

after its publication in the Iowa Republican and Iowa Capital Reporter, without expense to the State.

Approved January 27, 1857.

I certify that the foregoing act was published in the Iowa City Republican March 7, 1857.

ELIJAH SELLS,
Secretary of State.

CHAPTER 136.

CHANGE NAME.

AN ACT to change the name of West Point, Lee county, to Lee City.

Name changed SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the name of West Point, Lee county, be, and the same is hereby changed to Lee City.

Proviso. SEC. 2. *Provided, however*, That this change of name shall be recorded in the Recorder's office of Lee county, within six months from and after the passage of this act.

SEC. 3. This act shall take effect from and after its passage and publication in the Fort Madison Plain Dealer, and Fort Madison Argus, without expense to the State.

Approved January 29, 1857.

I certify the foregoing was published in the For Fort Madison Plain Dealer Feb. 27, 1857, and Fort Madison Argus, Feb. 28, 1857.

ELIJAH SELLS,
Sec'y of State.

CHAPTER 137.

CITY OF MAQUOKETA.

AN ACT to incorporate Maquoketa, in Jackson county, Iowa.

Corporate name.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the town of Maquoketa, in Jackson county, Iowa, be, and the same is hereby constituted a city, by the name of the "city of Maquoketa."

SEC. 2. The limits of said city shall embrace the south ^{Boundaries.} half of section No. thirteen, and the whole of section No. twenty-four (24), and the north half of section No. twenty-five (25), in township eighty-four (84) north, range two east of the fifth principal meridian; and also the south-half of section No. eighteen (18), and the whole of section No. nineteen (19), and the north-half of section No. thirty (30), in township eighty-four (84) north, range three east of the fifth P. M., and the limits may be enlarged by additions in accordance with the provisions of the act in relation to "Village Plats."

SEC. 3. The said city shall be divided into four wards ^{4 Wards.} as follows, to wit: By a line running east and west along the centre of Pleasant street, and continue to the east and west boundary lines of the city, and a line running north and south along the centre of Main street. The north-east ward shall be ward No. one, the north west ward shall be ward No. two, the south-east ward shall be ward No. three, and the south-west ward shall be ward No. four, but the city council may change the limits of said wards or create new wards.

SEC. 4. All the rights, powers, privileges, duties ^{Rights and Privileges.} (including those conferred by chapter 29 of the Session Laws of the Special Session of the General Assembly, passed July 15, 1856,) and property of the town of Maquoketa, are hereby conferred upon the said city, except as herein repealed or qualified, and the same may be enforced by or against the said city as they might have been by or against the said town, and the present seal of said town shall be the seal of the said city until abolished by the city council.

SEC. 5. The officers of said city shall be a mayor, two ^{0 Officers.} aldermen from each ward, a recorder, a marshal, and an assessor, all of whom, except the aldermen shall be elected annually, and shall hold their offices one year, and until their successors are elected and qualified. The aldermen shall hold their offices, except as hereinafter provided, two years, and until their successors are elected and qualified, and one alderman shall be elected each year in each of the wards.

SEC. 6. The annual charter election shall be held on ^{Charter elec- tion.} the first Monday in February in each year, but a failure to

hold said election on said day, or a neglect to exercise any of the powers or privileges herein granted, shall not work a forfeiture of this charter.

Qualification. SEC. 7. All legal voters of the State who reside within the limits of the said city, and who have resided therein ten days next preceding the election, shall be entitled to vote at any election in said city.

Legislative authority. SEC. 8. The legislative authority of said city shall be vested in a council, composed of the mayor and aldermen, which shall possess the power to make ordinances to secure the city against fire, against violations of the law and the public peace, to suppress riots, and to punish gambling, drunkenness, and indecent or disorderly conduct, and generally to provide for the health, morals, safety, prosperity, and good order of the city, and to enforce penalties for the violation of its ordinances, not exceeding one hundred dollars fine and twenty days in imprisonment in the county or city jail; and all fines may be recovered by action in the name of the city, or by complaint in the name of the State of Iowa, before the mayor or any justice of the peace residing in the said city, as the council shall by ordinance provide, and the laws of the State relating to carrying into effect the judgments of a justice of the peace; imposing a fine shall be applied to judgments in the above cases, but the expenses thereof shall be borne by the city, if not collectable by the defendant.

