

Pros. attorney must enforce. SEC. 5. It shall be the duty of the prosecuting attorneys of each county to see that this act is strictly enforced, and to prosecute all violation of the same.

SEC. 6. This act shall be in force from and after its publication in the Iowa City Republican and Iowa Capital Reporter.

Repeal. SEC. 7. *Provided*, nothing in this act shall be so construed as repealing any part of the act in relation to swamp lands, approved July 15, 1856, or with any appropriations of said swamp land funds as contemplated by the swamp land act, approved 1853.

Approved January 26, 1857.

I hereby certify that the foregoing act was published in the Iowa Capital Reporter, Feb. 16, 1857, and in the Iowa City Republican Feb. 18, 1857.

ELIJAH SELLS,
Sec'y of State.

CHAPTER 121.

CLINTON CITY.

AN ACT to incorporate the city of Clinton.

Corporation. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all that portion of the State of Iowa included within the township of Clinton, and county of Clinton, Iowa, to wit: the original plat of the town of Clinton, including the north and south addition, as recorded upon the records in the recorder's office of said county, be, and the same is hereby declared a city, and the inhabitants thereof are created a body corporate and politic by the name and style of Clinton city, and by that name shall have perpetual succession, and shall have and use a common seal, which they may alter and change at pleasure.

Wards. SEC. 2. The said city is hereby divided into three wards as follows: That part of the city which lies north of the middle of second avenue on the old plat and including north addition, to be the first ward. That part lying between the middle of second avenue and the middle of eighth ave-

ave, is the second ward. That part which lies south of the middle of eighth avenue, is the third ward. *Provided*, that the city council may change, unite, or divide the said ward, or any of them, whenever they shall think it for the interest of the city.

SEC. 3. On the passage of this act the county judge shall order an election for the purpose of submitting this charter to the citizens of said city, which election shall take place on the first Monday in March A. D. 1857, and shall be conducted in all respects as now provided by law, the township trustees conducting said election as in other cases. The returns of said election shall be made to the county judge, and in the event that a majority of all the votes polled are in favor of said charter, then it shall be the duty of said judge to order and provide for an election in each ward in said city, to be held at such places as he may think proper for the election of the officers, as provided in section seven and eight, which election shall be held on the first Tuesday in April A. D. 1857, and shall be conducted, in all respects, as now provided by law, and returns made to the county judge, whose duty it shall be to notify the persons elected to the respective offices named in the seventh section of this charter, who shall enter upon their duties as prescribed in this act. Charter submitted. sub-

SEC. 4. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city three months, and of the ward in which he offers to vote, ten days next preceding a city election, is declared a citizen of said city, and is entitled to vote at all elections thereof. Citizenship.

SEC. 5. A person offering to vote may be challenged as in the election in the township, and an oath may be administered to him under like circumstances, naming the qualifications herein prescribed. Challenge.

SEC. 6. No person shall be eligible to the office of mayor unless he be a citizen of the city as above defined, and have been a resident thereof six months next preceding his election. Nor shall any person be eligible to any other office mentioned in this act, unless he be a citizen of the city, as Who eligible.

above defined, and has been a resident thereof three months next preceding his election.

City officers. SEC. 7. The officers of the city shall be a mayor, two aldermen from each ward, a marshal, recorder, treasurer, assessor and wharf master, for the choice of whom election shall be holden annually, on the first Tuesday in April : and each of whom will hold his office for the term of one year, (except in the case of aldermen, as hereinafter provided,) and until their successors are elected and qualified.

Aldermen. SEC. 8. Two aldermen shall be elected in each ward, and such one of the two as receives, at the first election, the highest number of votes, shall hold his office for the term of two years, and the other one year ; and thereafter one shall be elected each year in each ward, to hold for the term of two years. If there be a tie in the above case, the matter to be decided by lot.

Mayor's duty. SEC. 9. It is the duty of the mayor to see that the law and ordinances of the city are executed and their violation punished, to superintend and direct the official conduct of the subordinate officers, to keep the seal of the city, and to sign and seal all commissions, license and permits granted by the city council, and to perform such duties and exercise such powers as pertains to the office of mayor of a city, and such as may be granted by the ordinances of the city, consistent with law.

