

- Present charter, § 25. The present charter for the city of Oskaloosa shall become void, and be superceded by the taking effect of this charter.
- Charter submitted. § 26. Within three months after the passage of this Act, the present authorities of the city of Oskaloosa shall order an election for a vote on the acceptance or rejection of this charter, which election shall be called and conducted in the manner in which elections of said city are now called and conducted: *Provided*, that all the legal voters included in the district contemplated in this Act shall be permitted to vote at 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 record of the present city, after which said city authorities shall cause this act to be published in some newspaper published within said corporation; after which the same shall be the charter of said Oskaloosa.
- Election called and conducted. "Outsiders."
- "For" or "vs."
- Result.
- Publication.
- Take effect § 27. This Act to take effect from and after its passage.
- APPROVED January 24, 1855.

CHAPTER 86.

WALLS IN COMMON.

AN ACT entitled an Act respecting Walls in common.

- Walls. SEC. *Be it enacted by the General Assembly of the State of Iowa*, That in cities, towns, and other places, surveyed into building lots, the plats whereof are recorded, he who is about to build contiguous to the land of his neighbor, may, if no wall be on the line between, rest one-half of his wall on his neighbor's land: *Provided*, he build of brick or stone, at least as high as the first story: *And provided*, the whole thickness of such wall, above the cellar wall, do not exceed eighteen inches, not including the plastering, which, for the purposes of this act, is not to be considered as part of the
- On line.
- Brick or stone size of walls.

wall: *And provided also*, that his neighbor shall not be compelled to contribute to the expense of said wall.

§ 2. If his neighbor be willing, and does contribute one-half of the expense of building such wall, then it is a wall in common between them; and if he even refuses to contribute to the building of such wall, he shall yet retain the right of making it a wall in common, by paying to the person who built it, one-half of the appraised value of said wall, at the time of using it.

§ 3. Every wall being a separation between buildings, shall, as high as the upper part of the first story, be presumed to be a wall in common, if there be no titles, proof, or mark to the contrary.

§ 4. The repairs, and rebuilding of walls in common, are to be made at the expense of all who have a right to the same, and in proportion to the interest of each therein: nevertheless, every co-proprietor of a wall in common, may be exonerated from contributing to the repairs or building, by giving up his right in common: *Provided*, no building belonging to him be actually supported by the wall thus held in common.

§ 5. Every co-proprietor may build against a wall held in common, and cause beams or joists to be placed therein, and any person building such a wall, shall, on being requested by his co-proprietor, make the necessary flues, and leave the necessary bearings for the joists or beams, at such height, and distance apart, as shall be specified by his co-proprietor.

§ 6. Every co-proprietor is at liberty to increase the height of the wall held in common; but he alone is to be at the expense of raising it, and of repairing, and keeping in repair, that part of the wall, above the part so held in common.

§ 7. If the wall so held in common, cannot support the wall to be raised upon it, he who wishes to have it made higher, is bound to re-build it anew entirely, and at his own expense, and the additional thickness of the wall must be placed entirely on his own land.

§ 8. The person who did not contribute to the heightening of the wall held in common, may cause the raised part to become common, by paying one-half of the appraised value of

Partnership.

Refusal.

Presumption.

Repairs. &c.

Co-proprietors.
Mode of building.

Height.

Re-build.

Person paying half.

Wall in common.

such raising, and half of the value of the grounds occupied by the additional thickness of the wall, if any ground was so occupied.

Same.

§ 9. Every proprietor joining a wall, has, in like manner, the right of making it a wall in common, in whole or in part, by repaying to the owner of the wall one-half of its value, or the one-half of the part which he wishes to hold in common, and one-half of the value of the ground on which it is built, if the person who has built the wall, has laid the foundation entirely upon his own ground.

No cavities.

§ 10. Neither of two neighbors can make any cavity within the body of the wall held by them in common; nor can either affix to it any work, without the consent of the other, or without having, on his refusal, caused the necessary precautions to be used, so that the new work be not an injury to the rights of the other, to be ascertained by persons skilled in building,

No delay.

§ 11. No dispute between neighbors, as to the amount to be paid by one or the other, by reason of any of the matters treated of in this act, shall delay the execution of the provisions of the same: *Provided*, that the party on whom the claim is made, shall enter into bonds, with security, to the satisfaction of the Clerk of the District Court of the proper county, conditioned that he shall pay to the claimant whatsoever may be found to be his due, on the settlement of the matter between them, either in a court of justice, or elsewhere; and the said Clerk of the District Court is hereby required to endorse his approval on said bond, when the same is approved by him, and retain the same in his custody, until demanded by the opposite party.

Bond.

Agreements.

§ 12. This act is not to prevent adjoining proprietors from entering into special agreement about walls on the lines between them; but no evidence of such agreement shall be competent, unless it be in writing, signed by the parties thereto, or their lawfully authorized agents, and whenever such proprietor is a minor, the guardian of his estate shall have full authority to act for, and bind him, in all matters relating to walls in common.

APPROVED January 24th, 1855.

I certify that this Act was published, by direction of the Governor, in the Iowa Capital Reporter and Iowa Republican, Feb. 14, 1855.

GEO. W. McCLEARY, Sec'y of State

CHAPTER 87.

DEAF AND DUMB.

AN ACT to establish a State Institution for the deaf and dumb.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That there shall be established at the Capital of the State, an institution to be called an institution for the deaf and dumb. Established at the capital

§ 2. Every deaf and dumb citizen of the State, of suitable age and capacity, shall be entitled to receive an education in said institution at the expense of this State. All deaf and dumb. Educated expense of State

§ 3. Said institution shall be under the supervision of a board consisting of seven persons, of whom the Governor, the Secretary of State, and the Superintendent of Public Instructions, shall be *ex-officio* members, and who shall be called the Board of Trustees, and the other members of said board shall be appointed by the Governor and approved by the Senate, and shall hold their offices for one, two, three and four years respectively, in the order which they are recommended, and at the expiration of their respective terms of office, one Trustee shall be appointed by the Governor with the consent of the Senate for four years. Trustees. Appointed. Terms.

§ 4. The Trustees shall have the general supervision of the institution, adopt rules for the government thereof, provide teachers, servants, and necessaries for the institution, and perform all other acts necessary to render it efficient and to carry out the purpose of its establishment. Supervision.

§ 5. Three of said Trustees shall constitute a quorum for the transaction of business, and their proceeding at each meeting shall be recorded in a minute book, which shall be signed by those present, and form a record of their proceedings. Quorum. Record.