

rules authorizing changes of venue before Justices of the Peace.

**City Attorney** SEC. 3. The Council may appoint a Prosecuting Attorney for said town, and pay him from the Treasury of the corporation such sum as may be reasonable.

**Repeal.** SEC. 4. All acts and parts of acts coming in conflict with this act, be and the same are hereby repealed.

**Take effect.** SEC. 5. This act to be in force from and after its publication in the paper published in Bloomfield, the expense of publication to be paid by the corporation of said town.

APPROVED, July 12th, 1856.

I certify that the foregoing act was published in the "Iowa Flag," a paper published in Bloomfield, on the 28th day of July, 1856.

GEO. W. McCLEARY,  
Secretary of State.

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## CHAPTER 20.

### WAPELLO CITY.

AN ACT to incorporate the City of Wapello, in Louisa county, Iowa.

**Boundaries.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all that territory lying in township seventy-four north, range three west of the principal meridian, described as follows: Commencing in the middle of the main channel of Iowa River, opposite Pleasant street, in England's addition to Wapello, thence west to Water street, thence north on the east side of Water street to Mills street, thence along the west side of the Wapello mill race, until it intersects the section line between sections twenty-two and twenty-seven, in said township; thence west with said section line to the north-west corner of said section twenty-seven; thence south with the section line to the south-west corner of said section twenty-seven; thence south eighty rods; thence east to the middle of the main channel of the Iowa River; thence up said main channel to

the place of beginning, is hereby incorporated into a city by the name of Wapello.

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

SEC. 3. The legislative authority of the city is vested in a City Council, consisting of a Mayor, and Board of Councilmen, composed of two from each ward of the city. Legislative authority.

SEC. 4. The said city shall be divided into three wards as follows, to-wit: The first ward, all that portion lying between the north boundary of said city and Van Buren street. The second ward, that portion lying between Van Buren and Washington streets. The third ward, that portion lying between Washington street and the south boundary of the city; *Provided*, 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. Wards.

SEC. 5. 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 preceding the election, is declared a citizen of said city, and is entitled to vote at all the elections thereof. Citizenship.

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

SEC. 7. A 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 qualifications herein prescribed. Challenge.

SEC. 8. 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. Who ineligible.

SEC. 9. That the qualified electors of said city shall on the first Monday of September, A. D., 1856, and annually on the same day thereafter, elect a Mayor, and at the same time six Councilmen, a Recorder, an Assessor, a Treasurer, a Marshal; and the Mayor and Councilmen so elected, Election of officers.

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.

Term.

**Mayor's duty.** SEC. 10. 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 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 ordinance of the city consistent with law.

Judicial functions.

SEC. 11. He shall be a conservator of the peace within the city, and (ex-officio) justice of the peace, and 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' are 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 or behalf of the city: *Provided*, that in case of the inability of the Mayor of Wapello 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 Wapello township may take cognizance and jurisdiction of cases arising under any of the ordinances of said city, such inability being entered of record of the Justice acting in such cases.

Justice of the Peace of the Wapello township.

Appeals.

SEC. 12. 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 be allowed by law from those of other Justices, and they shall be tried as in other cases. He will be entitled to de-

Justice.

mand and receive the same fees as are at the time allowed by law to Justices of the Peace. He shall be the presiding <sup>Preside.</sup> officer of the City Council when present, and shall give the casting vote when there is a tie, and in his absence the <sup>Pres't. P. T.</sup> Council may appoint a President for the time being from their own body.

SEC. 13. The Council shall be the judge of the qualifi- <sup>Powers of Council.</sup> cations 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 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. The Marshal shall be a conservator of the peace, <sup>Marshal's duty.</sup> 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 city ordinances, and criminal laws of the State, may execute the same in any part of the county, and 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 case, 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 Council appoint one or more deputies, and discharge them, and he shall be responsible for their doing when acting officially. For 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. The Treasurer, Recorder, Assessor and <sup>Bonds of officers.</sup> Marshal shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinance, not inconsistent with law.

SEC. 16. In all elections for city officers, the Mayor <sup>Elections.</sup> shall issue a proclamation to the voters of the city, naming the time and place of holding the election, and the officers to be elected; which proclamation shall be published by posting one or more copies thereof in each ward, at least ten days before said 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 said election shall make their returns to the Mayor, who shall examine and cause an abstract of the votes to be recorded in a book provided for that purpose: *Provided*, that the first election under this charter shall be held under the direction, and by the proclamation of the present Mayor of the town of Wapello.

Ineligible.

SEC. 17. 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 by the city.

Ordinances.

SEC. 18. Ordinances passed by the City Council shall be signed by the City 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 newspapers, 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.

Published.

