

lication in Independence Civilian and Iowa City Republican, without expense to the State.

Approved January 27, 1857.

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CHAPTER 127.

GUTTENBERG.

• AN ACT to amend an act entitled "an act to incorporate the town of Guttenberg.

Charter officers  
elected.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the qualified voters for members of the General Assembly, residing within the limits of the corporation of the town of Guttenberg, shall, on the first Saturday of April, A. D. 1857, and annually thereafter, at such place in said town as the town council shall direct, proceed to elect by ballot a mayor, a recorder, and five trustees; also a treasurer, marshal and Assessor, who shall hold their offices for the term of one year, and until their successors are elected and qualified.

Judges of elec-  
tion.

SEC. 2. It shall be the duty of the mayor, together with any two of the trustees, to sit as judges at all subsequent elections, and the Recorder, or in his absence some one of the council pro tempore, shall sit as Clerk; and at all such elections the polls shall be opened between the hours of ten and eleven of the forenoon, and closed at three o'clock in the afternoon; and at the close of the polls the votes shall be counted, and the poll books be certified by the judges of the election, and filed in the office of the recorder, whose duty it shall be, within seven days thereafter, to give publicity to the result of said election in the columns of some newspaper published in the county of Clayton, and the persons elected shall, within ten days after their election, take and subscribe an oath to support the Constitution of the United States, and that of the State of Iowa, which oath shall be administered by some person duly authorized by law to administer oaths, and when so administered and subscribed shall be deposited with the recorder of said town.

SEC. 3. The mayor, recorder and trustees of said town

shall be a body politic and corporate, with perpetual succession, to be known by the name of the town of Guttenberg, and shall be capable in law to acquire property, real and personal, for the use of said town, and sell and convey the same under the provisions hereinafter contained. They may have a common seal, and may alter the same at pleasure; may sue and be sued, plead and be impleaded, answer and be answered in any court of law or equity in this State; and when any suit shall be commenced against said corporation, the first process shall be a summons, a certified copy of which shall be left with the recorder, and in his absence, with the mayor, at least ten days previous to the return day thereof.

SEC. 4. That the mayor, recorder, and trustees, or a majority thereof, of whom the mayor or recorder shall always be one, shall have authority to make, ordain and publish all by-laws and ordinances not inconsistent with the constitution of the United States, or of this State, as they shall deem necessary and proper for the promotion of morality, as well as for the good regulation, interest, safety, health, cleanliness and convenience of said town and the citizens thereof. They shall have power to fill all vacancies that may happen by death or otherwise, of any of the officers herein named. They shall also have power to prescribe the duties of the marshal, assessor, and treasurer. They shall also have power to appoint such other subordinate officers as they may deem needful; to prescribe their duties, and require surety for their performance, to remove them at pleasure, and to establish the fees or salary of all officers in the corporation, including the fees or salary of the recorder, treasurer, marshal and assessor. They shall have power to impose fines for the breach of their ordinances; but no fine shall be imposed on any person for any one breach of any one ordinance, of more than ten dollars, which fine may be recovered with costs, before a justice of the peace, by an action of debt in the name of the corporation, and the party so fined may be committed to the county jail until such fine and costs be satisfied: *Provided*, such commitment shall be at the cost of the corporation, and shall not exceed a period of five days. All fines collected in pursuance of this act

Legislative  
powers.

shall by the officer collecting the same, be paid over to the treasurer of the corporation.

Mayor execute  
laws.

SEC. 5. It shall be the duty of the mayor to see that the laws and ordinances of the town are executed and their violation punished; to superintend and direct the official conduct of the subordinate officers; to sign and seal all commissions, licenses and permits granted by the town council. He shall be the presiding officer of the town council when present, and shall give the casting vote when there is a tie; and in [his] absence the council may appoint a president for the time being, who shall be one of the trustees of the corporation.

Council—qual-  
ification & e-  
lection.

SEC. 6. The council shall be the judge of the qualification and election of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen; and may compel the attendance of its members in such manner and by such penalties as it may adopt.

