

SEC. 4. The interest received by the treasurer of State ^{Interest.} on account of any loan or loans previously made out of the five per cent. fund, or which may be received by him before making the apportionment, as before described, shall be added to the present fund now in his possession, and included in the apportionment as aforesaid.

SEC. 5. The amount accruing to the State from the Gen- ^{Five per cent} eral Government on the proceeds of the sales of public ^{fund for 1856.} lands for theyear ending on the 31st December last, shall be drawn by the treasurer of State, and shall, when received by him, be disposed of according to the provisions of this act.

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

Approved January 28, 1857.

I certify that the foregoing act was published in the Iowa City Republican, Feb. 12, 1857, and in the Iowa Capital Reporter Feb. 9, 1857

ELIJAH SELLS,
Sec'y of State.

CHAPTER 202.

SAINT CHARLES CITY.

AN ACT to incorporate the city of Saint Charles.

SECTION 1. *Be it enacted by the General Assembly of the* Corporation. *State of Iowa,* That all that part of land and part of township No. ninety-five (95), north of range No. sixteen west of the fifth principal meridian, in the county of Floyd, in the State of Iowa, comprised in the original village plats of the village of St. Charles and the village of Freeman in said Floyd county, together with all the additions that have been regularly made and recorded, or that may hereafter be made and recorded thereto according to law, shall be, and is hereby declared a city, and the inhabitants thereof are created a body corporate and politic, with perpetual succession by the name of Saint Charles City, and as such shall by that name be capable in law of contracting and being contracted with, suing and being sued; also of pur-

chasing, using, and conveying real and personal property; and may have and use a corporate seal, and change the same at pleasure; and shall have, exercise, and enjoy all the rights, privileges, powers, and immunities appertaining to, and be subject to all the duties and obligations incumbent upon a municipal corporation; and for the better ordering and governing said city, the exercise of the corporate powers of the same herein and hereby granted, shall be vested in a mayor and four aldermen, to be denominated the city council, together with such other officers as are herein mentioned and provided for: *Provided*, that whenever the population of the city shall amount to two thousand inhabitants, the city council may proceed to divide the city into wards, giving to each ward not less than three aldermen: *Provided further*, that the city council may change, unite, or divide said wards or any of them, and establish new wards whenever they shall think it necessary and proper.

Citizenship.

SEC. 2. Any person who shall be a legal voter in said county of Floyd, and who shall have been a resident of the city three months, and of the ward in which he offers his vote ten days next preceding the election, is declared a citizen of said city, and is entitled to vote at all the elections thereof.

Ballot box.

SEC. 3. The city council shall provide a ballot box to be used at city elections, which shall have as many separate apartments as there are wards in the city, one apartment of which shall be appropriated exclusively for the votes of each ward, and the ballot of every voter shall be deposited in one of said apartments appropriated exclusively for the ward in which he resides. The city council shall elect three of their number to be judges of each city election, who shall appoint clerks; and in other respects, except herein otherwise provided; city elections shall be conducted in manner similar to that in which the elections are conducted in the townships as near as the nature of the case permit.

Challenge.

SEC. 4. A person offering to vote may be challenged as at township elections and an oath may be administered to him in like manner naming the qualifications herein prescribed.

SEC. 5. No person shall be eligible to any elective office ^{Who eligible.} mentioned in this act, unless he be a legal voter of the city, and shall have been a resident thereof one year next preceeding his election.

SEC. 6. That the qualified electors of said city, shall on ^{Election.} the second Monday in April, A. D., 1857, and annually on the same day thereafter, elect a mayor and board of alderman, a recorder, marshal, assessor and treasurer, who shall hold their offices for one year, and until their successors are elected and qualified.

The mayor and aldermen when elected and ^{assembled} City council together, duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business.

SEC. 7. Each of the officers of the city, shall take and ^{Qualification.} subscribe an oath faithfully to discharge the duties of his office. And shall also give such bond and security as shall be required by the council. The oath of office may be administered by the mayor or recorder, when 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 have the same effect as if administered by other officers authorized thereto.

SEC. 8. The mayor shall be a consorvator of the peace ^{Duty of mayor} within the city, and ex-officio a justice of the peace, and is vested with full jurisdiction for the violation of the ordinances and by-laws of the city, and with criminal jurisdiction of offences against the laws of the state of Iowa, committed within the city, and with civil jurisdiction limited to the city, in the same manner as that of justices of the peace is or may be limited to their township. He shall not be disqualified from acting in any such judicial capacity by any proceedings being in the name of or on behalf of Saint Charles city; appeals to the District Court in the same county, shall be allowed from the judgement and decision of the mayor in the same cases, time and manner, as may at any time be allowed by law from the justices court, and they shall be tried in the same manner.

