

**SEC. 3. Repealing section.** That all laws coming in conflict with the provisions of this be, and the same are, hereby repealed.

**SEC. 4. Bond.** That the county commissioners shall require of any person or persons obtaining a license under the provisions of this act, to give bond with sufficient security for the faithful performance of their duties.

Approved, February 24th, 1847.

## CHAPTER 109.

### ELECTIONS.

AN ACT defining the time of holding elections for state, district and county officers.

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

**SECTION 1. State officers.** That there shall be elected, by the qualified electors of this state, one governor, one secretary of state, one treasurer of state and one auditor of public accounts.

[154] **SEC. 2. Governor.** That the governor shall be chosen every four years, counting from the first Monday in August, eighteen hundred and forty-six, and shall hold his office until his successor is elected and qualified.

**SEC. 3. Secretary, treasurer and auditor.** That the secretary of state, auditor of public accounts, and treasurer, shall be chosen biennially, counting from the first Monday in August, eighteen hundred and forty-six, and shall hold their respective offices until their successors are elected and qualified.

**SEC. 4. Judges.** That the judges of the district court shall be chosen at the township election, on the first Monday in April, eighteen hundred and forty-seven, and every five years thereafter, and shall hold their respective offices until their successors are elected and qualified.

**SEC. 5. County officers—district clerks and prosecutors.** That there shall be chosen on the first Monday of August, eighteen hundred and forty-seven, and biennially thereafter, in each county in this state, one probate judge, one sheriff, one coroner, one county commissioners' clerk, one recorder, one surveyor, and one sealer of weights and measures, and shall hold their respective offices until their successors are elected and qualified; and in those counties where there was no election for clerks of the district court and prosecuting attorneys at the last election, there shall be elected on the first Monday in August next, one clerk of the district court and one prosecuting attorney, who shall hold their offices until the general election on the first Monday in August, 1848, and until their successors are elected and qualified.

**SEC. 6. Senators and representatives.** That on the first Monday in August in 1848, and biennially thereafter, there shall be elections held as aforesaid for the election of representatives, and also for senators in those districts where the terms of those elected have expired.

**SEC. 7. County commissioners.** That the elections for county commissioners shall take place as is now provided by law.

Approved, February 25th, 1847.

## CHAPTER 110.

### CITY OF KEOKUK.

AN ACT to incorporate the city of Keokuk.

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

**SECTION 1. Boundaries and style—powers—seal.** That all that part of fractional township number sixty-five (65) north, of range four (4) west of the fifth

principal meridian, in Lee county, in this state, and of township sixty-five north, of range five west of the said meridian, in said county, embraced within the boundaries or limits [155] of the town of Keokuk, according to the plat of the said town now on record in the recorder's office of said county, shall be, and is hereby declared to be, a city, and the inhabitants thereof are hereby created a body corporate and politic, with perpetual succession, by the name and style of the "City of Keokuk," and, as such, by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered unto, in all courts and places, and in all matters whatsoever; and of taking, holding, purchasing and conveying all such real and personal estate as the purposes of the said body corporate may require; may have and use a common seal, and alter the same at pleasure; and shall be competent to have, exercise and enjoy all the rights, privileges and immunities of a municipal corporation.

**SEC. 2. Wards.** The said city shall be divided into three wards, as follows, to wit: That portion lying between the Mississippi river and the center of Second street in said city, and bounded on the southwest by a line drawn from the said river to the center of the said Second street, between, parallel to, and at equal distance from Main and Johnson streets in said city, shall be the first ward: That portion lying between the said river and the center of Second street aforesaid, and bounded on the northeast by the line aforesaid, shall be the Second ward; and that portion lying between the center of Second street aforesaid and the northwestern limit or boundary of the said city, shall be the third ward: provided, that the city council of the said city may change, unite or divide the said wards, or any of them, whenever they shall think it necessary or proper.

