

CHAPTER 17.

KEOKUK.

AN ACT to amend the Charter of the City of Keokuk.

- Boundaries.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the boundaries of the City of Keokuk shall hereafter be as follows, to-wit: commencing in the middle of the main channel of the Mississippi river, at a point where the north and south line, between sections thirty-three (33) and thirty-four (34,) of township sixty-five (65) north, of range five (5) west, would cross said channel if extended far enough south to do so. Thence due north, along the section line aforesaid, to the north-west corner of section fifteen (15), in said township. Thence east along the line between sections fifteen (15) and ten (10) to the middle of the main channel of the Mississippi river, and thence
- Jurisdiction.** down the middle of the main channel of said river to the place of beginning—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 City of Keokuk, within its original limits, but no exclusive privileges heretofore granted by the city shall extend to the new limits.
- Limitation.**
- Aldermen to draw lots for long term.** SEC. 2. That the first meeting of the City Council of said city, after the next board of Aldermen shall have been elected, or as soon thereafter as convenient 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
- Term.**

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. 3. That the City of Keokuk shall have the exclusive right to make wharves, and collect wharfage, and regulate the wharf rates on the river bank, which is added to said city by this act. Wharves and Wharfage.

SEC. 4. That whenever a vacancy shall occur in the office of Mayor or Alderman, Recorder or Marshal of said city, unless the same shall be within thirty days preceding the annual election, the City Council shall order an election by the voters of the city or ward, as the case may be, after giving ten days' notice thereof, in the usual manner of giving such notices, and the person so elected shall hold his office for the remainder of the term for which his predecessor in office was elected. Vacancy.
Election.

SEC. 5. That there is hereby established in and for the City of Keokuk, a court called the Recorder's court, the Judge of which shall be called Recorder; which court shall have within said City of Keokuk, all the jurisdiction, both civil and criminal, with the rights, powers and authority of a Justice of the Peace, and all the judicial authority, rights and powers now by law or by city ordinance vested in the Mayor of said City; and that after the said Recorder shall be elected and qualified as hereafter directed, the Mayor of the said city shall exercise no judicial functions whatever, but shall be the executive officer of said city, and as such shall have the right to remit fines and pardon offences committed against the municipal ordinances and regulations of said city. Recorder's Court.
Jurisdiction of Mayor limited.
Pardons.

SEC. 6. That said Recorder shall be elected by qualified voters of said city, in the same manner that the Mayor of said city is elected, and the first election of said officer shall be held on the third Monday of August next, and he shall hold his office until the next annual election of municipal officers of said city, at which time another election shall be held for said Recorder, and in like manner, every two years thereafter, the person elected at said election after the first Election of Recorder.

one, shall hold office for two years, and until his successor shall be elected and qualified.

Qualification. SEC. 7. That 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 the Justices of the Peace, to be approved of and filed with the County Judge, and also a bond in the penalty of one thousand dollars, to the City of Keokuk, to perform his duty as Judge of the Recorder's court, to be approved by the Mayor of said city.

Compensation. SEC. 8. That 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, by ordinance determine; but said compensation shall not be increased or diminished, so as to affect the person then in office, during the term for which he is elected.

Railroad bonds. SEC. 9. And whereas, at elections regularly held at various times, it was determined by the legal voters of said City of Keokuk, that the City Council should subscribe certain sums in the stock of the Keokuk, Fort Des Moines and Minnesota Rail Road Company, and in the Mississippi and Wabash Rail Road Company, and in the Keokuk, Mount Pleasant and Muscatine Rail Road Company; and whereas, in some instances, the bonds of the city have been issued to pay for the subscription to said stock, and in others they have not been issued, and whereas doubts exist as to the authority of the Council to issue said bonds, and to provide by taxation for the payment of the principal and interest of said bonds; Now therefore be it enacted, That the votes of the people of said city, as aforesaid, and the acts of the said City Council in accordance therewith, are hereby legalized and made firm, valid and effectual to all intents and purposes, and that the City Council of said city, is hereby authorized, empowered and directed to levy and collect such taxes as may be necessary to pay the principal and interest of said bonds, which have been so issued, or of any which may hereafter issue in accordance with any of said

Legalized.

votes—and that so much of any act as requires an annual vote to provide for levying the tax to pay the interest on any bonds of said city is hereby repealed. The taxes aforesaid shall be levied and collected in the same manner that the other annual taxes of the city are levied and collected.

