

as is allowed by law: *Provided*, That in case any of said commissioners should act as surveyor in laying out said road, he shall be entitled to receive such per diem for his services as is allowed by law to county surveyors, and nothing more: *Provided*, That the State shall in no case be responsible for any expenses created or growing out of the establishment of said road.

SEC. 5. This act shall take effect from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Approved January 23d, 1857.

I certify that the foregoing Act was published in the Iowa City Republican, Jan. 28th, and in the Iowa Capital Reporter.

ELIJAH SELLS,
Sec'y of State.

CHAPTER 102.

COUNCIL BLUFFS.

AN ACT to amend the charter of the city of Council Bluffs.

Boundaries.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the boundaries of the city of Council Bluffs shall hereafter be as follows: Commencing in the middle of the main channel of the Missouri river, at the point where the east and west line between fractional sections numbers four (4) and nine (9), in township seventy-four (74) north, of range forty-four (44) west, would cross said channel, if extended far enough to do so; thence north up the channel of said river, to the point where the section line running east and west between sections fifteen (15) and twenty-two (22) in township seventy-five (75) north, of range forty-four (44) west, would strike the same if continued to the center of said river, thence east along said sectional line to the north-east corner of section nineteen (19), in township seventy-five (75) north, of range forty-three (43) west, thence south along the sectional line, to the south-east corner of section number six, in township seventy-four (74) north, of

said last mentioned range, and thence west to the place of beginning in the center of the channel of said river; 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 present limits of said city, or as is conferred by this act.

SEC. 2. The said city shall be divided into four wards, as **Wards.** follows: that portion lying east of Madison street shall constitute the first ward; that portion lying north of Broadway, and west of Madison street, shall constitute the second ward; that portion lying south of Broadway, and west of Madison street, and east of Bancroft street and the continuation thereof due south, shall constitute the third ward; and that portion lying south of Broadway, and west of Bancroft street, shall constitute the fourth ward: *Provided*, that the council of said city may change, unite, or divide, the said wards, or any of them, and increase their number whenever it may think it for the interest of the city.

SEC. 3. Two aldermen shall be elected in each ward by **Aldermen.** the legal voters thereof, at the first election after the passage of this act, which said election shall be held on the second Monday of March next, and annually thereafter.

SEC. 4. At the first meeting of the city council after the first election under this act, or as soon thereafter as conveniently 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 duly 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. **Aldermen to draw lots.**

SEC. 5. The city of Council Bluffs shall have the exclusive right to make wharves, and collect wharfage and ton- **Wharves and wharfage.**

age of wharves and ferries used and exercised on the river and banks of the Missouri river, which is added to said city by this act; and the said city of Council Bluffs shall grant and revoke ferry privileges and licenses, and have exclusive jurisdiction and control over the same within said city limits.

Recorder's court.

SEC. 6. There is hereby established in and for the city of Council Bluffs, a court called the Recorder's Court, the judge of which shall be the recorder of said city; which court shall have within the said city of Council Bluffs, all the jurisdiction, both civil and criminal, with the rights, powers and authority of a justice of the peace, and all the judicial powers now by law or by city ordinances vested in the mayor, are hereby vested in said Recorder's Court of

Mayor's powers and duties

said city; and hereafter the mayor of said city shall exercise no judicial functions whatever, but shall be the executive officer of said city, and as such, shall have the power to remit fines and pardon offences committed against the municipal ordinances and regulations of said city.

Appeals.

SEC. 7. Appeals to the district court in the same county shall be allowed from the judgments and decisions of the Recorder's court, in the same cases, time and manner as may at any time be allowed by law from those of justices of the peace, and they shall be tried as in other cases.

Qualification.

SEC. 8. 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 justices of the peace, to be approved and filed with the county judge, and also a bond in the penalty of one thousand dollars, to the city of Council Bluffs, to perform his duty as Recorder of said city, and judge of the Recorder's Court, to be approved by the mayor of said city.

Compensation.

SEC. 9. The 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 determine.

Punish offenders.

