, Ft. Dodge,	1 00
“ Mt. Pleasant Journal,	50
“ Central Journal,	3 00
“ Hardin county Sentinel,	3 00
“ Glenwood Times,	1 50
“ Clayton county Herald,	12 00
“ Fayette Pioneer,	1 50
“ Hawkeye & Telegraph, Burlington,	19 50
“ American Union,	5 00
“ Washington Press,	20 00
“ Express & Herald, Dubuque,	31 00
“ Dubuque Tribune,	18 00
“ Davenport News,	1 00
“ Lyons Mirror,	50
“ Lyons Advocate,	50
“ Camanche Register,	50
“ Clinton Herald,	5 00
“ St. Charles Intelligencer,	1 50
“ Waverly Republican,	50
“ Dubuque Republican,	16 00
“ Jacksonville Republican,	50
“ Mt. Pleasant Observer,	6 50
“ D. Democrat,	14 50
“ Cedar Rapids Democrat,	4 50
“ Burrows, Pettyman & Babcock,	75 00
“ Gate City office,	8 75

“ Logan, Mahin & McGilly,	108 00
“ Daily Iowa State Democrat,	20 00
“ John Pattee,	55 00
“ Pella Gazette,	1 50
[443] <b>Further appropriations.</b> To C. Dunborns, for one hundred and fifty swamp land circulars,	5 00
To Morris & Seymour, for chairs and tables, (senate chamber,)	83 50
“ Carey Hale, for carpet, velvet, &c., (senate chamber,)	40 90
“ F. Sanxy, for sundries,	3 63
“ Finkbine & Lovelace, for sundries, (senate chamber,)	27 28
“ Banbery & Redhead, for fixing desk and railing, and putting down carpet,	37 35
“ D. P. Greeley, for days preparing senate chamber, Nov. 29th, 30th, 1856,	4 00
“ Wm. Lee, sundries to senate,	100 60
“ Henry Binder, 1 copy Burlington Free Press,	50
“ G. H. Jennison, five copies Linn county Register	2 50
“ Allen & Barnhard, one copy Independent Civilian,	50
“ J. Teesdale, 357 copies Daily Iowa City Republican,	533 00
90 copies weekly,	45 00
“ Oskaloosa Weekly Times, one copy,	50
“ Oskaloosa Herald, 12 copies,	6 00
“ Ottumwa Courier, 3 copies,	1 50
“ Fairfield Ledger, 19 copies,	9 50
“ Iowa Sentinel, Fairfield, 7 copies,	3 50
“ Gate City, Keokuk, 3 copies weekly,	1 50
“ “ “ 34 “ “ daily,	17 00
“ Temperance Organ, Davenport, ten copies,	5 00
“ Mt. Pleasant Observer, 3 copies,	1 50
“ Home Journal, one copy,	50
“ Mitchell county Republican, 4 copies,	2 00
“ Chicago Evening Journal, one copy, daily,	1 50
“ Boston Atlas, 1 copy daily,	1 50
“ St. Louis Intelligencer, one copy daily,	1 50
“ Iowa Flag, Bloomfield, one copy,	50
“ Washington Union, one copy, daily,	1 50
“ Montezuma Republican, 13 copies,	6 50
“ Toledo Tribune, (Toledo, Tama county,) ten copies,	5 00
[444] <b>Further appropriations.</b> To Central Journal, ten copies,	5 00
To New York Evening Post, two copies weekly,	1 00
“ “ “ one “ “ daily,	1 50
“ St. Louis Republican, 3 copies,	1 50
“ Lansing Mirror, 3 copies,	1 50
“ St. Charles Intelligencer, 3 copies,	1 50
“ Chariton Mail, 2 copies,	1 00
“ Decorah Republican, one copy,	50
“ Pella Gazette, 2 copies,	1 00
“ Dewitt Clintonian, one copy,	50
“ Iowa Capital Reporter, 256 copies daily,	384 00
“ “ “ one “ “ weekly,	50
“ Dubuque Tribune, 9 copies daily,	13 50
“ “ “ 1 “ “ weekly,	50
“ Dubuque Republican, 9 copies, daily,	13 50



" Keokuk Post, 2 copies, daily,	3 00
" " 9 " weekly,	4 50
" Dubuque Express & Herald, 12 copies daily,	18 00
" " 6 " weekly,	3 00
" Burlington Iowa State Gazette, 14 copies, daily,	21 00
" Keokuk Daily Times, 7 copies, daily,	10 50
" " 10 " weekly,	5 00
" Hawkeye, Burlington, 4 copies, daily,	6 00
" " 1 " weekly,	50
" North West, Dubuque, 7 copies, daily,	10 50
" " 6 " weekly,	3 00
" Valley Register, Keokuk, one copy,	50
" Lyons Mirror, five copies,	2 50
" Albia Independent Press, 4 copies,	2 00
" Davenport Democrat, 3 copies daily,	4 50
" Louisville Jurnal, one copy,	50
" Life in the West, (Sigourney,) 3 copies,	1 50
" Jasper county Express, Newton, 20 copies,	10 00
" Iowa Pilot, Winterset, 3 copies,	1 50
" Tipton Advertiser, Cedar county, 5 copies,	2 50
" Washington Press, 63 copies,	31 50
" Davenport Gazette, 12 copies,	18 00
" Ft. Madison Argus, 1 copy,	50
" Muscatine Journal, 8 copies,	12 00
" Chicago Tribune, 1 copy daily,	1 50
" Maquoketa Excelsior, 10 copies,	5 00
[445] <b>Further appropriations.</b> To Cedar Democrat, Tipton, 1 copy,	50
To American Union, 22 copies,	11 00
" Lyons City Advocate, 1 copy,	50
" Elkader Tribune, 3 copies,	1 50
" Dubuque Staats Zeitung, 24 copies,	12 00
" Iowa Citizen Fort Desmoines, 7 copies,	3 50
" Fayette county Free Press, 2 copies,	1 00
" Fayette county Pioneer, 1 copy,	50
" Bremer county Herald, 1 copy,	50
" Hardin county Sentinel, 1 copy,	50
" Davenport Der Democrat, 9 copies daily,	13 50
" " " " 3 copies weekly,	1 50
" Cedar Valley Times, 1 copy weekly,	50
" Keosauqua Republican, 3 copies,	1 50
" Vinton Eagle, 4 copies,	2 00
" Fort Madison Plaindealer, 31 copies,	15 50
" Democratic Standard, 25 copies,	12 50
" State Register, Springfield, Ill., 1 copy daily,	1 50
" Chicago Times, 12 copies daily,	18 00
" Boston Post, 7 copies daily,	10 50
" " " 3 copies weekly,	1 50
" Chicago, Dem. Press, 9 copies daily,	13 50
" Lansing Mirror, 4 copies weekly,	2 00
" Iowa Northern Times, 1 copy weekly,	50
" Clayton county Herald, 1 copy weekly,	50
" Democratic Mirror, 1 copy weekly,	50
" New York Tribune, 2 copies daily,	3 00
" " " " 2 copies weekly,	1 00
" Maquoketa Sentinel, 6 copies weekly,	3 00