Fire companies SEC. 9. The council may organize fire companies, establish rules for their regulation, provide them with fire engines, and other apparatus; and may regulate the keeping and sale of gunpowder within the city, and may provide that no building of wood, or other combustible material shall be erected in such parts of the city as may be designated; and any building erected contrary to the provisions of any ordinances in existence at the time of such erection, may be declared nuisances, and removed in such manner as shall be provided by the ordinances thus violated.

Wood building SEC. 10. The council shall have exclusive authority to provide for the license, regulation and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball and ten-pin alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific or artistical character.

Shows & gambling. SEC. 11. When the laws of the State permit or require

Sale of liquors.

license for the sale of intoxicating liquors, that matter shall be within the exclusive authority of the said council, and it may at all times prohibit the retail of such liquors, unless such prohibition would be inconsistent with the law of the State at the time existing; and the said council is authorized to revoke or suspend any of the above named licenses when it deems the good order and welfare of the city require it. The council shall have authority to suppress tippling houses or dram shops, bawdy houses and disorderly houses, and nuisances of every kind within the limits of said city, and within one mile thereof.

SEC. 12. The said council shall have authority to establish and regulate market houses, and to license, tax and regulate auction sales, transient merchants, retailers and grocers, taverns, ordinaries, bankers, peddlers, brokers, pawn brokers, money changers, hackney carriages, wagons, carts and drays, and fix the rate to be charged for the carriage of persons, and for wagonage, cartage and drayage of property, and to prohibit the discharge of firearms, and the racing and immoderate driving of horses or other animals in said city.

SEC. 13. The council shall have the right to take and appropriate private property to the use of said city, or destroy or remove the same when it shall be necessary to carry out the above provisions by paying to the owners the full value thereof, to be ascertained by disinterested appraisers, as shall be provided by ordinance.

SEC. 14. The council may make and enforce all necessary ordinances in relation to the cleanliness and health of the city, and may require the owners of lots, on which water becomes stagnant, to drain or fill up the same, and on default thereof after reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots, and cause them to be sold by the city collector, as in case of taxes, and subject to the same power of redemption.

SEC. 15. The council may provide for the establishment and support of public schools within the city, and may constitute and regulate the school districts therein, and may form school districts embracing territory partly within and partly without the limits of said city, whenever the school

fund commissioner, or other officer or officers having authority to form or alter school districts, shall concur therein: *Provided*, That the powers granted in this section shall only be exercised in pursuance of a vote of the citizens and persons interested in the exercise of said powers, and may provide by ordinance for the government of any and all schools established by said council.

Public money. SEC. 16. The council shall provide by ordinance for keeping and disbursing the public money of the city, and shall audit all claims against the city, and all officers of the city are accountable to the council in such manner as it shall direct.

Grade streets. SEC. 17. It shall have the exclusive authority to establish the grade of streets and alleys of the city, and may change the same upon the petition of the owners of two-thirds of the value of the real property on both sides of the streets or alleys upon which such change is desired; and may cause the streets and alleys of the city to be paved, and the pavement to be repaired, and may require the owners of lots adjoining to pave or repair one half of the street in width, contiguous to the respective lots, and in case of the neglect, after reasonable time named in the order, the same may be done by the city, and the expense assessed on the contiguous lots, the owners of which have so failed, which shall have the effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption.

Taxes. SEC. 18. The council shall have power to levy and collect taxes not exceeding one per cent. on all the property within the city, which is liable for State and County taxes, and shall have power to borrow money for any of the purposes or improvements herein enumerated, and such sum or sums shall be applied to no other purpose or purposes than those for which it was borrowed, except by a vote of the people of the city therefor, and shall have power to pledge the faith of the city for the payment of any sum so borrowed: *Provided*, The question of borrowing is first submitted to the legal voters of the city, a notice of the length of time as for a regular city election being first given, stating the manner and object of said loan, and if a majority decide in favor of said loan, and that the said sum, together

Loans.

Proviso.

with any indebtedness for loans of a similar character, shall not exceed the sum of two thousand dollars, and the council shall, before borrowing such sum, provide by ordinance for the payment thereof, which ordinance shall be irrevocable till the sum borrowed thereon shall be paid.