**Judicial pow-
ers.** SEC. 10. He is by virtue of his office a justice of the peace, and is invested with exclusive original jurisdiction of cases arising under ordinances of the city, 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 is or may be limited to their township ; and he will not be disqualified to act in such judicial capacity, by any proceeding being in the name or in behalf of the city. He will be entitled to demand and receive, in civil actions, and actions for the breach of the laws of the State, such fees as are at the time allowed by law to justices of the peace.

Appeals. SEC. 11. Appeals to the district court in the same county shall be allowed, from the judgment and decision of the mayor, in the same cases, time and manner as they are at

the time allowed by law from those of other justices, and they shall be tried in the same manner.

SEC. 12. He shall be the presiding officer of the city Preside. council when present, and shall give the casting vote when there is a tie. In his absence the council may appoint a president for the time being, who shall have authority to sign ordinances and orders on the treasurer, and to administer oaths, and to do all other things pertaining to the office of mayor, (except as a justice of the peace), stating, in connection with his signature, the absence or inability of the mayor.

SEC. 13. In case of the absence of the mayor from the Absence, &c. city, or in case of his inability to act as a justice, any justice of the peace in the township of Clinton, may take cognizance of cases arising under ordinances of the city, such absence or inability being made to appear on the docket of the justice.

SEC. 14. The recorder is required to keep a true record Recorder's du- of all the official proceedings of the council, and such ty. record shall at all times be open to the inspection of any citizen, and he shall perform such other duties as may be required by the council.

SEC. 15. The marshal is made a conservator of the Marshal's du- peace; he is the executive officer of the mayor's court, and ty. shall execute and return all process directed to him by the mayor, and in cases for the violation of the criminal laws of the State, and of the ordinances of the city, may execute such process in any part of the county. He is invested with the same authority within the city to quell riots and disturbances, to prevent crimes and arrest offenders, that the sheriff has within his county. He shall perform such other duties as the council prescribe, and with its approval may appoint one or more deputies, for whose official acts he will be responsible, and whom he may discharge. For the service of legal process he will be entitled to the same fees as a constable, and for services required by the council such compensation as it may allow.

SEC. 16. The legislative authority of the city is vested Legislative au- in a city council, consisting of the mayor and a board of thority. aldermen composed of two from each ward of the city.

- Meetings.** SEC. 17. The council may hold its meetings as it sees fit, having stated times fixed, or having provided by ordinances for the manner of calling them. Its meetings shall be public.
- Quorum.** SEC. 18. A majority of the council will be necessary to constitute a quorum. It is the judge of the election and qualification of its own members; it may determine the rules of its own proceedings, it may compel the attendance of its members at its meetings, in such manner and by such penalties as it may adopt, and it shall cause a record of its proceedings to be kept.
- Powers.** SEC. 19. The council is invested with the following power:
- Ordinances.** 1st. To make ordinances to secure the inhabitants against fire, against violations of the law and public peace, to suppress riots, drunkenness, gambling and indecent and disorderly conduct, and generally to provide for the safety, good order and prosperity of the city, and the health, morals, and convenience of the inhabitants.
- Penalties.** 2d. 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 the case of complaint before a justice of the peace; and the laws of the State in relation to carrying into effect a judgment of a justice of the peace, under a complaint, shall be applied to judgment in the above cases, but the charges thereof must be borne by the city.
- Fire companies** 3d. To establish and organize fire companies, and to provide them with engines and other fire apparatus.
- Gunpowder.** 4th. To regulate the keeping of gunpowder within the city, and to provide that no building of wood shall be erected within such part of the city as may be designated, and to declare such buildings a nuisance and cause their removal.
- Wharves.** 5th. To remove obstructions from, and have entire control of the landing of the Mississippi river, and to build wharves and regulate the landing, wharfage and dockage of boats and all other water crafts, goods, lumber, and other things landed at, or taken from the same: *Provided,*

nothing in this section shall be so construed as to affect the rights of the State or counties, or to prevent the county of Clinton from granting ferry charters in said county.

6th. To exercise, exclusively, the power to provide for the ^{Licenses.} license, regulation or prohibition of exhibitions, shows, and theatrical performances, billiard tables, ball and ten-pin alleys, and places where any games of skill or chance are played; but this power extends to no exhibition of a properly literary, scientific or artistical character; and when the laws of the State permit license for the sale of intoxicating liquor, that subject shall be within the exclusive authority of the council, and it may at all times prohibit the retail of the above liquors, unless such prohibition would be inconsistent with the law of the State at the time existing; and it may revoke or suspend any of the licenses above mentioned when it considers that the good order and welfare of the city require it.