SEC. 10. The city council shall have power to provide for the punishment of offenders by imprisonment in the county jail, or workhouse, or city prison, in all cases where

such offenders shall refuse or neglect to pay the fines and forfeitures which may be adjudged against them ; and the city council may also make further provisions by ordinances, for all such offenders, to work out the fine and costs of prosecution, on the streets, alleys, and public works of the city.

SEC. 11. All suits, actions, and prosecutions, instituted, commenced, or brought by the corporation, created by this act and the act hereby amended, shall be instituted, commenced, and prosecuted in the name of the city of Council Bluffs.

SEC. 12. All ordinances and by-laws passed by the city council, signed by the mayor and attested by the recorder, shall be received and read in evidence in all courts and places, upon the production of the original record or a certified copy thereof, or of a book, pamphlet, or newspaper, in which the same purport to be published by authority, without further proof.

SEC. 13. In addition to the powers now vested by law in the city council of said city, said council shall also have power to prevent the introduction of contagious diseases into the city, and to enforce the same within three miles of the city limits ; to establish hospitals, and make regulations for the government of the same ; to declare what shall be a nuisance, and to prevent, remove, or abate the same ; to tax dogs, or prevent them from running at large in the city ; to open, abolish, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes, and alleys ; to provide for lighting the streets ; to establish, support, and regulate night watches, and the police of the city ; to erect market houses and places, and provide for the government of the same ; to provide all needfull buildings for the use of the city ; to improve and regulate all public grounds belonging to the city ; to regulate or prohibit the erection of any wooden building, or any block, or half block, and to cause any wooden building to be removed or torn down, where the same is shown to be necessary for the safety of the property or lives of the inhabitants ; to fix the compensation of all city officers and other persons in the employ of the city ; to license, tax, and regulate auction-

eers, transient merchants, hawkers, pedlars, and pawnbrokers; to license and regulate porters, and fix the rate of portorage; to regulate partitions, fences, and walls, in common, not otherwise regulated by law; to provide for the inspection and measurement of lumber and other building material, and for the measurement of all kinds of mechanical work; to provide for the inspection and weighing of hay, the measuring of coal, wood, and other fuel used in the city; to prohibit the discharge of firearms and other fireworks, and the racing, immoderate running or driving of horses; and to impose fines, forfeitures, and penalties for the breach of any ordinance, not exceeding one hundred dollars and imprisonment not exceeding fifty days in the county jail, workhouse, or city prison, and provide for the recovery and appropriation of such fines and forfeitures.

Hold real estate. SEC. 14. The city of Council Bluffs shall have power to acquire and hold all necessary real estate for the erection of public buildings thereon, and it shall have power to acquire, hold and regulate a city cemetery, either within or without the limits of the city, and to provide for the burial of the dead.

R. R. stock. SEC. 15. The said city shall have power to subscribe to the capital stock of any railroad company, and may pay the same with the bonds of the city; and shall be empowered and required to levy and collect all the necessary taxes to pay the principal and interest of said bonds: *Provided*, such subscriptions shall be authorized by a majority vote of the legal voters of said city, cast at an election ordered for that purpose.

Taxes. SEC. 16. The city council shall have power and authority to levy and collect taxes upon all taxable property, real, personal, and mixed, within the city, subject to taxation for county purposes, including money at interest or on deposit, not exceeding five mills on the dollar, in any one year. It shall be the duty of the assessor of the city, on or before the first day of July in each year, to list and value all the taxable property above specified, within the limits of the city, and he shall, within the limits of the city, have all the power and authority conferred upon county assessors by law, and in discharge of his duties, shall conform, as far as pos-

sible, to the duties of those officers. On the first Monday Errors. of July, he shall attend at some public place, to hear the complaints of any person concerning himself aggrieved by his assessment, and may, if he deems proper, correct the same. Immediately thereafter, he shall make his returns to Returns. the city council, and said council shall, on a day to be fixed for that purpose, of which one week's notice shall be given, proceed to equalize, correct and confirm the same. The city council, after having corrected and confirmed the assessment roll, as aforesaid, shall levy the requisite tax, and the recorder shall, as soon as practicable thereafter, make out from said assessment, the tax list of the city for the current year. The mayor of the city shall attach to the list aforesaid, his warrant under his hand countersigned by the recorder, with the seal of the city, in general terms, requiring the city marshal to collect the taxes therein levied, according to law, on or before a day to be fixed by the council, and which may be extended from time to time, and such list shall constitute a full and sufficient authority for the marshal to collect all taxes therein contained. The marshal, upon receiving said Marshal's duty tax list and warrant, shall make a personal demand upon every resident charged with tax, if to be found within said city, and shall give at least one publication in some newspaper, that if the taxes are not paid within thirty thereafter, the same will be collected by sale of property of delinquents. At the expiration of said thirty days, the marshal is hereby authorized to collect said taxes by distress and sale of the personal property of such delinquents, and such sale shall be conducted in the same manner as constable's on execution.