“ Galena Gazette, 1 copy daily,	1 50
“ Muscatine Enquirer, 1 copy daily,	1 50
“ Missouri Republican, 1 copy daily,	1 50
“ New York Journal of Commerce, 1 copy daily,	1 50
“ Washington Daily Union, 1 copy daily,	1 50
“ Burris Commercial, 2 copies weekly,	1 00
“ E. H. Talbott, for assisting enrolling clerk H. R.,	5 00
“ E. Shepherd & Co., sundries,	9 25
“ Davis & Hunter, sundries,	3 35
“ Lewis Wahl, for paste,	3 00
“ Jas. Trimble, sergeant-at-arms, pro tem.,	6 00
“ C. C. Nourse, chief sec.,	300 00
“ Geo. E. Spencer, assistant sec.,	300 00
[446] <b>Sundries.</b> To D. P. Greeley, fireman,	180 00
To Miles Brown, assistant fireman,	180 00
“ N. N. Ballard, enrolling clerk,	240 00
“ John McKay, engrossing clerk,	240 00
“ S. S. Daniels, sergeant at arms,	180 00
“ Geo. Caruthers, door-keeper,	180 00
“ H. G. Curtis, chief messenger,	120 00
“ M. Young, messenger,	120 00
“ J. M. Peck, “	120 00
“ J. W. Weir, paper folder,	120 00
“ P. B. Bradley, ass't sec'y,	35 00
“ Horace Mann and Amos Dean, for services as com- missioners to revise school laws,	50 00
“ Wm. Vogot, p. m., for postage of house of repre- sentatives,	1201 25
“ Do “ senate,	782 99
“ Rev. Thomas Morong,	110 00
“ Pay the indebtedness of the Penitentiary,	2892 12
<b>Des Moines investigation.</b> To Wm. Said, sergeant at arms of H. R., for expenses when out on business for Des Moines river Improvement Co.,	24 40
To Josiah H. Bonney, attendance and mileage as wit- ness before investigating committee,	45 50
“ Guy Wells, thirty days' attendance before said com- mittee,	37 50
“ E. H. Tracy, 6 days' attendance before said committee,	8 25
“ J. C. Lockwood, ten days attendance and mileage,	17 50
“ Geo. Gillaspy, ten days' attendance,	12 50
“ Geo. W. McCleary, for clerking for the investigat- ing committee thirty days,	90 00
“ W. F. Coolbaugh, for services as president pro tem of the senate 2 days,	4 90

Approved January 29, 1857.

## [447] CHAPTER 258.

## CORPORATE BONDS.

AN ACT legalizing the issue of county, city and town corporation bonds in the counties of Lee and Davis.

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

**SECTION 1. Votes legalized.** That all votes heretofore taken in the counties of Lee and Davis, and in any city or town in Lee and Davis counties, in the form of a joint or several proposition, whether said counties, city or town will aid in construction of one or more railroads, specifying the amount to be given to each as a joint or several proposition, and the subscriptions made by said county, city or town, and the bonds of said counties, city or town issued in pursuance of said votes and subscription, or hereafter to be issued, are hereby declared to be legal and valid, and that all such bonds issued and hereafter to be issued, in pursuance of such votes and subscriptions, shall be a valid lien upon the taxable property of said county, city or town.

**SEC. 2. Taxes.** That the county judge, city council, or other proper authority of said county, city or town, shall levy and collect a tax to meet the payment of the principal and interest of such bonds, and said counties, city or town shall not be allowed to plead in any suit brought to recover the principal or interest of such bonds, that the same are usurious, irregular or invalid in consequence of the informalities cured by this act.

**SEC. 3. Bonds issued.** That all bonds heretofore issued by Lee and Davis counties, and by any city or town in Lee and Davis counties, for subscriptions to railroads, in pursuance of any vote by the people of said county, city or town heretofore had, shall be valid, and of full legal and binding force and effect, notwithstanding any informality or irregularity in the submission of the question to the vote of the people, or in taking of the vote authorizing the subscription to such railroads and the issuing of such bonds.

**SEC. 4.** This act to be in force from and after its publication in the Fort Madison Argus, Fort Madison Plaindealer, the Keokuk Daily Times, and the Gate City, newspa- [448] pers published in Lee county, without expense to the state.

This act having remained in the hands of the Governor three days (Sundays excepted) the General Assembly being in session, has become a law this 29th day of January, A. D. 1857.

