

**SEC. 11. Private property damaged city liable.** That if said channel, or any part thereof, is changed from the natural channel, and shall be caused to run over the private property of individuals, without their consent, said city shall be responsible for all damages sustained by such change, as follows: after any change from the natural channel shall have been adopted by the city council, notice thereof shall be given to all persons over whose property the new channel may run, and within twenty days from the service of such notice, they may object to such change, and put in their claim for damages, stating the amount, and describing the property injured, to be filed with the city recorder.

**SEC. 12. Claim filed—council to file same with a justice of the peace—jury.** That when any claim for damages shall be filed as aforesaid, the city council shall cause a copy thereof to be filed with some justice of the peace, or some person authorized to act as such, and a day of trial shall be fixed by such justice, and notice thereof given to such claimant or claimants. Such justice shall cause to be summoned nine persons, qualified to act as ordinary jurors as between the parties, and who are not interested in a similar question.

**SEC. 13. Panel.** At the time appointed, the parties, commencing with the council or any member thereof, shall in turn proceed to strike off one juror each until only three remain.

**SEC. 14. Examination and evidence.** The three jurors so selected must then proceed to examine the premises claimed to be injured, and shall hear evidence offered by either party.

**SEC. 15. Verdict—judgment and payment.** The jurors, when agreed shall return their verdict to said justice, and such justice shall thereupon enter a judgment of condemnation, and upon payment by the city of the damages so assessed by the jury, to said justice for the use of such claimant or claimants, the channel so located by the city council shall be established, and no further damages shall be claimed.

**SEC. 16. Grade streets and alleys.** The city council shall have power to grade any of [84] the streets, roads and alleys of said city, which have not already been graded, of which the city surveyor shall keep a true and accurate record, and to regrade the same whenever they deem it expedient.

**SEC. 17. Damages.** Whenever any owner of property feels aggrieved by such regrading, the damages shall be assessed and paid in the manner pointed out in this act, in sections 11, 12, 13, 14 and 15.

**SEC. 18. Take effect.** This act shall take effect and be in force from and after its publication in the Iowa State Gazette and Burlington Hawk Eye; the expense of said publication however to be paid by said city of Burlington.

Approved, February 4th, 1851.

Published in the Iowa State Gazette February 12th, and Burlington Hawk Eye February 14th, 1851.

## CHAPTER 43.

### IOWA CITY.

AN ACT to incorporate Iowa City.

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

**SECTION 1. Town created a city.** That the town of Iowa City, situated in section ten, and the north-west quarter of section fifteen, in township seventy-nine, north of range six west in Johnson county, is hereby declared to be a city, by the name of "Iowa City."

SEC. 2. **Incorporated.** 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 a board of aldermen, consisting of two from each ward of the city.

SEC. 4. **Wards.** The said city shall be divided into three wards as follows, to wit: that portion lying south of Burlington street, shall constitute the first ward; that portion lying north of Burlington street, and south of Jefferson street, shall consti-[85]-tute the second ward; and all that portion lying north of Jefferson 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 interests 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 next preceding a city election, is declared a citizen of the said city, and is entitled to vote at all the elections thereof.

SEC. 6. **Manner of 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—oath.** 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. **Eligible to hold office.** 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 for one year next preceding his election.

SEC. 9. **Time of elections—what officers to be elected—council—quorum—term.** That the qualified electors of said city shall on the first Monday of April, A. D. 1851, and annually on the same day thereafter, elect a mayor, and at the same time six 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 elected for the term of one year and until their successors are elected and qualified, except as provided in the next section.

SEC. 10. **Term of aldermen.** Two aldermen shall be elected in each ward, and he who at the first election receives the highest number of votes, shall hold his office for the term of two years, and the other for one year, and thereafter one shall be elected each year, in each ward, to hold for the term of one [two] years.

SEC. 11. **Recorder—assessor, treasurer, marshal, etc.** The city council when convened on the second Mon-[86]-day of April, shall elect a recorder, who shall attend all meetings of said council, keep a record of all their proceedings, keep the corporate seal and perform such other duties as said council shall ordain and prescribe. The council shall also appoint an assessor, a treasurer, a marshal, and such other subordinate officers, as they shall think necessary and proper, and whose duties shall hereafter be prescribed.

SEC. 12. **Duty of the mayor.** 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 the mayor of a city, and such as may be granted or imposed by the ordinances of the city consistent with law.

**SEC. 13. The mayor ex-officio a justice of the peace—criminal and civil 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 offences against the laws of the state committed within the city, and with civil jurisdiction limited to the city in the same measure 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 proceeding being in the name of or behalf of the city.

**SEC. 14. 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.

**Fees.** (1.) He will be entitled to demand and receive the same fees as are at the time allowed by law, to justices of the peace.

**Preside—pro-tem.** (2.) 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.

**SEC. 15. Council.** The council shall be the judge of the qualifications and election of its own members, it may determine the rules [87] of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen: (it may appoint a clerk,) and may compel the attendance of its members in such manner, and by such penalties, as it may adopt.

**SEC. 16. Marshall—his powers and 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 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 will be entitled to the same fees as a constable, and for services required by the council, such compensation as it may allow.

**SEC. 17. Treasurer, recorder and assessor to give bond—their duties.** The treasurer, recorder and assessor shall give such bonds, perform such duties and exercise such powers as may be required of them by the ordinances, not inconsistent with law.

**SEC. 18. Mayor to issue proclamation giving notice of election—poll opened—returns—recorded.** 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, of the 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 the election. The poll 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 the election shall make their returns to the president of the city council, which 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. 19. Members of council not eligible to office—take no interest in contract.** No member of the city council shall be eligible to [88] 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 of work, or services to be performed, for the city.