7th. To make all requisite ordinances in relation to the ^{Nuisances.} cleanliness and health of the city, and to require the owners of lots on which water becomes stagnant, to drain or fill up, or drain and fill up the same, and in default thereof, after reasonable notice, to cause the same to be done at the expense of the city, and assess the cost on the specific lots, and cause them to be sold by the city collector, as in the case of unpaid taxes; but the owner may redeem the same as in that case.

8th. To regulate cartage and drayage within the city, ^{Cartage and drayage.} and may license therefor, and may also make a prohibition of animals running at large within the city.

9th. To provide for the establishment and support of ^{Schools.} public schools in the city, when there has been a legal vote of the citizens in favor thereof, and to provide for the government of the same.

10th. To audit all claims against the city; to provide for ^{Receipts and disburse'm'ts.} the keeping of the public money of the city; and the manner of drawing the same from the treasury; and all the officers of the city are accountable to the council in such manner as it directs; and it is the duty of the council to publish annually a particular statement of the receipts and expendi-

tures of the city, and of all debts owing to and from the same.

- Grade streets.** 11th. To establish the grade of the streets, alleys, and wharves, and to change that of the wharves at pleasure, and that of a street or alley upon the petition of two-thirds the value of the real property on both sides the street where the change is desired.
- Meetings.** 12th. To prescribe the manner of calling the meeting of the citizens, except for the election of officers.
- Subordinate officers.** 13th. To appoint in such manner as it determines, and during pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it deems advisable, and may prescribe their duties, powers and qualifications, and may provide for any of those officers by the citizens.
- Pavements.** 14th. To cause the streets and alleys of the city to be paved, and the pavement to be repaired, and in that end it may require the owners of lots adjacent to which it is to be done, to pave and repair one half in width of the street contiguous to their respective lots; and in case of neglect, after a reasonable time named in the order, the same may be done by the city, and the expense may be assessed on such lots, which shall have the effect of a tax levied thereon, and they may be sold therefor as for a tax, subject to the same right of redemption.
- Borrow money.** 15th. To borrow money for any object in its discretion, if at a regular notified meeting, under a notice stating distinctly the nature and object of the loan, and the amount thereof, as nearly as practicable, the citizens determine in favor of the loan by a majority of two-thirds of the votes given at the election.
- Vacancy.** 16th. To fill vacancies occurring in any of the city offices, by appointment of record to hold, in the case of elective officers, until the next regular election and the qualification of the successor.
- Streets and alleys.** 17th. To establish and locate streets and alleys, and to vacate the same upon the petition of two-thirds the value of the real property on both sides the street or alley where the change is desired.

SEC. 20. Ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect, be published in one or more newspapers printed in the city, at least ten days, or be posted in each ward for fifteen days. They shall be recorded in a book kept for that purpose, and signed by the mayor and attested by the recorder; an affidavit made by the recorder, marshal, or mayor, or by the printer or publisher of a newspaper in which an ordinance may be published, stating the time and manner of the publication of an ordinance, and sworn to before the mayor or any justice of the peace in the county of Clinton, and filed in the recorder's office, made and signed on the face of the record of ordinances, shall be prima facie evidence of the publication therein stated. Ordinances.

SEC. 21. The election of the officers shall be conducted in a manner as similar to that in which the elections are conducted in the township, as the nature of the case permits. Conducting elections.

SEC. 22. A person offering to vote may be challenged as in the election in the township, and an oath may be administered to him under like circumstances, naming the qualifications herein prescribed. Challenge.

SEC. 23. No member of the city council shall be eligible to any office in 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 for work, or service to be performed for the city. Ineligible.

SEC. 24. For all elections for city officers the mayor is directed to issue a proclamation to the voters of the city or of the several wards, as the case may be, naming the time and place or places of the election and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days before the election; or instead thereof, he may cause a copy to be published in a newspaper printed in the city the same length of time. Proclamation.

SEC. 25. The polls shall be open (the council having appointed judges and clerks) between the hours of eight and ten in the forenoon, and continue open till four o'clock in the afternoon. Within two days after election, the judges of the election shall make their returns to the city council, Polls open.

which shall examine them, and cause an abstract of the votes to be recorded in a book kept for that purpose.

Oath of office. SEC. 26. The mayor, aldermen, marshal, treasurer, recorder and assessor, shall take an oath to support the constitution of the United States and of the State of Iowa, and faithfully and impartially to perform their duty to the best of their ability. The oath of office 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 be of the same effect as if administered by other officers authorized thereto.