SEC. 10. *Be it further enacted,* That the City of Keokuk, included within the boundaries mentioned in this act, shall constitute one permanent school district, not subject to alteration by the 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 requires regular meetings of each school district on the first Monday in May and October, in each year, and so much thereof as requires the election of Trustees in each district, is hereby declared inapplicable to said district. The City Council of said city shall by ordinance provide for the appointment of a board of education in said district, and may invest in said board the necessary power for the proper care and management of the common schools in said district, the employment of teachers and the supervision of schools, and to provide for the taking and returning to the proper officer, as required by law, of the number of persons in said district, between the age of five and twenty-one years, and the performance of such other duties as may be necessary for the duties imposed upon said Council.

SEC. 11. That said City Council shall have the use and control of the school house in said district, built by and belonging to school district number one, of Jackson township, Lee county, Iowa, and shall have the same power to build other school houses, and levy taxes therefor, and collect the same, as the legal voters of school districts now have by law, to be collected in the same manner that the other annual taxes of said city are collected.

SEC. 12. That the City Council shall have power by their order on the School Fund Commissioner of the county of Lee, to receive from him for the use of said district, all monies apportioned to said district, from the school fund, and in addition thereto, shall in each year levy and collect

in the same manner as the other annual taxes are levied and collected, any further sum not to exceed in any one year two mills on the dollar of the assessment of such year, as may be necessary with the sum received from the school fund, adequately to provide for the payment of the necessary teachers' wages and incidental expenses in maintaining common schools during the current year.

Money—how
drawn.

SEC. 13. That all moneys received by said city, from School Fund Commissioner or collected in pursuance of any tax levied for school or school house purposes, shall be paid into the City Treasury and a separate account thereof shall be kept by the Treasurer and Clerk, and no money 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 order in which said purposes are stated, and the City Council shall provide for the publication once in each year, for the information of all persons, a full statement of all receipts and expenditures for school purposes during the current year, which shall also show the number of schools kept, the number of pupils in attendance, and the time such schools have been kept during the year.

Clerk of Council.

SEC. 14. That the present office of Recorder of the city of Keokuk, shall hereafter be known and called Clerk of the Council of the City of Keokuk, and all the laws and ordinances heretofore made and enacted which relate to the Recorder of said city, shall be considered applicable to the Clerk of the Council.

Publication of
ordinances.

SEC. 15. That the certificate of the Clerk of the Council of the proper publication of an ordinance, shall be *prima facie* evidence in all courts of said publication, and his certificate to a copy of an ordinance, shall be evidence that it is a true copy of any such ordinance.

Repeal.

SEC. 16. That so much of section twenty-nine of the charter of the city of Keokuk, approved December 15, 1848, as requires publication of the assessment of tax or taxes of said city, either in a newspaper or otherwise, be and the same is hereby repealed.

Grades.

SEC. 17. That whenever after the first day of October, A. D., 1856, the City Council shall determine to alter or

change the established grade of any street or alley of said city, the City Engineer shall estimate the cost of said change of grade, and the Council shall appoint three commissioners, who shall ascertain the damages to be sustained by individuals, and the damages so ascertained, shall be apportioned and assessed upon the real estate benefited by such change of grade, and upon the city of Keokuk, if in their opinion it is proper to assess any of it against the city.