Recorded.

Recorder's duty.

SEC. 19. 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.

Oath of officers.

SEC. 20. The Mayor, Council, Marshal, Treasurer, Recorder and Assessor shall take an oath to support the Constitution of the United States and of the State of Iowa; 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 oaths of officers 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.

Qualification of sub-officers.

Fees.

SEC. 21. 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 such services.

SEC. 22. 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. <sup>Meetings.</sup>

SEC. 23. 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 prescribe their duties, powers and qualifications, and may provide for the election of any such officers by the citizens. <sup>Subordinate Officers.</sup>

SEC. 24. 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 successor. <sup>Vacancy.</sup>

SEC. 25. The City Council is invested with authority to make ordinances to secure the inhabitants against fire, against the violation of the laws, 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 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 Justice of the Peace imposing a fine, shall be applied to judgments in the case, but the charges thereof must be borne by the city. <sup>Ordinances.</sup>

SEC. 26. The Council is authorized to establish and organize fire companies and to provide them with fire engines and other apparatus. <sup>Fire Companies.</sup>

SEC. 27. The Council may regulate the keeping and sale of gunpowder within the city. <sup>Powder.</sup>

SEC. 28. The Council have exclusive authority to provide for the licence, regulating and prohibition of all ex-

bitions, 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 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 licences, when it deems the good order and the welfare of the city requires it.

Health.

SEC. 29. 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 the case of taxes, and the owner may redeem from such sale as in case of a sale for tax.

Drayage.

SEC. 30. It may regulate the system of cartage and drayage within the city, and may issue licences therefor, and may prohibit animals from running at large.

Moneys.

SEC. 31. 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 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.

Grades.

SEC. 32. It has the exclusive authority to establish the grades 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 where it is desired to change.

Imprisonment.

SEC. 33. 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.

Taxes.

Sec. 34. 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 votes of the city but when such exemption takes place, the rate of tax on all the 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 may prohibit their 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 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; provided that all property, both real and personal, owned, or which may be hereafter acquired by said City in its corporate capacity, shall be exempt from taxation for State, County or other purposes.

SEC. 35. The Marshal, or in case of his absence or inability, 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 twenty 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 thirty days notice by posting in three or more public places in said City. Collection of Taxes.

SEC. 36. 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. Appeal.

SEC. 37. The Marshal may distrain upon personal property liable to taxation, and sell the same for the payment, if not paid in reasonable time after demand, as constables may sell personal property on execution. Sale of personalties.

SEC. 38. 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. Lien.



**Sale of real Real Estate.** SEC. 39. Such sale must be at auction, and there must be thirty days notice previous 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.

**Deed.** SEC. 40. 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 sale for County and State taxes.

**Streets, Alleys, &c.** SEC. 41. The Council have the control of the streets, alleys and public grounds within the city, and may cause sidewalks to be paved or planked 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 expenses 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 right of redemption. All road tax which may hereafter be paid upon any property in Wapello 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 law of this State to do work upon roads and highways shall be required to do or cause 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 supervisors in all jurisdiction within the corporate limits, and perform all their duties, and shall be required to perform labor on, and keep in repair all the public roads and highways leading thereto within one mile of said City on the West side of the Iowa River.

**Work on Roads, &c.** SEC. 42. This Act to take effect from and after its publication in the Republican at Iowa City and in the Wapello

**Take effect**

Intelligencer, the expense of the same to be paid by the City of Wapello.

APPROVED, July 15th, 1856.

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CHAPTER 21.

IOWA CITY.

AN ACT to amend an Act entitled "An Act to incorporate Iowa City."

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all that district of country here-<sup>Additions in-</sup> after described be and the same is declared to be added to<sub>cluded in city.</sub> and included within the corporate limits of Iowa City, in the county of Johnson, to wit: Being bounded on the north and west by the present corporate limits of said city, and on the east and south in a line commencing at the south east corner of lot number twenty-eight, as designated on the original recorded plat of Iowa City; thence south to the Wyoming road as shown on the new map of said city, compiled and drawn by J. H. Miller in 1854, thence west to the south-east corner of that part of said city laid out and recorded as the county seat of Johnson county.

SEC. 2. That the district of Territory described in the foregoing section shall constitute a part of and be included<sup>Ward.</sup> within the first ward of said city, until such time as the council of said city may otherwise establish by ordinances.

SEC. 3. This act shall take effect and be in force from<sup>Take effect.</sup> and after its publication in the weekly newspapers of said city, and said city pay for the publication of the same.

APPROVED, July 16, 1856.

Published in the Capital Reporter July 23d and the Iowa City Republican July 26th 1856

GEO. W. McCLEARY,  
Secretary of State.