He shall be entitled to demand and receive the same ^{Fees.} fees as allowed by law to justices of the peace, and in all cases of sickness absence or inability of the mayor to act,

any justice of the peace within said city shall have judicial jurisdiction co-extensive in all cases with the mayor.

Mayor's duty.

SEC. 9. And it shall be the duty of the mayor to see that the laws and ordinances of the city are [extended], and their violation punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal (if a seal be used,) 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 law. He shall be the president of the city 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 from their own number, who shall have authority to sign ordinances, and orders on the treasurer, and do all other things pertaining to the office of mayor, except to act as justice of the peace.

Powers of the council.

SEC. 10. The council shall be judge of the qualifications of the election of its own members, and all other city officers, may determine the rules of its own proceedings, and may hold meetings as it sees fit, having stated times fixed by ordinance. It may also prescribe the manner of calling special meetings, and compel the attendance of its members in such a manner and by such penalties as it may adopt, and shall cause a record of its proceedings to be kept by the recorder.

Books and record.

SEC. 11. The city council shall provide well bound books for their own use, and for the use of their officers under this charter. They shall cause the recorder to keep a journal of the proceedings of their meetings, which shall be signed by him and the presiding officer of each meeting. He shall also keep a record of the returns of the marshal, in which he shall record the number of lot, piece of ground, or description of land or property sold by him for taxes due, on assessment, the amount for which it was sold, the time when sold, the purchaser's name, and the time of redemption, when redeemed, for what amount, and the person to whom, when deeded; and said marshal shall so make his return of the tax list of each year, as to enable said recorder to state the above facts in said delinquent tax book;

a book to record the acts and reports of the street commissioners; also an order book, stating the amount allowed each person out of the city treasury, the name of the person to whom allowed, when and by whom drawn. They shall also provide the mayor with a record or docket book, in which he shall record all the proceedings had before him as such mayor, for the violation of ordinances, his judgments and the reports required to be made by him, as such mayor and justice of the peace; all books thus provided for shall be open for the inspection of the inhabitants of said city, at all reasonable hours, free of expense tax or fee.

Sec. 12. All suits, actions and prosecutions instituted, **Suits.** commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted, in the name of Saint Charles City, or the City of Saint Charles.

Sec. 13. The city council shall have power to provide **Imprisonment.** for the punishment of offenders by fine, not exceeding fifty dollars, or by imprisonment not exceeding thirty days, or both at the discretion of the court.

Sec. 14. The city council is invested with authority to **Ordinances.** make ordinances, to secure the inhabitants against fire, against violations of law and the public peace, to suppress riots, gambling, drunkenness, indecent or disorderly conduct, to punish lewd behavior in public places, to suppress disorderly houses and generally to provide for the safety, prosperity and good order of the city. To make regulations and laws, to prevent the introduction of contagious diseases into the city, to establish hospitals, and to make regulations for the government of the same; to declare what shall be a nuisance, and to prevent, remove or abate **Nuisances, &c.** the same; to tax dogs or prevent them from running at large in the city; to open, alter, abolish, widen, extend, diminish in width, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes and alleys, and to establish, open and lay out and improve public squares and market places, and to diminish in size, alter, abolish, and vacate public squares and grounds, in said city; to provide for the 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 needful buildings for the use of

Licenses, &c.

the city; to improve and regulate the public grounds belonging to the city; to regulate or prohibit the erection of wooden buildings on any block or part of block in the city, when the same is shown to be necessary for the safety of the property of the inhabitants or owners of such block or part of block, or of the city; to fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, rendered necessary under this act, or any ordinance which may be adopted; to license, tax and regulate auctioneers, transient merchants, hawkers, peddlers and pawn brokers; to license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rate and price to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property; to license and regulate porters, and fix the rate of portage; to license, tax, prohibit or regulate all theatrical exhibitions, and public shows, and all exhibitions whatever, when admission is obtained on the payment of money or other reward; to regulate the storage of gunpowder and other combustible materials; to regulate partition fences and walls in common, not otherwise regulated by law; to provide for the inspection and measurement of lumber and other building materials, and for the measurement of all kinds of mechanical works; 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 fire arms, and other fire works, and the racing, immoderate running, or driving or riding of horses or other animals within the city; to impose fines, forfeitures and penalties for the breach of any ordinance, not exceeding one hundred dollars, and imprisonment not exceeding thirty days, in the county jail, workhouse, or city prison, and provide for the recovery and appropriation of such fines and forfeitures.