I certify the foregoing was published in the Fort Madison Argus, Feb. 12, 1857, in the Gate City, March 3, 1857, in the Fort Madison Plaindealer, Feb. 6, 1857, in the Keokuk Daily Evening Times Feb. 5, 1857.

ELIJAH SELLS,  
Sec'y of State.

## CHAPTER 259.

## SCHOOL TAX.

AN ACT to legalize the acts of certain school officers in Poweshiek county.

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

**SECTION 1. Tax legalized.** That the tax levied in the years 1855 and 1856, for school purposes, in school district No. 1, Grinnell township, is, and the same is hereby declared legal and binding in law.

SEC. 2. This act shall take effect on and after its publication in the Iowa Republican and Montezuma Republican, without expense to the state.

Approved January 29, 1857.

I certify that the foregoing act was published in the Iowa City Republican Feb. 28, 1857.

ELIJAH SELLS,  
Sec'y of State

[449] CHAPTER 260.

TWELFTH JUDICIAL DISTRICT.

AN ACT to establish the twelfth judicial district, and to fix the times for holding courts therein.

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

SECTION 1. **Counties.** That the counties of Monona, Crawford, Carroll, Woodbury, Ida, Sac, Plymouth, Cherokee, Buena Vista, Sioux, O'Brien, Clay, Dickenson, Osceola, and Buncombe, shall constitute the twelfth judicial district.

SEC. 2. **Terms.** That the time of holding courts in the county of Woodbury shall be the first Mondays of June and December; in the county of Monona on the second Mondays of June and December; in the county of Crawford on the third Mondays of June and December, and in the county of Carroll on the Thursday next after the third Mondays in June and December; and in all other counties at such time and places, as the judge of said district may appoint.

SEC. 3. **Dist. judge.** That there shall be elected a district judge for said twelfth district, on the first Monday in April next, according to the provisions of the act regulating the election of district judges, approved February 16th, 1847. The abstract of the votes of the counties comprising said district to be returned to the county of Woodbury, according to the provisions of the third section of said act, and the judge elect shall be qualified to act, on receiving a certificate of election and taking the official oath, as provided for by the fourth section of said act.

SEC. 4. **Writs returnable.** That all writs, process and proceedings in the counties composing the said district shall be returned as is now directed by law, until the judge of said district is elected and qualified, and no suits, pleas, indictments, process or proceedings shall be quashed or discontinued in consequence of the formation of the said district or the change of the time of holding courts in any county composing the same.

SEC. 5. This act shall be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 29, 1857.

I certify that the foregoing Act was published in the Iowa City Republican, March 13, 1857, and in the Iowa Capital Reporter, March 12, 1857.

ELIJAH SELLS,  
Sec'y of State.

## [450] JOINT RESOLUTIONS AND MEMORIALS.

## NUMBER 1.

## COMMITTEE ON DES MOINES IMPROVEMENT.

*Resolved by the General Assembly of the State of Iowa,*

**Employ clerk—send for persons & papers.** That the joint committee to whom was referred that portion of the governor's message relating to the Des Moines river improvement, are hereby authorized to employ a clerk to assist them in their investigations, and that they be authorized to send for such persons and papers as they may find necessary to make a full and fair investigation of all matters connected therewith.

Approved December 12th, 1856.

## NUMBER 2.

## GRANT OF LAND.

MEMORIAL to Congress for a grant of land in aid of the construction of the McGregor, St. Peters and Missouri river railroad.

*To the Senate and House of Representatives of the United States.*

**McGregor R. R.** Your memorialists, the general assembly of the state of Iowa, respectfully represent to your honorable body that energetic efforts are being made by the above named company, for the construction of a road commencing at McGregor, in said state, at a point opposite the terminus of the Milwaukee and Mississippi railroad, (which is now completed across the state of Wisconsin,) and running thence west to [451] the Missouri river; that the route is eminently adapted to the advantageous construction of a work of this character; that it is one of the great natural lines of projected railroads commencing between the east and west; that under the donation of lands made by congress to said state the northern portion received no benefit therefrom, and your memorialists believing that the construction of said road would greatly facilitate the settlement, and add largely to the wealth of the northern portion of said state, ask that a donation of land lying within the state may be made to aid in its construction.

*Resolved,*

**Instructions.** That our senators in congress be instructed, and our representatives be requested to use their influence to procure from the general government, a donation of every alternate section, equal to three miles in width, on each side of said road, to be given to said company on such terms as in the opinion of the legislature of this state may be just and reasonable.

*Resolved,*

**Sec. transmit.** That the secretary of state transmit a copy of this memorial and joint resolution to each of our members of congress.

Approved Dec. 22, 1856.

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NUMBER 3.

SWAMP LANDS.

JOINT RESOLUTION in relation to the swamp and overflowed lands.

*Resolved by the General Assembly of the State of Iowa,*

**Instruction.** That our senators in congress be instructed, and our representatives be requested, to use all honorable means in their power to procure the passage of a law, at the present session of congress, in accordance with the joint resolution and memorial, passed at the late extra session of the general assembly of Iowa, and approved July the 12th, 1856, confirming the selections of swamp and overflow lands granted to the state of Iowa, and authorizing patents to be issued for all the lands that have been selected and reserved [452] ed from sale or entry at any of the land offices of this state.

*Resolved further,*

**Sec'y forward.** That the secretary of state be requested to furnish each of our senators and representatives in congress with a copy of this joint resolution, also a copy of the joint resolution and memorial passed at the last extra session of the legislature, and approved July the 12th, 1856.

Approved Dec. 18, 1856.

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NUMBER 4.

CUSTOM HOUSE AND HOSPITAL.

JOINT RESOLUTION in relation to the establishment of a Custom-house and Marine Hospital in the city of Keokuk.