Bond. SEC. 27. Such of the officers as the council determine, shall give bond in such penal sum, and with such condition as may be prescribed, and to be approved as required.

Duties. SEC. 28. The duties of all the officers (in addition to the duties herein prescribed) shall be such as are provided by ordinance, and they will be entitled to such compensation for their services, and subject to such penalties and forfeitures for their violation of duty (except as herein provided) as the ordinances may prescribe.

Taxes. SEC. 29. The city council is further authorized to levy and collect taxes, not exceeding one per cent., on the value of all property within the city which is liable for State and county taxes, including improvements on real property. The council may also levy a tax on dogs, or prohibit their being kept in the city.

Basis of assessment. SEC. 30. The latest assessment rolls shall form the basis of assessment, but the city assessor may add thereto any property omitted, assessing the same himself.

City collector. SEC. 31. The marshal, or such person as, in case of his absence or disability, the council may appoint of record, shall be the collector of taxes, and before proceeding to collect the same, shall give thirty days' notice of the assessment and levy of the tax and rate thereof in general terms, without names or the description of the property in a newspaper printed in the city if there be one, and if none then by two written notices posted in public places in each ward. Upon taxes remaining unpaid for two months from the time

of giving said notice, interest shall be paid after the expiration of said two months, at the rate of fifty per cent. per annum.

SEC. 32. During the thirty days any person aggrieved by his assessment or taxation may appear before the council, which may correct the same if found erroneous. Correct assessment.

SEC. 33. The mayor shall affix his warrant to the tax list in general terms, requiring the collector to collect the taxes therein, according to law; and such warrant and list shall be a justification to the collector. Warrant.

SEC. 34. When any person's tax is not paid within a reasonable time after demand, the collector may distrain upon personal property liable to taxation, and sell the same as the county collector may sell in like cases. Sale.

SEC. 35. Taxes on real property shall be a lien thereon, and it may be sold therefor (if no personal property be found) when the taxes remain unpaid for four months after publication of the notices of the tax; but demand of the tax must be made a reasonable time before sale, if the supposed owner be found in the city. Lien.

SEC. 36. Such sale must be at public auction, and there must be thirty days' notice given as above provided for, notifying the assessment and tax; and 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 purchased, shall be as directed in the State revenue law now or hereafter existing. Auction. Notice.

SEC. 37. The collector shall execute and deliver to the purchaser a deed running in the name of the State, which shall have the same force and effect of the deed of the treasurer of the county, on sale for county and state taxes, under the law existing at the time. That the land so sold, may be redeemed within the same time and upon the same conditions that lands may be redeemed when sold for county and State taxes under the general revenue law of the State now or hereafter existing, by making payment to the collector of taxes or the purchaser, and the purchaser may proceed in the same manner to perfect his title to said lands as is or may be provided by the general revenue law of the State. Tax deed.

SEC. 38. It shall not be lawful for the county authori- Road tax.

ties of Clinton county to levy a road tax on any property or a road poll tax on residents in Clinton city, and the city council of said city is hereby authorized to levy and collect annually a road tax, not exceeding three mills on the dollar, on all property liable to road tax in said city, and road poll tax not exceeding three dollars for each resident under the age of fifty years and over the age of twenty-one years, the collection and payment of said taxes to be made or enforced in the same manner as other taxes in said city.

Vacancy.

SEC. 39. When vacancy or vacancies occur in any of the elective offices of said city, the council shall order a special election for the purpose of filling such vacancy; said election to be conducted as nearly as practicable in the same manner as now provided by law.

Road district.

SEC. 40. *Be it further enacted*, That the territory embraced within the limits of said Clinton city shall constitute one road district, and that the street commissioner now or hereafter appointed in said city shall act as supervisor of said road district, and for that purpose is invested with all the powers of road supervisor; and that the council of said city may at any time divide the same into two or more road districts; and appoint a street commissioner in each of said districts, who shall act as supervisor in their respective districts.

Public act.

SEC. 41. This act may be taken and may be pleaded as a public act.

SEC. 42. This act shall take effect from and after its publication in the Iowa Republican and Clinton Herald, without expense to the State.

Approved January 26, 1857.

I certify that the foregoing act was published in the Clinton Herald, February 12, 1857, and in the Iowa City Republican, March 14, 1857.

ELIJAH SELLS,
Secretary of State.