

## CHAPTER 101.

## TOWNS.

AN ACT to amend Section 638, Chapter 41, of the Code of Iowa.

**Code amended** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section 638, Chapter 41, of the Code of Iowa, be amended by striking out the words "all the proprietors of the part to be attached, and of the people of the town to which it is to be attached," and insert a majority of all the proprietors of the part to be attached, and of the citizen voters of the town to which it is to be attached.

**Take effect.** § 2. This act amendatory shall take effect and be in force from and after its publication in the Capital Reporter and Iowa City Republican.

APPROVED January 25th, 1855.

I certify that the foregoing was published in the Iowa Capital Reporter and Iowa Republican, January 31st, 1855.

GEO. W. McCLEARY, Secretary of State.

## CHAPTER 102.

## SALEM.

AN ACT to incorporate the town of Salem.

**Boundaries.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all that part of land in township seventy, north of range seven, west of the fifth principal meridian, in the county of Henry, as is comprised within the original town plat of Salem, together with all additions that have been, or may hereafter be made, be, and the same is hereby constituted, and shall be known by the name of the town of Salem.

**Incorporate.**

§ 2. That the qualified voters for members of the General Election Assembly, who have resided within the limits of said corporation for twenty days, immediately preceding any such election, shall meet at some suitable place within said corporation, on the first Monday in April next, and annually thereafter, and then, and there, proceed to elect, by ballot, a mayor, four councilmen, and a recorder, who shall hold their offices for one year, and until their successors shall be elected and qualified. The mayor and two of the councilmen shall be a board for the transaction of business; but a less number may adjourn from day to day: *Provided*, that in case of the death or absence of the mayor, the councilmen may choose a mayor pro tem. from their own body.

Qualification.

1st Monday in April.

Officers.

Term.

Board.

Mayors pro tem.

§ 3. At the first election to be held under this act, there shall be chosen, by the electors present, three judges and a clerk of said election, who shall each take an oath or affirmation, faithfully to discharge the duties required of them by this act; and at all subsequent elections, the councilmen, or any two of them, shall be judges, and the recorder clerk of election. At all elections holden under this act, the polls shall be opened between the hours of nine and ten o'clock in the forenoon, and closed at five in the afternoon; and at the close of the polls, the vote shall be counted, and a true statement thereof proclaimed by one of the judges to the electors present; and the clerk shall give notice to the persons elected, of their election. And it shall be the duty of the recorder, at each annual election thereafter, to give at least five days' notice thereof; by posting up notices at three of the most public places in said town, or causing the same to be published in some weekly newspaper printed in the county.

1st election

Subsequent elections.

Polls opened

Proclamation

Notice.

§ 4. The regular meetings of said mayor and councilmen shall be held on the first Saturday in each month, and the board may provide, by ordinance, for calling special meetings. At all meetings, the mayor, if present, shall preside. The recorder shall keep a correct record of the proceedings of the board, and may, under his hand and seal, appoint a deputy, for whose acts he shall be responsible.

Meetings.

Special.

Preside.

Record.

Deputy

§ 5. The mayor, councilmen, and inhabitants of said town

shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the town of "Salem," and shall be capable in law, in their corporate name, to acquire property, real and personal, for the use of said town, and sell and convey the same; may have a common seal, which they may alter at pleasure; may sue and be sued, defend and be defended, in any court of competent jurisdiction; and when any suit shall be commenced against said corporation, the first process shall be by summons, which shall be served by an attested copy, to be left with the recorder.

**Corporate.**  
**Property.**  
**Seal.**  
**Process.**

**Oath.** § 6. The officers elected under this act, shall each take an oath or affirmation to support the constitution of the United States, and the constitution of the State of Iowa, and faithfully to discharge the duties of their respective offices.

**Powers.**  
**Ordinances.**  
**Penalties.**  
**Civil action.**  
**Criminal.**

§ 7. The mayor and councilmen are invested with authority to make ordinances, to secure the inhabitants against fire, against violation of the law, and the public peace; to suppress riots, gambling and drunkenness, and indecent or disorderly conduct; to punish lewd behavior in public places, and generally to provide for safety, and prosperity, and the good order of the town, and the health, morals, comfort and convenience of the inhabitants; and to impose penalties for the violations of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action, in the name of the town, 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 town.