*Resolved by the General Assembly of the State of Iowa,*

**Procure appropriation.** That our senators in congress be instructed and our representatives requested to use all proper means to secure the establishment by the general government of a custom-house and marine hospital in the city of Keokuk, and such appropriation for the construction thereof as may ensure their early completion.

*Resolved,*

**Sec'y forward.** That the secretary of state be required to forward to each of our senators and representatives in congress a duly certified copy of these resolutions.

Approved January 8, 1857.

## NUMBER 5.

## STATE BOUNDARIES.

JOINT RESOLUTION to Congress, asking the enlargement of the boundaries of the State of Iowa.

*Resolved by the General Assembly of the State of Iowa,*

**Annexation.** That our senators be instructed, and our representatives in congress be requested to use their influence to procure the [453] annexation of all that portion of land lying west of the Big Sioux river and west of the state of Iowa, which shall be embraced within the bounds by running the north line of the state of Iowa, due west to the Missouri river, and that copies of this memorial be forwarded without delay to each of our senators and representatives in congress of the United States by the secretary of state.

Approved January 8, 1857.

## NUMBER 6.

## KANSAS.

JOINT RESOLUTIONS and instructions to our Senators and Representatives in Congress, in relation to slavery and the admission of Kansas into the Union.

*Whereas,*

**Preamble.** Under the constitution of the United States, freedom is national and slavery sectional; and believing that the peace, welfare and honor of the country imperiously require that our national domain shall be preserved free for free homes, for free men; and believing it to have been the policy of our fathers, dictated by reason and exalted patriotism, to inhibit the extension of slavery, and make freedom the law of our national progress, therefore,

*Be it resolved by the General Assembly of the State of Iowa,*

**Opposed to extension of slavery.** That we are unqualifiedly opposed to the further extension of slavery, within the jurisdiction, or by the sanction of the general government, and insist that congress shall exert all constitutional power to preserve our national territory free.

*Resolved,*

**Instructions.** That our senators in congress be instructed, and our representatives requested, to exert their influence and vote for the admission of Kansas into the Union as a free state, and to oppose its admission with a constitution establishing or tolerating slavery.

Approved January 8, 1857.

## [454] NUMBER 7.

## NATURALIZATION.

JOINT RESOLUTIONS on the subject of naturalization laws.

*Be it resolved by the General Assembly of the State of Iowa,*

**Vs. repeal.** That our senators be instructed and our representatives requested to use their vote and influence in congress against any repeal or alteration in the present naturalization laws.

*Resolved,*

**Foreign convicts, &c.** That our senators in congress be instructed, and our representatives be requested to urge by their influence and votes, the passage of a law prohibiting the introduction into this country by foreign born emigrants or foreign municipal authorities, of known convicts and paupers.

*Resolved,*

**Fraudulent naturalization papers.** That our senators in congress be instructed and our representatives be requested to urge by their votes and influence, the passage of a law which will prevent or guard against the issuing of naturalization papers, except in strict accordance with the naturalization laws of the United States, and also to punish the making, distributing or using of fraudulent naturalization papers.

Approved Jan. 15, 1857.

## NUMBER 8.

## CUSTOM HOUSE.

JOINT RESOLUTION for an appropriation to build a Custom house in the city of Burlington.

*Resolved by the General Assembly of the State of Iowa,*

**Appropriation.** That our senators in congress be instructed, and our representatives requested to use all proper means to secure an appropriation from the general government of one hundred thousand dollars for the purpose of building a custom-house, United States district court house and post office in the city of Burlington.

*Resolved,*

**Sec'y forward.** That the secretary of state be requested to [455] forward a certified copy of the above to each of our senators and representatives in congress.

Approved Jan. 16, 1857.



## NUMBER 9.

## MARINE HOSPITAL AND PORT OF ENTRY.

JOINT RESOLUTION in relation to a Marine Hospital and Port of Entry at the city of Council Bluffs.

*Resolved by the General Assembly of the State of Iowa,*

**SECTION 1. Appropriation.** That our senators be instructed, and our representatives in congress be requested, to use all proper means to secure an appropriation from the general government, to build a marine hospital at the city of Council Bluffs, and also to establish the same as a port of entry.

*Resolved,*

**SEC. 2. Sec'y forward.** That the secretary of state be requested to forward a copy of these resolutions to each of our senators and representatives in congress.

Approved January 15, 1857.

## NUMBER 10.

## MARY ANN CHANEY.

JOINT RESOLUTION of the General Assembly of the State of Iowa, for the relief of Mary Ann Chaney and heirs.

*Whereas,*

**Preamble.** Richard Chaney, in 1833, became and was an actual settler upon, and cultivated and pre-empted a large portion of the lands upon which Fort Madison, in the state of Iowa, now stands, and whereas, in 1836 he was deprived of his right thereto by an act of congress granting said lands to said town, and said lands were disposed of then of the value of some \$12,000, whereby the said Chaney and family were reduced to very needy circumstances, and the said Richard Chaney has since deceased, leaving said Mary [456] Ann Chaney, his widow and relict, infirm and impoverished by the disposition of said lands, (now worth \$100,000) as aforesaid, by the general government; and whereas, in view of the above facts, we deem it but an act of common justice on the part of the general government, to reimburse the said widow and heirs of said Chaney for the property thus taken from them, therefore,

*Resolved by the General Assembly of the State of Iowa,*

**Instruction.** That our senators be instructed and our representatives requested to use their influence to procure the passage of an act for the relief [of] said Mary Ann Chaney and heirs.

*Resolved,*

**Secretary forward.** That the secretary of state forward a copy of the foregoing resolutions to each of our senators and representatives in congress: provided, the state shall be at no expense growing out of the passage and transmission of the foregoing memorial.

Approved January 21, 1857.

## NUMBER 11.

## RAILROAD IRON.

PREAMBLE AND JOINT RESOLUTION in favor of a repeal of the duties on railroad iron.