SEC. 19. The council may levy a tax on dogs, or may prohibit their being kept in the city, and may restrain any domestic animal from running at large therein. **Tax Dogs.**

SEC. 20. The council shall have power to fix and regulate salaries and fees of all officers of the city, and persons in its employ, to remove any officers appointed or elected by said council, or in pursuance of any ordinance thereof, and to order the mayor to commence proceedings upon the official bond of any officer of the city, when it shall deem there has been a forfeiture upon said bond, and to order the Mayor to commence criminal proceedings against any officer or person for any neglect or malfeasance in office, or violation of law. **Salaries & fees.**

SEC. 21. All prosecutions and actions, either civil or criminal, prosecuted or defended by or in behalf of the said city, shall be prosecuted or defended in the name of the "city of Maquoketa;" but this provision shall not be so construed as to prevent the mayor or other officer of the city from prosecuting in the name of "the State of Iowa," for any violation of the laws of the State. **Proceedings.**

SEC. 22. It shall be the duty of the mayor to see that the laws and ordinances of the city are executed, and violations of them punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties, and exercise such powers as pertain to the office of mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with laws; and he shall make and publish annually a report showing the receipts and expenditures of the city, and the debts owing to and from the same; the said report shall be made on the first day of January, or at the next meeting of the common council thereafter, and shall be published in some newspaper published in said city, or by being posted in three conspicuous places therein; he shall be a conservator of peace within the city, and ex-officio a jus-

tice of the peace, and is invested with exclusive original jurisdiction for the violation of laws, ordinances and regulations of the city, and with concurrent criminal jurisdiction of, for offences against the laws of the State committed within the city, and with concurrent civil jurisdiction limited to the city in the same manner as that of justice is or may be limited to their township: he shall not be disqualified from acting in such judicial capacity by any proceeding being in the name of, or in behalf of the city.

Appeals.

SEC. 23. Appeals to, and writs of error from the district court shall be allowed from the judgment and decisions of the mayor, in the same cases, time and manner as is allowed by law from those of other justices, and they shall be tried as in other cases; he shall receive the same fees and be governed by the same rules in relation to costs and all other matters as other justices of the peace.

Presiding officer.

SEC. 24. He shall be the presiding officer of the city council, when present, and shall give the casting vote when there shall be a tie, and in his absence the council may appoint a president, pro tem.

Marshal's powers and duties.

SEC. 25. The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for the violation of the city laws or ordinances, and of the criminal laws of the State, may execute the same in any part of the county, and he shall have the authority within the city to quell riots and disturbances, to prevent crimes and arrest offenders, that the sheriff has within his county, and may in the same cases and under the same penalties require the aid of the citizens, and perform all duties lawfully required of him by the council; he may with the approval of the council, appoint one or more deputies, and remove them, and he shall be responsible for their official acts; for the service of legal process, he shall be entitled to the same fees as a constable, and for services required by the council such compensation as it may allow.

Official bond.

SEC. 26. The marshal, treasurer, recorder, assessor, and any or all other officers elected or appointed according to law, shall give such bonds and perform such duties and exercise such powers as may be required of them by the ordinances, not inconsistent with law.

SEC. 27. It shall be the duty of the recorder to keep a true record of all the proceedings of the city council, and such record shall at all times be open to inspection. Recorder's duty.

SEC. 28. The recorder shall give notice by publication in some newspaper printed in the city, or by posting a notice in each of the wards, of the time and place or places of any election to be held within the city, at least five days previous to the day of holding said election; and if the election be a special one, the said notice shall specify the particular purpose for which said election is to be held, the hour of holding the election shall be fixed by ordinance; within two days after holding the election, the judges thereof shall make their returns thereof to the president of the council, which shall examine them at the next meeting of the council, and cause an abstract of the votes to be recorded in a book to be kept for that purpose. The council shall be the sole judges of the election of its own members and all other city officers, and may fix the place of holding elections. Notice of election.

SEC. 29. No member of the council shall be eligible to any office within the gift of the council, during the term for which he was elected; nor shall he be interested directly or indirectly in any contract or job for work or services to be performed for the city, except such as pertain to his office. Ineligibility.

SEC. 30. Ordinances passed by the council shall be signed by the mayor and attested by the recorder, and before they take effect shall be published in one or more newspapers printed in the city at least ten days, or shall be posted in each ward the same length of time; they shall also be recorded in a book kept for that purpose, and shall be there signed by the mayor and attested by the recorder. Ordinances.