Marshal's du-  
ties.

SEC. 7. The marshal shall be a conservator of the peace, and shall execute and return all process directed to him by a justice of the peace; and in cases for the violation of the town ordinances, and of the criminal laws of the State, may execute the same in any part of the county; and he shall have the same authority within the corporation to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the sheriff has in his county. For the service of legal process he will be entitled to the same fee as a constable, and for service required by the council to such compensation as it may allow.

Bonds.

SEC. 8. The recorder, treasurer, marshal, and assessor, shall each give such bonds as may be required of them by the ordinances of the town, with surety to be approved by the town council or a majority of them.

Ineligibility.

SEC. 9. No member of the town 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 profit of any contract or job for work or service to be performed by the town. The recorder shall officiate as clerk during the session of the town council; and in his absence the trustees shall have power to fill the vacancy by appointment for the time being.

**SEC. 10.** The ordinances passed by the town council<sup>Ordinances.</sup> shall be signed by the mayor and attested by the recorder, and before they take effect be published in some newspaper in the county, at least five days, or they shall be posted up in the town limits the same length of time. They shall also be recorded by the recorder in a book to be kept for that exclusive purpose, and signed by the mayor and attested by the recorder. It shall also be the duty of the recorder to make and preserve in a separate volume an index of the several ordinances of the town. He shall also keep a minute book, in which he shall record the proceedings of each session of the town council, which books shall be open to the inspection of any person.

**SEC. 11.** The regular meetings of the town council shall<sup>Meetings.</sup> be on the first Tuesday in every month. They may, however, be convened by the mayor or a majority of the trustees, whenever, in his or their opinion the same may be necessary.

**SEC. 12.** Said corporation shall have power to assess for<sup>Taxes.</sup> corporation purposes, an annual tax on all property in said town, made subject to taxation by the laws of this State for State and county purposes, not exceeding in any one year one percentum on the value thereof, which value shall be ascertained by the assessor, a duplicate of which shall be made out and signed by the recorder, and delivered to the collector within thirty [days] from the time of the completing of said assessment. They shall have power to equalize any injudicious assessment thus made, on complaint of the person aggrieved.

**SEC. 13.** The town marshal shall be the collector of any<sup>Collector.</sup> tax assessed, and he is hereby authorized and required, by distress and sale of property, as sheriff on execution, to collect and pay over to the treasurer within three months after the time of receiving the duplicate thereof, and the treasurer's receipt shall be his voucher. The town marshal shall make personal demand of every resident charged with tax, and shall give ten days' notice by advertisement in some newspaper published in the county, of the time when he will commence the collection of said tax; and if the tax on any lot or lots, or piece of land on which no personal prop-

erty can be found, belonging to the owner of said lot or lots or piece of land, shall remain unpaid three months from the time of the publication of the foregoing notice, it shall be the duty of the marshal to give notice in the nearest newspaper, stating the amount of such tax, together with the description of said lot or lots or piece of land as set forth in the recorded plat of said town, and that the same will be sold to discharge such tax and costs, unless the payment thereof be made within three months from the date of such advertisement; and if such tax be not paid within that time, the marshal shall proceed to sell at public auction, so much of said lot or lots or piece of land as will discharge said tax and costs.

May redem.

SEC. 14. If the owner of such lot or lots or piece of land shall appear at any time within two years after such sale, and pay to the recorder of said town, for the use of such purchaser, the purchase money, with twenty per centum interest thereon per annum, together with the value and ten per centum on such value of all improvements on such lot or lots or piece of land, made by such purchaser, then he shall be entitled to the right of redemption; the value of such improvement to be ascertained by three disinterested persons appointed by the mayor. From their decision an appeal may be taken to the district court, as in cases originating in a justice's court: *Provided*, That nothing in this act shall affect the right of minors to the benefit of the right of redemption when they shall arrive at full age.

Publish acc't of  
rec'r's disburse-  
ments.