*Whereas,*

**Preamble.** The present duty on railroad iron imported from abroad imposes a serious burden on the people of this state, by the increased expense thereby incurred, in the construction of railroads therein; and whereas, the present revenue of the general government is much beyond its necessary and legitimate wants, and a repeal of these duties would, in no manner, embarrass the operations of the government, whilst it would extend proper encouragement to the enterprises most calculated to develop the resources of the western states and territories—therefore,

*Resolved,*

**Repeal.** That our senators in congress be instructed, and our representatives requested, to use their influence and votes to procure a repeal of the duty aforesaid.

*Resolved,*

That the secretary of state be requested to [457] send a copy of this preamble and resolution to each of our senators and representatives at Washington.

Approved January 21, 1857.

## NUMBER 12.

## PACIFIC RAILROAD.

MEMORIAL of the General Assembly of the State of Iowa, to Congress, in favor of the Pacific Railroad.

**Pacific railroad.** Your memmorialists, the general assembly of the state of Iowa, respectfully represent, that in their opinion, the public good requires, and public sentiment demands the construction of a railroad from Missouri river, on the western borders of the state of Iowa, to the Pacific ocean.

**Advantages.** Your memorialists will not attempt to enumerate the advantages that will accrue to the people of the United States by the construction of such a road; all admit that it will have a tendency to bind together the different states and territories of the Union in bonds of affection and interest; that it will develope and make available the resources of a great portion of the continent; that it will give to our country the command of the China and East India trade, and make it the thoroughfare for much of the commerce of the world, and extend the blessings of civilization and Christianity to places now filled with ignorance and superstition.

**Best route.** Your memorialists will not presume to dictate whether the general government should embark directly in the construction of so great a work, or whether it would be more prudent to aid private enterprise in its construction, by grants of land, mail contracts, &c., yet your memorialists do feel a deep interest that the most practicable and advantageous route for this road should be adopted.

**Platte valley.** Your memorialists firmly believe that the most feasible route is to be found in the valley of the Platte river, and through the South pass of the Rocky mountains. It is the natural highway to the shores of the Pacific, from the middle and western states, and the great emigrant road to [458] Oregon and California, and if adopted, would materially benefit those valuable and growing portions of our country.

**Prayer.** Your memorialists therefore pray your honorable body to sanction by your legislative action, the public demand for this enterprise, and take such steps as your wisdom may dictate, to ensure the early commencement and speedy completion of this great national work, and for this purpose request a certified copy of this memorial to be laid before each branch of congress.

Approved January 21, 1857.

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### NUMBER 13.

#### DUTY ON SUGAR AND MOLASSES.

MEMORIAL of the General Assembly of the State of Iowa to Congress in favor of a repeal of the duty on sugar and molasses.

**Duty onerous.** Your memorialists, the general assembly of the state of Iowa, respectfully represent that, in the opinion of this general assembly, the present duty of thirty per cent. ad-valorem on sugar and molasses, imported from abroad, impose an onerous and unnecessary burden upon the people of the United States; and in view of the fact that these articles, like tea and coffee, enter largely into the consumption of all classes of people, your memorialists beg to present the following facts for your consideration.

**Not necessary.** Your memorialists are satisfied, from an examination of the subject, that this duty or tax of 30 per cent. ad valorem on sugar and molasses was imposed to protect the cultivation of sugar in the state of Louisiana, to which state the sugar cane is not indigenous, it being the natural growth of the tropics only; and by such protection the few plantations in that state have amassed large fortunes, deriving princely returns from the capital invested in that product of their agriculture, and are now enabled, without the protection, to make fair profits on their investments.

**Crop diminishing.** Your memorialists also beg leave to represent that, in [459] spite of this protection to the sugar planters of Louisiana, the sugar crop of that state has been gradually diminishing, having fallen off from something near 500,000 hogsheads, produced a few years since, to a quantity not exceeding perhaps 150,000 for the last year, while the consumption has been steadily increasing, until the importation for the last year has reached the enormous sum in value of \$15,000,000, thus illustrating by experience the fact, that no protection will insure the production on our own soil of the necessary supply of the article.

**A necessity.** Your memorialists further beg leave to remind your honorable body that these articles, which might once have been considered a luxury, have become a necessity of daily life in the families of the poor as well as the rich, and to tax them longer is to continue a burden upon shoulders unable to bear it.

**Policy.** To tax heavily the necessaries of life, has never been considered the policy of governments, because such tax fall on those least able to bear it, and we believe has never been resorted to except for the raising of revenue when other means have proved unavailing. At the present time, this duty, which amounted, during the last year, to over five millions of dollars, drawn from the pockets of the people, oppressing the rich as well as the poor, is not wanted for any known purpose of government, whilst there is a surplus of 25 millions of dollars in the treasury of the United States, lying idle and unemployed, there certainly can be no necessity for a longer continuance of the burden.

**Abolish tax.** Your memorialists therefore pray that your honorable body will at once abolish this tax, and permit sugar and molasses to be imported, like tea and coffee, free of duty, and for this purpose request the secretary of state of this state, to forward a certified copy of this memorial to the speaker of the house of representatives, and to the president of the senate at Washington, to be by them laid before their respective bodies.

Approved January 21, 1857.

[460] NUMBER 14.

WOODWORTH PLANING MACHINE.

JOINT RESOLUTION in relation to the Woodworth planing machine.  
*Resolved by the General Assembly of the State of Iowa,*

**Against extension of patent.** That our senators in congress be hereby instructed, and our representatives respectfully requested to use all honorable means in their power to prevent the passage of any act by congress further extending the patent of Woodworth's planing machine.

That a copy of these resolutions be duly certified by the secretary of state, and forwarded to each of our senators and representatives in congress.

Approved January 21, 1857.