**SEC. 20. Publication of 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 newspapers they shall be posted 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. 21. Records to be open to inspection.** It is the duty of the 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. 22. Officers to take an oath—what officers may administer 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. 23. Fees.** All the above officers may be allowed, and may receive, such compensation and fees for their services, and be subject to such fines, penalties and forfeitures, for violation of duty, as the council may by ordinance provide.

**SEC. 24. Meetings of council—public.** The council may hold its meetings as it sees fit, having fixed stated times, or provided [provide] the manner of calling them by ordinance; and its meetings shall be public.

**SEC. 25. Council may appoint certain 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 any such officers by the citizens.

[89] **SEC. 26. May fill 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. 27. Powers of city council—fines.** 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, and gambling and drunkenness, and 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 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. 28. Fire companies—landing.** The council is authorized to establish and organize fire companies and to provide them with fire engines and other apparatus; and it has control of the landing on the Iowa 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. 29. Powder—prohibit wooden buildings.** The council may regulate the keeping and sale of gun powder within the city. And it may provide that no building of wood shall be erected within such parts of the city as may be designated, and such buildings may be declared a nuisance and may be removed in such manner as may be provided by previous ordinances.

**SEC. 30. Licenses—shows, gaming, etc—Intoxicating liquors.** 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 purely literary or scientific or artistical character.—When the laws of the state permit or require licenses for the [90] 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 licenses, when it deems that the good order and welfare of the city require it.

**SEC. 31. Cleanliness and health—stagnant pools.** 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 city collector as in the case of taxes, and the owner may redeem from such sale as in that case. (of a sale for taxes).

**SEC. 32. Cartage and drayage—animals.** It may regulate the system of cartage and drayage within the city, and may license therefor; and may prohibit any species of animal from running at large within the city.

**SEC. 33. Schools.** It may provide for the establishment and support of public schools within the city when there has been a legal vote of the citizens in favor thereof, and may provide by ordinance for the government of the same.

**SEC. 34. Public money—audit claims—publish receipts and expenditures.** The council shall provide by ordinance for the keeping 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. 35. Grade of wharves, streets, etc.** It has the exclusive authority to establish the grade of wharves, 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 change.

**SEC. 36. 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. 37. Taxes—may exempt improvements—tax dogs.** The city council is authorized to levy and collect tax- [91] es, not exceeding one-half of one per cent. on all the property within the city which it 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 the majority of all 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 of one per cent. on the valuation; the council may also lay a tax on dogs, or may prohibit their being kept in the city.

**SEC. 38. Collector—manner of collecting taxes.** 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 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 if there be one, and if not, then by three months notice in the most public places in each ward.

**SEC. 39. Council may 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. 40. Distrain and sell.** 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. 41. Lien on real estate—may sell.** 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 notice of the tax, but demand of the tax must be made before the sale, if the supposed owner be found in the city.

**SEC. 42. Sale at auction—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. 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. 43. 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 [92] the county (in like circumstances) on sales for county and state taxes.

**SEC. 44. Pavements.** The council are authorized to cause the streets and alleys of the city to be paved, and the pavement to be repaired, and to that end it may require the owners of lots adjoining to which it is to be done, to pave or repair one-half the street in width 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 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.

**SEC. 45. Council may borrow money—vote.** The council may 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 determine in favor of the loan by a majority vote of two-thirds of the votes given at the election.

**SEC. 46. Special election—for the charter, against the charter—election February 24, 1851.** On the passage of this act the trustees of Iowa City township shall cause a vote to be taken on the acceptance of this charter in the manner in which the 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 the election of mayor and six aldermen, two aldermen from each ward, if said vote result in favor of said charter the result

shall be declared and entered of record and thenceforth the same is accepted, but should said vote result against the acceptance of said charter, the election of said officers shall be a nullity: the foregoing election shall be held at the court house in Iowa City, on the 24th day of February 1851; shall be opened between the hours of eight and nine o'clock of the forenoon, and kept open until four o'clock of the afternoon of said day.

**SEC. 47. Another election April 10, 1851.** Should this act not go into effect at a sufficiently early day for the above proceedings to take place as early as the day above named, then the said election to be held on the second Monday of April 1851.

[93] **SEC. 48. Take effect.** This act to take effect from and after its passage.

Approved February 4th, 1851.

#### CHAPTER 44.

##### ROAD.

AN ACT to amend an act entitled "An act granting to James Weed and his associates, the right of way and the privilege of constructing a road from Bloomington, in Muscatine county, via Tipton, in Cedar county, to the county seat of Benton county," approved, January 8th, 1849.

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

**SECTION 1. Width—toll.** That the grade of said road shall not be less than sixteen feet wide; and as soon as ten miles of said road shall be constructed, the said James Weed, and his associates may erect toll houses and gates upon said road, and shall be authorized to exact such tolls as they may determine; provided, that no toll gate shall be established within a less distance than two miles of Muscatine city; provided, also, that said grade shall not obstruct any public highway.

**SEC. 2. Right of way** That the right of way for said road, is hereby granted to the said James Weed and his associates for the term of fifty years.

**SEC. 3. Take effect.** That all parts of said act, to which this is an amendment, which conflicts with this act are hereby repealed.

Approved, February 4th, 1851.

#### CHAPTER 45.

##### 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. Supervisors—work streets and wharves.** That the city council of said city of Keokuk, shall [94] 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 (excepting regularly ordained ministers of the gospel,) who shall have resided one