**Taxes.**  
**Veto.**

§ 8. The mayor and councilmen shall have power to levy, by ordinance, a tax on all real and personal estate within the limits of said incorporation, not exceeding one-half of one per centum in any one year; but such ordinance shall have no force or effect until the same be submitted to the legal voters of said town, at an election specified and called for that purpose, of which two weeks' notice shall be given by three written notices posted up in the most public places in said

town, and receive a majority of the votes cast at said election; the election shall be conducted, so far as practicable, in the same manner as the regular elections, and the vote shall be taken "for the tax," or "against the tax."

§ 9. The mayor and councilmen shall have power to make and establish ordinances for the government of said town, and to alter, repeal, or re-enact the same; also, to provide for the election of a treasurer, assessor, marshal, and other subordinate officers necessary for the government and well-being of the town; to prescribe their duties, declare their qualifications, and period of service; fix their fees and compensation, and require them to take an oath, or affirmation, faithfully to discharge their duties, and may require them to give security, if they deem it necessary.

§ 10. The mayor and councilmen shall have power, by ordinance, to regulate and improve the streets and alleys, and determine the width of side-walks: *Provided*, that no property shall be taken from any individual, until such individual shall be paid therefor the value thereof, to be ascertained by six disinterested freeholders, to be summoned by the marshal for such purpose, and duly sworn; previous notice thereof being given to the owner. They shall also have power to remove all nuisances and obstructions from the streets and commons, and all other places in said town, and to provide for the removal of the same.

§ 11. The streets, lanes and alleys of said town shall constitute one road district, the supervisor of which shall be appointed by the Mayor and Councilmen, and shall hold his office for one year; said Supervisor shall perform the same duties as are or may be imposed by the laws of this State upon the Supervisors of roads and highways; but shall make his report to the Mayor and Councilmen; and the road tax and labor of said district shall be laid out and expended within said district, under the direction of the Mayor and Councilmen.

§ 12. The fees of the officers shall be fixed by ordinance, but the Mayor and Councilmen shall receive no compensation, unless the same shall be voted by the electors of the corporation.

§ 13. It shall be the duty of the Mayor and Councilmen,

Majority.

Manner of voting.

Make and repeal ordinances.

Officers.

Duties.

Fees, &amp;c.

Streets.

Nuisances.

Road district.

Supervisor. Duties.

Funds.

Fees.

Tax duplicate

on or before the first day of May in each year, to cause to be made out a duplicate of taxes, charging each individual therein the amount of taxes in proportion to the real and personal estate of such individual within said town, which duplicate shall be signed by the Mayor and Recorder, and delivered to the Marshal, whose duty it shall be to collect the same, in such manner as the ordinances shall direct.

Collection.

Sell-  
Estate.

§ 14. The said Marshal shall have power to sell personal estate, and for want thereof, to sell real estate for the non-payment of taxes within said corporation, giving the purchaser of such real estate a certificate of such sale, setting forth a brief description of property so sold, the time of sale, and the amount of the purchase money, which certificate shall be assignable by endorsement thereon; but no real estate shall be sold for the non payment of taxes unless the assessment of such tax or taxes, and the time of such sale shall have been duly notified by publication, for at least four weeks, in some newspaper in said county, or by posting up in three of the most public places in said town, a written notice four weeks before such sale. Said taxes shall be deemed to be due on the first day of September in each year. Any real estate sold under this section, may be redeemed at any time within two years from date of the sale thereof, by paying the amount for which the same was sold, with twenty-five per cent. per annum interest on the same, which payment may be made to the Recorder as the agent for the purchaser. If any real estate so sold remains unredeemed at the expiration of two years from the date of the sale, the marshal shall, upon the payment of his legal fees, make, execute, and deliver to the purchaser, his assignee or legal representative, a deed for such real estate. The Mayor and Councilmen may, within thirty days after the assessment of taxes, make such changes therein as may be applied for by any one who may deem the valuation of his property unjust.

Assign. b/c.

Publication.

Redeem.

Deed.  
Reduction.

Take effect.

15. This Act to take effect from and after its publication in the Iowa Weekly Observer, to be at the expense of said town.

APPROVED January, 24th 1855.