**SEC. 3. Officers—term of office—quorum—rules and record.** There shall be in and for said city a mayor, to be chosen by the qualified electors of said city, and, in and for each ward thereof, two aldermen, to be chosen by the qualified electors of said wards, who shall hold their respective offices—except as herein otherwise provided—for the term of one year, and until their successors are elected and qualified. Said mayor and aldermen shall constitute the city council of said city, of which the said mayor, or in his absence, some one of the said aldermen, to be chosen by the said council for that purpose, shall be president. A majority of all the members of the said council shall be necessary to constitute a quorum for the transaction of business, but a less number may, from time to time, adjourn. Said council shall determine the rules of their own proceedings, and shall cause a faithful record of the same to be kept, which shall at all times be open to the inspection of every citizen of said city.

**SEC. 4. Elections.** The first election of the members of the council to be held under and by virtue of this act, shall be held on the second Monday in [156] April, 1847, provided, this charter shall be accepted by the qualified voters of said city of Keokuk as is hereinafter provided, and the election of the members of said council and mayor shall be held annually thereafter on the second Monday in April in each year.

**SEC. 5. First election—duty of judges and clerks—other elections.** At the first election aforesaid, polls shall be opened at the Rapids Hotel in the first ward, at the New York House in the second ward, and at the office now occupied by J. G. Wickersham in the third ward; said polls to be kept open from 10 o'clock A. M., until 4 o'clock P. M.; three judges of election and one clerk shall be chosen, *viva voce*, at the opening of the polls in each ward, by the qualified voters of said ward present, who shall be sworn to conduct the said election, as nearly as may be, in conformity with the laws regulating general elections in this state, except as is herein otherwise provided. Immediately after the polls are closed in each ward the votes shall be counted, and a statement

thereof made out and signed by the judges and clerk of election; on the day following the said election the judges and clerks of election in the several wards, or a majority of them, shall meet and canvass all the votes cast in said city, and shall declare the persons who have received the highest number of votes for the several offices duly elected to said offices; they shall also, within four days thereafter, notify the persons so elected of their election. At all elections after the first, provided said charter be adopted thereat, the places of opening the polls and the judges and clerks of election in the several wards, shall be designated and appointed by the city council, but in all other respects the said elections shall be conducted in the same manner as is herein provided for the first election.

**SEC. 6. Voters.** Every male citizen of the United States, of the age of twenty-one years, who shall have been a bona fide resident of the said city for three months next preceding any election held in pursuance of this act, shall be qualified and entitled to vote for mayor at such election, and any such citizen and resident who shall also have resided in any ward of said city for fifteen days next preceding any such election, shall be qualified and entitled to vote thereat for aldermen of said ward, and not otherwise.

**SEC. 7. Oath of office.** All officers elected or appointed in pursuance of this act, shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation, before some officer authorized to administer oaths, to support the constitution and laws of the United States and of this state, and faithfully to discharge all the duties of the office to which they have been elected.

**SEC. 8. Duty of council and clerk—city officers—duties, etc.** The city council shall convene on the Monday following their election and the adoption of this charter, and shall proceed to [157] elect a clerk, who shall attend all meetings of the said council and keep a record of their proceedings; shall keep the corporate seal, and perform such other duties as the said council shall ordain and prescribe; they shall also appoint an assessor, a marshal and collector, who shall be the treasurer of the said city, and such other subordinate officers as they shall think necessary and proper. The council shall define the duties of the several officers appointed or elected by said council, 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. Council meetings.** The city council shall hold regular meetings on the first Monday in each month, and each member thereof in attendance upon any such meeting, shall be entitled to receive one dollar for his services thereat; special meetings of the council may be called at any time by the mayor, or, in his absence, by the president *pro tem.* of the council, but the members thereof shall receive no compensation for their services at such special meetings.

**SEC. 10. Powers—laws to be published—proviso.** The city council shall have power to make, ordain and publish such by-laws and ordinances as they shall think necessary and proper for the good order and government of the said city, for the promotion of morality therein, and for the health, interest and convenience of the inhabitants thereof; to alter and repeal the said by-laws and ordinances at pleasure, and to affix such reasonable penalty for the violation thereof, not exceeding twenty-five dollars for one offence, as they may deem necessary, to be collected with costs by an action of debt in the corporate name; but no such by-law or ordinance shall be in force until the same has been published at least ten days in some newspaper published in said city, or at least one copy thereof posted up in some public place in each ward of said city for the same length of time: provided, that nothing in this act shall be so construed as to authorize the passing or enforcing any by-law or ordinance contrary to the constitution and laws of the United States or of this state: pro-

vided, that nothing herein contained shall be so construed as to prevent any person from selling, within the chartered limits of said city, the products of his farm, at any time and in any manner he may deem proper, without restriction or taxation.