SEC. 31. The city officers shall each take an oath to support the constitution of the United States and of the State of Iowa, and to faithfully and impartially perform the duties of their respective offices to the best of their knowledge and ability. The oath of office may be administered by the mayor or recorder when he is qualified in the transaction of the business of the city; those officers and the president of the council may administer oaths which shall have the same effect as if administered by the officers authorized thereto. Oath of office.

Compensation
of officers.

SEC. 32. The city officers shall be allowed such compensation and fees, and shall be subject to such fines and penalties and forfeitures for violation of duty as the council shall by ordinance or resolution provide.

Fill vacancy.

SEC. 33. When a vacancy shall occur in any of the elective officers, the council may fill the vacancy by appointment of record, until the next regular election and qualification of their successor.

Assessor.

SEC. 34. The assessor shall assess property within the city, subject to state or county taxes, in such manner as the council shall by ordinance direct, return the said assessment to the recorder, on or before the first day of March of each year, and the recorder shall lay said assessment roll before the council at its next meeting; whereupon the council shall proceed to equalize and correct said assessment roll, if such equalization or correction be necessary, and may add any property to said roll which has been omitted by the assessor, or may strike therefrom any property which has been erroneously entered thereon. And the council shall then proceed to fix the rate of tax, and the recorder shall immediately make out a tax list in such form as shall be by ordinance directed, and shall deliver the same within two weeks thereafter, to the marshal or other officer authorized to collect the said taxes. The said tax list shall have attached to it the certificate of the recorder in the following words, to wit: "I, (name of the recorder,) hereby certify that the foregoing is the tax list of the city of Maquoketa for the year A. D." Which certificate shall have the seal of the city attached, and shall be authority to the collector, to collect said taxes, as hereinafter provided.

Collector.

SEC. 35. The marshal, or in case of his absence or disability, such person as the council shall appoint in his stead, shall be the collector of taxes; and before proceeding to collect the tax, he shall give thirty days notice of the assessment and levy of the tax, and the rate thereof in general terms, without the names or description of property, in a newspaper printed in the city, or by posting such notice in a conspicuous place in each ward, during the said thirty days. Any person aggrieved by the assessment or taxation, may file objections thereto in the recorder's office, which objections the recorder shall lay before the council at its next meeting.

At the expiration of the said thirty days, and as often prior to that time as they shall think proper, the council shall hold a meeting for the purpose of further correcting the said assessment roll and tax list; and any person feeling himself aggrieved by said assessment roll, or tax list, may appear before the council at any of said meetings, whether such person has filed objections or not, and point out and urge any alteration which he may desire; and the council shall make such alterations in said assessment roll and tax list, as shall be just and proper.

SEC. 36. Immediately after the last meeting of the council above mentioned, the collector shall proceed to collect the taxes. He shall make a personal demand, or leave a written demand at the residence of each resident of the city, for his taxes, and may proceed to collect the same by levy and sale of the personal property of the delinquent, wherever found in the city, five days after such demand. The collector shall, within two days after levying upon any property for delinquent taxes, give notice of the time and place of the sale thereof, by posting written notices in each ward of the city; and such sale shall be at public auction, and within not less than ten, nor more than fifteen days, from the time of such issue. The collector shall receive the same fees for collecting delinquent taxes by levy and sale, as constables receive for collecting money on execution. And he shall collect such fees in the same manner as the taxes. Collection of taxes.

SEC. 37. Taxes on real property shall be a lien thereon, and it may be sold therefor when the taxes remain unpaid for four months after posting the notices of the tax; but demand of the tax must be made before the sale of the owner or his agent be known to reside within the city; such sale shall be at auction, and there must be thirty days notice prior to the sale given, as above provided for notifying the assessment and tax. 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 bid for, shall be as in the State revenue law. Taxes a lien.

SEC. 38. The collector shall execute and deliver to the purchaser a certificate. And the purchaser or his assigns may proceed to perfect his title to the premises thus pur- Certificate of purchase.

chased, in the same manner as purchasers at sales for county or State tax, and the same rules respecting interest, pre-emption, &c., shall apply as in case of such sales.

Fees. SEC. 39. The collector shall receive the same fees for advertising and sale of real estate as the sheriff receives for like services on execution, and the same shall be collected with the taxes.