Taxes.

SEC. 15. The city council shall have power and authority to levy and collect taxes upon all taxable property, real, personal, and mixed, within the city, not exceeding ten mills on the dollar any one year, which value may be ascertained and assessment made either direct or by duplicate from the township assessment by the assessor, or some competent person authorized by the council, adding thereto to any omitted or additional taxable property in the city, at

the time the assessment is made; to provide by ordinance when such assessment shall be made, and the rate thereof. Taxes on real property shall be a lien thereon, and it may be sold therefor as herein provided. The city council shall have power to correct or equalize any erroneous or injudicious assessment. It shall be the duty of the assessor, or person acting as such, to return such assessment list to the city recorder, who shall make out and deliver to the collector of said city a copy of said assessment, which said copy shall be sealed with the common seal of the city (if one is used) with a warrant, for the collection of the taxes so assessed, signed by the mayor and recorder of said city. The marshal, or such competent person as the city council shall appoint of record, after giving bond and security in at least double the amount of the tax to be collected, to be approved by the mayor and recorder, shall be the collector of all taxes so assessed, and shall, upon receiving a copy of such assessment and warrant as aforesaid, 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, if there be one, and if not, then by posting or sticking up notices, in three or more public places in said city for the same length of time. During the thirty days any person aggrieved by the assessment or taxation, may appear before the city council, which may correct the same if found erroneous. At the expiration of which thirty days, the said collector shall make personal demand of every resident charged with tax, if to be found within said city, and shall give at least one publication in some newspaper printed in the city (if there be one), and if not to post three notices in three of the most public places in the city, describing the property and giving the amount of tax on same and the names of the owner or owners if known, and that if the taxes are not paid within twenty days thereafter, the same will be collected by sale of property of the delinquents; at the expiration of which twenty days said collector may, and he is hereby authorized, by distress and sale of personal property of such delinquent or delinquents, as constables on execution, to collect said taxes; or he may, after the expiration of said twenty days, if said tax shall remain unpaid, give notice by

Assessment.

Warrant.

Collector.

Correction of errors.

Distress and sale.

publication in one of the newspapers published in said city, four consecutive weeks, or if there be no newspaper published in said city, then by posting up a notice in three public places in said city at least four weeks before the sale, stating the amount of said tax, costs and printer's fee, 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 time mentioned in said notice, unless payment be made of the taxes and costs and printer's fee, on or before said day of sale; and if such payment should not be made according to said notice, then said collector shall proceed and sell the same in accordance with said notice, or any subsequent notice or adjournment of sale for said amount due, to the bidder who will take the least quantity of the lot or piece of land or property off from the side or end which said collector shall designate, or the whole if no bid for a less quantity; and he shall give to the purchaser thereof a certificate stating the description of the piece of land, or the number of the lot or portion thereof or the property purchased, and 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 twenty-five per cent per annum thereon, to the purchaser, or to the city treasurer, for the said purchaser's benefit, within two years from the day of said sale, said purchaser or his heirs or assigns shall be entitled to a deed therefor; and the mayor of said 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 as sold, which deed, when acknowledged or proven and recorded, as other deeds are acknowledged or proven and recorded, shall be good and valid in [law] and equity, to pass valid, good and sufficient title to such lot, piece of land, lot, ground or property, and shall be prima facie evidence in all courts, that all the provisions of the sale as herein provided, have been duly complied with; nor shall the same ever be enquired into until the amount for which the said property or real estate were sold, together with fifty per cent interest thereon as aforesaid, shall have been

Notice of sale.

Redemption.

Prima facie evidence.

paid to the holder thereof, or deposited with the city treasurer for his benefit.

SEC. 16. The city council have the control of the ^{Streets and alleys.} streets and alleys and public grounds of Saint Charles City, and may cause the side-walks to be paved and repaired, the streets and alleys to be graded, paved or macadamized, and to effect that, it may require the owners of lots adjoining to which it is to be done, to pave, repair or macadamize not exceeding one half of the street's width contiguous to their respective lots, or the same may be done by the city, and the cost and expense assessed on the owners of the contiguous lot or lots or property, which shall have the effect of a special tax levied on his, her or their property, and the same may be collected, and the property sold by the collector, as provided in the foregoing section.