SEC. 15. It shall be the duty of the town council annually, in the month of March, to publish in the nearest newspaper, or to post on some conspicuous place within the limits of the corporation, an accurate account of the moneys received and expended by said corporation, with the sources from which they were derived, and the objects on which they were expended, which report shall be signed by the mayor and attested by the recorder.

Road districts.

SEC. 16. The streets alleys and roads within the limits of the corporation shall constitute two road districts, together with so much of the roads leading from said town not exceeding two miles from the corporation limits, as the town council may think proper to order road labor to [be] expended upon, and the town council shall have the exclu-

sive right of appointing the supervisors and determining the boundaries of their districts.

SEC. 17. Said corporation shall have the power to regulate and improve all streets, alleys, side-walks, drains or sewers, to sink and keep in repair public wells, remove nuisances, regulate markets, improve the public landing, and do all other things for the improvement of said town, and for the protection and health of the citizens thereof, not inconsistent with the laws of the United States and of the State of Iowa. They may lease or rent a given number of lots on the public landing of said town for ware house, mill and manufacturing purposes, not exceeding one lot in front of each block of town lots along said landing. They shall have the power to establish and organize a fire department, to procure an engine, hose, hooks, ladders and other implements of use in the arrest and extinguishment of fire. They shall have power to license or prohibit shows or public exhibitions, except those of an artistic or literary character; also to license or prohibit the peddling of clocks, watches, jewelry or merchandise, within the limits of said corporation. Improve str'ts.  
Fire depart'm't.

SEC. 18. The town council, or a majority of them, shall have power to submit to the legal voters of said town, the question whether town property may be sold: *Provided, however,* That said corporation shall have no power or right to exercise any control over or right to the flouring mill claim on Miner's Creek, in the limits of said corporation, owned by Bernard H. Pelzer & Brother, embracing four acres of land; and further, if town bonds shall be issued, or money may be borrowed, to aid in the erection of public buildings or for other public purposes, within the limits of said corporation, or whether town property may be sold, bonds issued, or money may be borrowed or appropriated to aid in the construction of any railroad, or bridge, within the limits of the county of Clayton. Town property

SEC. 19. When any of the foregoing questions shall be submitted to the legal voters of said town, it shall be at a special election, called by order of the town council, of which public notice shall be given in the nearest newspaper at least thirty days prior to said election. Said notice shall contain the whole question, including the amount to be raised, and Special elect'n.

the object upon which it is to be expended. It shall also contain a provision to lay a tax for the payment, in addition to the usual taxes. The rate of tax shall in no case be more than one per cent. nor less than one mill on the county valuation. When it is supposed the levy of one year will not pay the entire amount and interest, the proposition and the vote must be to continue the proposed rate from year to year until the amount is paid. Such special tax shall be paid in money, and shall constitute a fund distinct from all others in the hands of the treasurer, until the obligation assumed is discharged. *Provided*, that in no case the town council shall be authorized to issue bonds, to borrow money, or to make appropriations, or levy a tax for any of the purposes named in this and the preceding section, unless the same shall be authorized by the votes of at least two-thirds of the legal voters of said town at such special election; and *further provided*, that nothing in the foregoing section be so construed as to prevent the town council from selling any lot or lots or piece of ground of the town property for manufacturing purposes without taking such vote.

**Compensation.** SEC. 20. The mayor and trustees shall receive no compensation unless the same shall be authorized by a vote of the inhabitants of said town at some annual election of the mayor and officers thereof.

**Notice of election.** SEC. 21. Every annual election shall be preceded by five days' notice thereof published in a newspaper in the county, or put up in three public places in said town.

**Repeal.** SEC. 22. That all but section one of an act entitled "An act to incorporate the town of Guttenberg," approved February 5th, 1851, be, and the same is hereby repealed.

SEC. 23. This act to take effect from and after its publication in one or more of the newspapers published in Clayton county, which publication shall be free of cost [to] the State of Iowa.

Approved January 27, 1857.

I certify that the foregoing act was published in the Clayton County Herald, February 26, 1857.

ELIJAH SELLS,  
Secretary of State.