SEC. 17. Where no personal property can be found, out Real estate. of which to collect said taxes, the marshal shall proceed to sell the real estate upon which the same is assessed, and such sale may be made at any time within one year from the time tax was levied. The marshal shall give notice by pub- Notice. lication in one of the newspapers of said city, four consecutive weeks, stating the amount of said tax, cost and printer's fee, as near as may be, and the number of the lot, or the description of the piece of land or property on which the same are due; and the owner's name, if known, and

that the said lot, piece of land or property, will be sold on the day and at the place mentioned in said notice, unless payment is made of the taxes, cost and printer's fee, on or before the day of sale, and if such payment should not be made according to said notice, then said marshal shall proceed and sell the same in accordance with said notice for said amount due, the bidder who will take the least quantity of the lot, piece of land or property, off of the side which the marshal shall designate, or the whole, if there be no bid for a less quantity; and he shall give to the purchaser a certificate stating the description of the piece of land, or the number of the lot, or the portion thereof, or the property purchased and the price paid therefor, and the day of sale; and if the owner or claimant shall not redeem the same by paying the amount for which the same was sold, together with fifty per cent. per annum to the purchaser or to the city treasurer, for said purchaser's benefit, within eighteen months from the day of sale, the said purchaser, or his heirs or assigns shall be entitled to a deed therefor, and the mayor of the city, shall, on demand, and the presentation of said certificate, make, execute and deliver to the holder or owner of each certificate, a deed for said property in said certificate mentioned, which when acknowledged or approved as other deeds are acknowledged or proven, shall be good and valid in law or equity to pass a valid title to such lot, piece of land, ground or other property, and shall be prima facia evidence in all courts, that all things have been complied; nor shall the same ever be enquired into, until the amount for which said property or real estate, together with the interest aforesaid shall have been tendered to the holder thereof, or deposited in the city treasury for his benefit. If for any reason the taxes shall not be collected upon any real estate or property in any year, as above provided, the same may be reassessed and added to the tax list of the subsequent year, and collected in the same manner as the taxes for the current year.

Increase of ratio. SEC. 18. If at any time it shall be deemed necessary to increase the ratio of taxation provided for in the preceding section, the city council shall call a meeting of the taxable inhabitants of said city, by giving two weeks' notice thereof in the newspapers published in said city, and by posting two

notices in each of the wards thereof. At such meetings the mayor or other person appointed by the council shall submit a statement of the finances of the city, and the taxable inhabitants then present shall have power by a majority vote, to increase the ration of taxation for the current year, to such amount as they may determine, not exceeding one per cent. on the whole amount of taxable property.

SEC. 19. When the property of individuals is taken for ^{Private prop-} the laying out, changing, or widening of streets, as here-_{erty taken.} tofore provided by this act, the city shall pay such damages as may be assessed by a jury or commission organized in the same manner as is now provided by the law granting to railroad companies the right of way, approved January 18th, 1853.

SEC. 20. Sections four (4), ten (10), twelve (12), thirty-^{Repeal.} five (35), thirty-six (36), thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40), and forty-one (41) of the present charter of said city of Council Bluffs, together with all other parts of said charter or of any other act inconsistent with the provisions of this, are hereby repealed; but such repeal shall not extend to any suit or proceeding already commenced, or the collection of any tax already levied and in process of collection.

SEC. 21. This act shall take effect immediately after its passage, so far as relates to the division of said city into wards and the election of city officers, and in all other respects from and after its publication in the Bugle and Chronotype newspapers of said city, or either of them, without expense to the State.

Approved January 23, 1857.