NUMBER 15.

IOWA SOUTHERN RAILROAD.

JOINT RESOLUTION asking Congress to make the Iowa Southern Railroad a branch of the Central Pacific Railroad.

*Resolved by the General Assembly of the State of Iowa,*

**Pacific R. R.** That we hereby instruct our senators and request our representatives in congress to use their influence in favor of having the Iowa Southern railroad embraced in the Pacific railroad bill, now pending in congress, so as to make said Iowa Southern railroad also a branch of the Central road contemplated by said Pacific bill.

*Resolved,*

That the secretary of state be requested to forward copies of these resolutions to each of our senators and representatives in congress.

Approved January 23, 1857.

## [461] NUMBER 16.

## FIVE PER CENT. FUND.

A JOINT RESOLUTION AND MEMORIAL in relation to the five per cent fund.

*Be it resolved by the General Assembly of the State of Iowa,*

**State entitled.** That in the opinion of this general assembly, the state of Iowa is entitled under and by virtue of the proposition made thereto by the congress of the United States by an act entitled an act supplemental to the act for the admission of the states of Iowa and Florida into the Union, approved March 3d, 1845, and an act of the general assembly of the state, entitled an act and ordinance, accepting the proposition made by congress, on the admission of Iowa into the Union as a state, approved January 15, 1849, to five per centum of the government price of all lands sold in the state by the United States, for military land warrants, since January 15, 1849.

*Resolved,*

**Gov. secure.** That the governor of this state be authorized and requested to take such steps as he may deem best, to procure from the United States the moneys as claimed to be due this state by the foregoing resolutions.

Approved January 23, 1857.

## NUMBER 17.

## STATE LIBRARY.

JOINT RESOLUTION extending the right to use State Library to the Officers and members of the Constitutional Convention.

*Resolved by the General Assembly of the State of Iowa,*

**Delegates entitled.** That the officers and members of the convention, to revise or amend the constitution of the state of Iowa, shall have the same right and privilege of using and taking books, &c., from the state library that is conferred upon officers and members of the general assembly.

Approved January 27, 1857.

## [462] NUMBER 18.

## JOSIAH COWLES.

JOINT RESOLUTION relating to the claim of Josiah Cowles.

*Resolved by the General Assembly of the State of Iowa,*

**Appropriation.** That Josiah Cowles, of Fort Madison, be allowed the sum of \$59 52 cents for per diem, for fifty-six days time, in settling the accounts of the warden of the penitentiary, and for forty dollars expended in

expenses while settling the said accounts of the penitentiary, and the interest on the same, and that the said sum of \$59 52 cents is hereby appropriated out of any money, not otherwise appropriated, in the hands of the treasurer of the state to pay the same.

Approved January 28, 1857.

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NUMBER 19.

RAILROAD GRANT.

JOINT RESOLUTION asking Congress for a grant of land to aid in the construction of a certain Railroad.

*Resolved by the General Assembly of the State of Iowa,*

**Camanche to Iowa City, Mo. river.** That our senators in congress be instructed and our representatives be requested to use their best exertions to procure the passage of a bill making a grant of land to aid in the construction of a railroad from Camanche, Clinton county, Iowa, via Tipton, Cedar County, to Iowa City, and thence in a south-westerly direction, crossing the Missouri river at or near the south-western corner of the state of Iowa, from thence up the valley of the Platt river, to intersect with the Great Pacific railroad by way of the south pass of the Rocky mountains.

*Resolved,*

That the secretary of state be instructed to forward a copy of the foregoing resolutions to each of our senators and representatives in congress.

Approved January 28, 1857.

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[463] NUMBER 20.

SCHOOL AND UNIVERSITY FUNDS.

JOINT RESOLUTION relating to School and University Funds.

*Resolved by the General Assembly of the State of Iowa,*

**Att'y Gen.'s duty.** That the attorney general of the state of Iowa be, and he is hereby instructed to ascertain, whether any of the officers, entrusted with the management of the school and university funds of this state, have violated any of the provisions of section No. 2618 of the code of Iowa, and if such is the fact, he is hereby instructed to institute proceedings for such violations, in the manner prescribed by statute.

Approved January 28, 1857.

## NUMBER 21.

## HOMESTEAD.

JOINT RESOLUTION granting to actual settlers a homestead.

*Resolved by the General Assembly of the State of Iowa,*

**Actual settlers.** That our senators be instructed, and representatives in congress be repuettd to use their influence to procure the passage of a law granting to actual settlers a homestead, consisting of not less than one hundred and sixty acres of public lands.

**Secretary to forward.** That the secretary of state be requested to forward a copy of this resolution to each of our senators and representatives in congress.

Approved January 28, 1857. \_\_\_\_\_

## [464] NUMBER 22.

## PRE-EMPTION.

MEMORIAL respecting pre-emption laws.

*To the Congress of the United States:*

**Preamble.** Your memorialists, the general assembly of the state of Iowa, respectfully represent that a large proportion of the actual settlers upon the public lands of the United States are poor men; that it is difficult for these settlers, of limited means, to support their families, improve their claims, and pay for their land within one year of location; that the present system of pre-emption, places these settlers at the mercy of money lenders, resulting in great hardship, and often depriving the pioneer of his home and the fruit of years of toil.

**Extension of time.** Therefore, your memorialists respectfully ask your honorable body to amend the laws regulating pre-emption upon public lands, so as to give actual settlers upon said lands, three years in which to pay for their claims.

Approved January 28, 1857. \_\_\_\_\_

## NUMBER 23.

## UNIVERSITY LANDS.

JOINT RESOLUTION in relation to University lands.