**SEC. 11. Streets, etc.** All the streets and alleys located, surveyed, laid out or marked upon the plat of the town of Keokuk aforesaid, recorded as aforesaid, shall be, and are hereby severally declared to be, streets and alleys in said city, and shall be and remain public highways in said city. And the city council shall have power to establish a grade of all [158] said streets and alleys; to grade, clear out, open, regulate and improve the same; and to remove nuisances and obstructions therefrom, as fast as the interests of the said city, and the citizens thereof, shall require; and to prevent any person or persons from encumbering, occupying or obstructing the same.

**SEC. 12. Wharf, etc.** The city council shall have power to regulate and improve the landings in the Mississippi river at the said city, and to fix wharfage and dockage rates for all boats, rafts and water crafts, of every description, landing at said city; and to collect the said rates, by proceedings in the corporate name, in the same manner as is now provided by law for the collection of other debts and demands from steamboats and vessels.

**SEC. 13. Taxes.** The city council shall have power to levy an annual tax upon all property, real and personal, within the limits of the 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. 14. Taxes—proviso.** 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 May in each year, to be signed by the mayor and countersigned by the clerk, which duplicate shall be delivered to the marshal and 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 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 assessment, before making out or delivering such duplicate to the marshal and collector.

**SEC. 15. Tax sales—publication.** The marshal and 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 publication 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 [159] real estate shall have been notified in the same manner and for the same length of time prior to such sale.

**SEC. 16. Redemption—deeds.** All real estate sold under or by virtue of section fifteen, 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. 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 marshal and collector of said city shall, upon

payment of a 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. 17. Road districts.** The streets and alleys of the said city shall constitute one road district, and the said city council shall annually appoint a supervisor or overseer of the same, who shall collect a road tax from all inhabitants of the said city liable to work upon the roads, in the same manner as is now provided by law for supervisors of road districts in the several townships.

**SEC. 18. Receipts and expenditures.** The city council shall, at least ten days before the annual election in each year, cause to be made out and entered upon their journals a full and correct statement of all the receipts and expenditures during the year, together with such other information in their power to furnish, as may be necessary to a full and perfect understanding of the financial condition of the said city.

**SEC. 19. Election on the charter.** That there shall be a poll opened at the several wards and at the places named in the fifth section of this act, on the fourth Monday in March, 1847, at which election the qualified voters of said town or city of Keokuk shall vote for or against this charter, and if a majority of all the votes cast at said election shall be in favor of the adoption of this charter, then it shall be adopted, and be taken and held to be in full force. But if a majority of all the votes cast at said election shall be against it, then the same shall stand rejected for the time being, and no election for mayor or councilmen shall take place on the said second Monday of April, 1847, as provided in the fourth section of this act. But a poll shall in like manner again be opened at the places of holding elections aforesaid, in said town, on the first Monday in December, 1847, at which the qualified voters of said town shall again vote for or against this charter, and if a majority of all the votes then cast at said election shall be against it, it shall be rejected and not go into effect. But if a majority of all the votes then cast shall be in favor of its adoption, then the same shall be adopted, and in every respect binding and obligatory, [160] and a temporary election shall be held on the first Monday of January, 1848, for mayor and councilmen, as provided in this act, and the persons then elected shall serve until the next regular election on the second Monday in April, 1848, and until their successors are elected and qualified.

**SEC. 20. Public act.** This act shall be taken and received in all courts, and by all judges, magistrates and other public officers as a public act.

**SEC. 21. Service of process.** All process against the said city shall be duly served by delivering a copy thereof, certified by the officer whose duty it is to serve the same, to the mayor, or, in his absence, to the clerk of the said city, within the same time as is provided by law for the service of process in other cases.

**SEC. 22. To take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 23d, 1847.

## CHAPTER 111.

### SCHOOL FUNDS.

[AN ACT to provide for the management and disposition of the school fund.]

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

**SECTION 1. Duty of trustees—sixteenth sections—allotment—valuation.** That it shall be the duty of the trustees of the several townships in this state, at