SEC. 18. That the sums assessed by virtue of the preceding section upon any lot or part of lot or real estate in the city of Keokuk, shall be a lien upon said real estate, and shall be collected by said City Council in the same manner as the other special taxes are now, or may be collected, and the amount apportioned by said commissioners against the city of Keokuk, shall be paid by said city. Lien.

SEC. 19. That said Commissioners shall be duly sworn before they enter into the discharge of their duties, that they will faithfully fulfill to the best of their ability, and shall make their report and file the same in the office of the Clerk of the Council. That the Mayor shall thereupon cause a list of the lands or lots assessed, with the amount assessed against them, to be published in some newspaper, published in said city, for two weeks. Any person or party, including the city of Keokuk, who shall feel aggrieved by such assessment, may take an appeal to the District Court of Lee County, by filing a bond with sufficient security, with the Mayor aforesaid, within thirty days after the first publication of said assessment, conditioned to pay whatever sum may be finally assessed on the property in reference to which the appeal is taken, and to perform the judgment of said District Court. Whereupon, the Mayor shall file said bond, and all the papers in the case, with the Clerk of the District Court of Lee County aforesaid, which court shall proceed to hear and try such appeal in the usual manner. Commissioners.

SEC. 20. That section five of an act to amend the charter of the city of Keokuk, approved January 22, 1853, is hereby amended so as to authorize said Council to levy a special tax for grading alleys in the same manner as is Special tax.

therein provided for paving or McAdamizing streets and alleys.

Wooden buildings.

SEC. 21. That the City Council for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected, or placed, or repaired, without the permission of the said Council, and to direct that all and any buildings within the limits prescribed, shall be made or constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage. The City Council shall also have power to regulate the construction of chimneys so as to admit chimney sweeps, and to compel the sweeping and cleaning of chimneys, to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous.

Chimneys.

Fire wardens.

To prevent the deposit of ashes in unsafe places, and appoint one or more officers to enter into all buildings and inclosures, to discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

Fire buckets.

To require the inhabitants to provide as many fire buckets, and in such manner and time, as they shall prescribe, and to regulate the use of them in time of fire. To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fire. To regulate and prevent the use of fire works and fire arms. To compel the owners or occupants of houses or other buildings to have scuttles in the roofs, and stairs or ladders leading to the same.

Prevent fires.

Powers of officers.

To authorize the Mayor, Aldermen, Fire Wardens, or other officers of said city, to keep away from the vicinity of any fire, idle and suspicious persons, and to compel all officers of said city and other persons to aid in the extinguishment of fires, and preservation of property exposed to danger thereat.

To organize fire, hook, ladder and axe companies.— Fire Companies.
 To provide fire engines, and other apparatus for the extinguishment of fires. To appoint during pleasure, Wardens and Engineers of the fire department. To appoint during pleasure a competent number of Firemen and prescribe Fireman.
 their duties, and to impose fines and forfeitures upon them, for the violation of the rules and regulations prescribed, and generally to establish such regulations for the prevention and extinguishment of fires, as the City Council deem expedient.

SEC. 22. That all taxes assessed by virtue of any law or Lien of taxes.
 ordinance of the City of Keokuk, upon the real estate in said City, shall remain a *lien* upon said real estate, until said taxes are paid to said City, or her proper collecting officer, and so much of any law that conflicts with this provision is hereby repealed.

SEC. 23. This act to take effect from and after its publication in the *Gate City* and *Times* published at the City of Keokuk. Take effect.

I certify that the foregoing act was published in the *Gate City*, July 26 and *Keokuk Times* on the 25th day of July, 1856.

GEO. W. McCLEARY,
 Secretary of State.

CHAPTER 18.

MUSCATINE.

AN ACT to amend the act to incorporate the City of Muscatine.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That from and after the passage of this act, the following shall be the boundaries of said City of Muscatine, commencing at a point in the centre of the main channel of the Mississippi River, where the south line of section, ten, tp. seventy-six, north of range two west, of 5th P. M. should strike, thence west and along said section line to the west line of said section ten; thence north and along the