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

**Sale to trustees.** That all pretended sales, or contracts for sale of any university lands of the state to the trustees of the university of said state, or to any trustee thereof, be, and the same are hereby declared to be *utterly null and void.*

*Resolved,*

**Officers to disregard sales.** That the executive officers of the state be, and they are hereby directed and enjoined to disregard all such pretended sales or contract for sales, the same having been obtained by such trustee or trustees in violation of a trust reposed in such trustees by the authority of the state, and [465] that any contract or contracts for any such lands, held by any other person or persons than the trustees aforesaid, which may have been purchased by any such trustee, and afterwards assigned or transferred to such person or persons, are also hereby declared to be null and void.

Approved January 28, 1857.

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NUMBER 24.

REPUBLIC OF LIBERIA.

A JOINT RESOLUTION relating to the independence of Liberia.

*Resolved by the General Assembly of the State of Iowa:*

**Independence of Liberia.** That our senators in congress be instructed, and our representatives requested to use their influence to have the independence of Liberia, in Africa, acknowledged by the government of the United States.

*Resolved,*

That a copy of the foregoing resolution be forwarded by the secretary of state to each of our senators and representatives in congress.

Approved Jan. 29, 1857.

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NUMBER 25.

REPORT OF STATE GEOLOGIST.

JOINT RESOLUTION to provide for the printing of the Report of the State Geologist.

*Resolved by the General Assembly of the State of Iowa,*

**Gov. procure.** That the governor be, and is hereby authorized to procure the printing of 2,000 copies of the report of the state geologist, and that he cause one copy thereof to be transmitted to each member of the general assembly, and the remainder to be deposited in the office of the secretary of state.

That the governor be further authorized to [466] draw his warrant on the state auditor for the expense thereof, who shall audit and allow the same.

Approved Jan. 29, 1857.



## NUMBER 26.

## STATE UNIVERSITY.

JOINT RESOLUTION appointing trustees of the State University.

*Resolved by the General Assembly of the State of Iowa,*

**To fill vacancy.** That William P. Davis, E. C. Lyon, Elijah Sells, H. D. Downey and S. J. Kirkwood, be, and they are hereby appointed trustees to fill the vacancies that have occurred in the board of trustees of the university of Iowa, by the expiration of the terms of certain members thereof.

Approved January 29, 1857.

## NUMBER 27.

## RAILROAD GRANT.

JOINT RESOLUTION of the General Assembly of the State of Iowa, asking a grant of lands to certain railroad companies herein named.

**Preamble.** Your memorialists would respectfully represent that whereas the congress of the United States has, in other cases, granted a portion of the public domain to aid in the construction of railroads in the western states and territories, all of which having served to advance the interest of the whole country, therefore,

*Be it resolved by the General Assembly of the State of Iowa,*

**Grant of land.** That a grant of land, of each alternate section on either of the Union railroad miles wide, be made by the congress of the United States, to be applied specifically in the construction of said road, under the direction of the legislature of said state, beginning at some point on the line of the Keokuk, Mt. Pleasant, and Muscatine rail- [467] road; thence to Iowa City; thence to Marion, via Cedar Rapids, at above or below which place it is to diverge, one branch going to Dubuque, the other, by the most feasible route, to near or east of the great bend of the St. Peters river, in Minnesota territory; thence to near or south of the Sauk rapids, on the Mississippi river; thence to Superior City at the western extremity of Lake Superior.

*And be it further resolved,*

**Instructions.** That our senators be instructed, and our representatives be and are hereby requested, to use their influence in congress to procure the passage of a law granting lands as hereinbefore requested.

*And be it further resolved,*

That the secretary of state is hereby required to forward a copy of these resolutions to each of our senators and representatives in congress.

Approved January 29, 1857.

## NUMBER 28.

## WEIGHTS AND MEASURES.

JOINT RESOLUTION in relation to the care of weights and measures.

*Resolved by the General Assembly of the State of Iowa,*

**Sec. of state keeper.** That the secretary of state is hereby appointed keeper of the weights and measures of this state, and as such shall have charge of the building erected for the safe-keeping of the standing weights and measures of the state of Iowa, and shall so keep said weights and measures as to preserve them from injury, and place and keep them in good working order; and for said service the said keeper of weights and measures shall receive for his services fifty dollars per annum, to be audited and paid out of any money in the treasury, not otherwise appropriated.

Approved January 29, 1857.

## [468] RECEIPTS AND EXPENDITURES.

AUDITOR'S OFFICE IOWA,

Iowa City, November 1, 1856.

Elijah Sells, Esq., Secretary of State:

Sir: In obedience to the requirements of the 18th section of the 4th article of the constitution, I herewith submit "an accurate statement of the receipts and expenditures of the public money," in order that the same may "be attached to and published with the laws of the general assembly."

I have the honor to be,

Very respectfully yours, &c.,

JOHN PATTEE,  
Auditor of State.

## RECEIPTS.

The receipts into the state treasury during the last two fiscal years, have been as follows, to wit:

From the several county treasurers,	\$210,398 86
Borrowed from the school fund by the governor, and deposited in the treasury,	40,000 00
Amount received from the school fund commissioners, being proceeds of sales of the saline lands,	3,456 21
To the above add the balance of revenue in the treasury at the beginning of this time,	10,006 86
Also amount of saline land money in the treasury at that time,	10,515 70
<b>Total receipts,</b>	<b>\$274,377 63</b>

## [469] DISBURSEMENTS.

The expenses of the state, on warrants issued during the past two years, have been as follows, to wit:

For county agricultural societies,	\$ 5,149 00
Institution for instruction of the blind,	10,970 33
Deaf and dumb asylum,	10,800 00
Expense of 5th general assembly regular session,	22,120 96
do extra session, on warrants,	4,563 33
do on certificates,	12,587 00
Geological survey,	5,003 49
General contingent fund,	280 00
Interest account,	15,299 42
Insane asylum,	27,070 30
Salaries of judges of supreme court,	6,910 38
"    "    district courts,	20,536 07
Miscellaneous disbursements,	11,401 96
Penitentiary general support and improvements,	15,560 40
Penitentiary officers' salaries,	3,692 00
Publishing laws in newspapers,	1,622 50
Supreme court contingent fund,	530 51
Salaries of state officers,	10,837 50
Contingent fund of " " " "	4,200 00
Printing and binding,	41,047 69
Stationery,	9,022 60
Special appropriations,	8,628 73
Balance of former appropriations to the state house,	414 29
Appropriations to state house 1855,	4,000 00
Swamp land selections,	1,449 40
Interest on redeemed warrants,	2,875 25
	<hr/>
	\$256,573 21
Balance of receipts over disbursements,	17,804 42

The above expenses of \$256,573 21 includes outstanding warrants issued during the term to amount of \$7,422 41.