Road District. SEC. 40. The territory embraced within the city limits, shall constitute one road district; but the supervisor thereof shall not have the disposal of any funds raised or appropriated by the city council, and shall in no way interfere with the grade of streets, or with any drains, culverts, bridges, side-walks, pavements or sewers established by the council, and shall, when repairing or working upon any streets where a grade has been established, conform to and expend the labor as far as possible, in accordance with such grade.

Election for the adoption or rejection of the city charter. SEC. 41. As soon as notified of the passage of this act, the town council shall cause an election to be held in the town of Maquoketa, for the adoption or rejection of this charter. At which election all the legal voters residing within the limits of the proposed city shall be entitled to vote; and notice of such election, and who is entitled to vote, shall be posted in three conspicuous places within the proposed limits of said city, ten days previous to such election, and returns made in the same manner as regular elections in the town of Maquoketa, and the votes shall be "for the charter," or "against the charter;" and if a majority of the votes cast shall be "for the charter," it shall become law, and be in force from and after such adoption.

First election under charter. SEC. 42. If this charter shall be adopted as provided in the preceding section, the mayor shall cause notice of such adoption, and the time and place of holding the first election under said charter, to be posted up in three conspicuous places in said city, at least five days previous to such election. The election shall be conducted and returns made, in the same manner as regular charter elections of the town of Maquoketa, and the persons receiving the highest number of votes for the respective offices shall be declared duly elected to such offices, and shall receive certificates of election from the mayor of "the town of Ma-

quoketa," attested by the recorder, and shall immediately enter upon the duties of their respective offices, upon taking the necessary oaths of office. At the first meeting of the city council, the aldermen shall proceed to determine by lot, which one from each ward shall hold his office for one year, and the term of office of such shall expire at the next annual election. if their successors shall be regularly elected and qualified. Cast lots.

SEC. 43. The mayor and any two of the aldermen shall be the judges, and the recorder and clerk at all the municipal elections, either regular or special, held within the city; and in case of the absence of any of them, the vacancy may be filled by the said officer or officers who may be present; and should none of the said officers be present, or being present they should refuse to act, their places may be supplied by a vote of the electors present. Judges of election.

SEC. 44. The mayor, or in case of his absence or inability to act, the recorder, shall call a meeting of the council, within three days after any city election authorized by law, has been held, at which any officer or officers have been elected, and the council shall examine the returns of said election, and the mayor shall give to the person or persons duly elected certificates of their election, which certificate shall bear the seal of the city, and be attested by the recorder, and shall be authority for the person or persons therein named, to enter upon the duties of the respective offices to which they have been elected, upon taking the necessary oath of office, and filing the necessary official bonds. Call meeting after election.

SEC. 45. Any officer wilfully neglecting or refusing to perform any duties herein required of him, shall be punished by fine not exceeding one hundred dollars, or imprisonment in the county or city jail, not exceeding six months, or by both such fine and imprisonment, and shall be subject to an action for damages in behalf of any person or corporation, aggrieved by such neglect or refusal; and any conviction or judgment under this section, shall work a forfeiture of any office held by the person so convicted, and shall forever disqualify him from holding office under this charter. Non feissance.

SEC. 46. This act shall take effect from and after its approval by the Governor.

Approved January 27, 1857.

CHAPTER 138.

STATE ROAD.

AN ACT to re-locate part of a State Road.

Names of commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That William F. Morgan, Darius Malony, and John Hunter, of Keokuk county, be, and they are hereby appointed commissioners, to re-locate a part of a State road, leading from Lancaster, in Keokuk county, to Iowa-ville, in Van Buren county, commencing said change at the southeast corner of the north-east quarter of section 24, in township 74, range 12; thence west, 160 poles; thence north, till it intersects the State road leading from Lancaster, in Keokuk county, to Agency City, in Wapello county; thence with said last named road to Lancaster aforesaid.

SEC. 2. This act shall take effect from and after its publication according to law, provided the State incur no expense thereby.

Approved January 27, 1857.

CHAPTER 139.

STATE ROAD.

AN ACT to establish a State Road from Osage, in Mitchell county, by Glenmary and Bristol, to the State line in Worth county.

Names of commissioners.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That Sumner B. Chase, of Mitchell county, and Chauncey S. Lane, of Worth county, and Calhoun Goddard, of Floyd county, be, and they are hereby appointed commissioners to locate and establish a State road, com-