Deduct from total expenses of	\$256,573 21
Outstanding warrants of this term,	7,422 41
	<hr/>

[470] We find amounts actually paid out of the treasury, \$249,150 80

This sum is made up in the following manner, viz.:

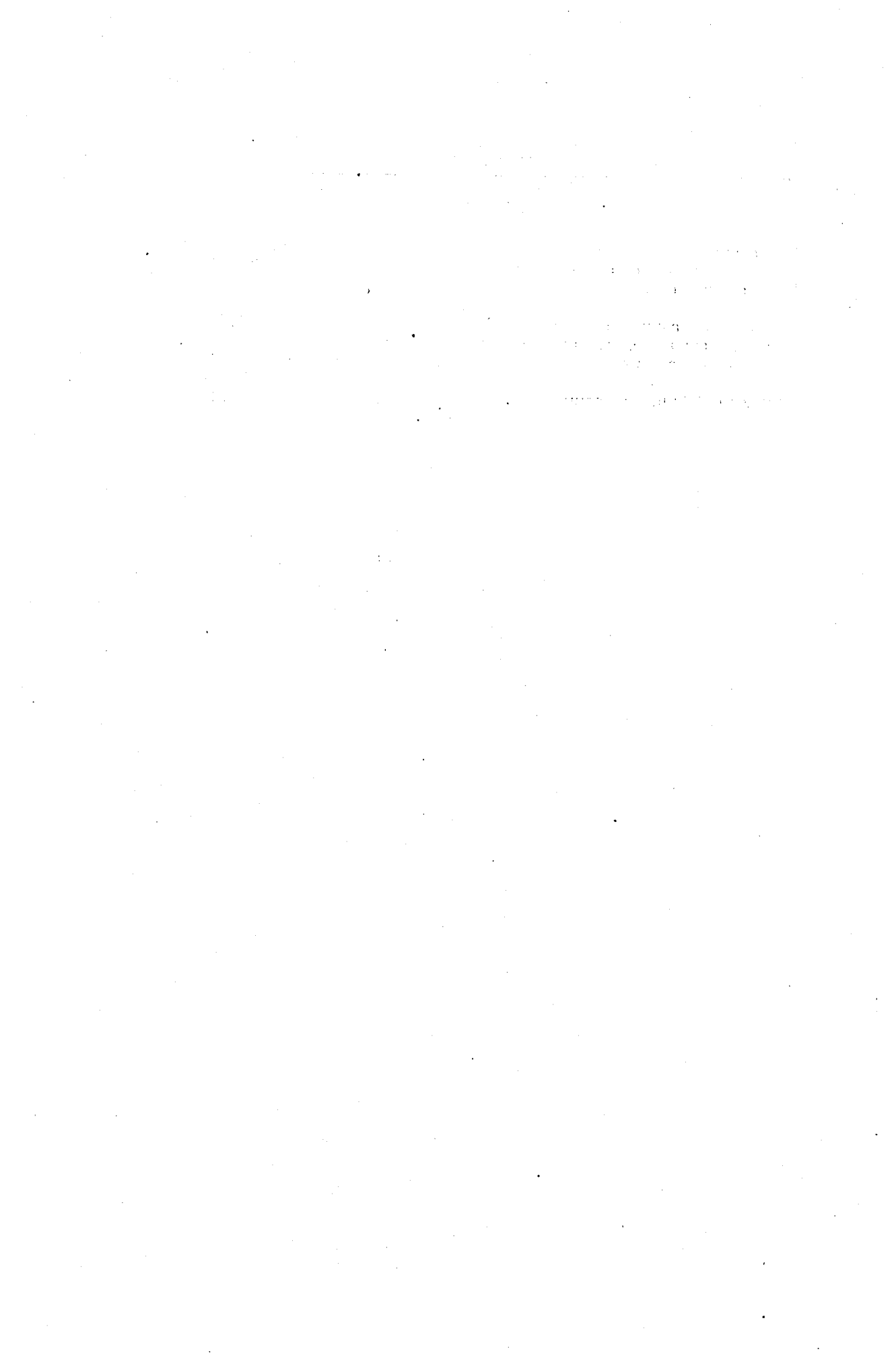
Warrants redeemed,	\$233,688 55
Interest paid thereon,	2,875 25
Amount paid out by treasurer on certificates of members of fifth general assembly, at its special session,	12,587 00
	<hr/>
	\$249,150 80

We found total receipts into the treasury to be,	\$274,377 53
Total amount of money paid out of the treasury,	249,150 80
	<hr/>

Balance of money in treasury, Nov. 1, 1856,	\$ 25,226 83
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## WARRANTS.

The amount of outstanding warrants, Nov. 1, 1854, (as seen by auditor's report of that date,) was,	\$ 4,483 73
Total amount of warrants issued during the past term was	<u>241,110 96</u>
Making total amount of warrants to be redeemed,	\$245,594 69
The total amount of warrants redeemed during the past two years was,	<u>233,688 55</u>
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