SEC. 17. The city council is invested with authority to ^{Borrow money} borrow money for any purpose, not exceeding two hundred thousand dollars, and pledge the faith of the city for the payment thereof, and issue the bond or bonds of the city therefor: *Provided*, the question of borrowing be first submitted to the legal voters of the city, and a majority of all the votes cast shall be in favor of said loan; and upon a decision thus made in favor of any such loan, the city council will be authorized to assess and levy an additional tax not exceeding five mills on the dollar, and to provide the means to pay any indebtedness created by virtue of the authority granted in this section.

SEC. 18. The marshal shall be a conservator of the ^{Marshal's duty} peace and executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor or any justice of the peace in said city, and in cases for the violation of the city ordinances and of the criminal laws of the State of Iowa, may execute the same in any part of the county, and he shall have the same authority within the city to quell riots and disturbances, prevent crimes and to 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 to further perform all duties imposed by the city council, appoint one or more deputies and discharge them, and he shall be responsible for his or their acts and doings when acting officially. For the services of

- Fees** 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. He may exercise the duties of constable in St. Charles township, in said Floyd county.
- Proclamation.** SEC. 19. In all elections for city officers, or for other purposes, the mayor shall issue a proclamation to the voters of the city, or to the several wards, as the case may require, naming the time and place for each election, and the officers to be elected, or subject to be voted upon, and cause a copy to be posted up in three of the most public places in the city, or published in some newspaper printed in the city, at least ten days previous to such election. Within two days after the election, the judges of the election shall make return thereof to the board of the city council, who shall examine same at their next meeting, and cause an abstract of the votes to be recorded, and direct the recorder to inform the persons elected of their election.
- Ineligible.** SEC. 20. No member of the city council shall be eligible to any office within the gift of the city council during the term for which he was elected, nor shall he be interested directly or indirectly in the profits of any contract or job of work or service to be performed, and a violation of this section shall work a vacancy in such office.
- Ordinances.** SEC. 21. Ordinances passed by the city council, shall be signed by the mayor and attested by the recorder, and before they take effect, be published, by a copy thereof being posted in three of the most public places in the city, or published in some newspaper printed in the city, at least ten days previous to the taking effect of the same, and a copy thereof shall be preserved in a book kept for that purpose, by the recorder, and the recorder's certificate that the same have been published, and the manner and time thereof, shall be conclusive evidence of the fact.
- Road tax.** SEC. 22. Saint Charles city shall constitute one road district, and the city council shall have power, in addition to the taxes otherwise authorized, to levy road taxes, not exceeding the amount allowed by law to be levied by the county court for like purposes, and they may provide for the payment and collection of the same, in the same manner as that provided for the collection of county road taxes,

or in manner other city taxes are collected. They may also direct in what manner such taxes shall be expended on the streets, alleys and bridges of said city; and all persons and property rightfully taxed within said city, in accordance with this section, shall thereby be exempt from all taxes to that extent for roads to the county; and the city council is hereby invested with full power and authority to receive from the county treasurer or other county officer all road revenue belonging to the city, and receipt for the same, which shall be a good voucher for the county treasurer or other county officer.

SEC. 23. The city council may appoint in such manner Street commissioners. as it determines, and during its pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it deems desirable, and may prescribe their duties, powers and qualifications, and may prescribe for the election of such officers by the citizens of said city; and when a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record until the next election and qualification of the successor, and in all cases in the absence or inability of the recorder to act, his place may be filled temporarily, or for the unexpired term, at the pleasure of the council.

SEC. 24. The city council shall have power to make all Board of council. ordinances which shall be necessary and proper for the government of the city, and the carrying out and putting in force and effect the power specified and granted in this charter, not inconsistent with the constitution of the State of Iowa or the United States.

The style of all ordinances shall be:

“Be it enacted by the City Council of Saint Charles City.”

SEC. 25. All ordinances and by-laws passed by the city council, signed by the mayor and attested by the recorder, and published as herein required, shall be sufficient to allow the same to be read and received in evidence in all actions and suits in any courts in the State of Iowa; or when the said ordinances, by-laws and regulations shall be published in book or pamphlet form, and purporting to be published by authority of the corporation, the same shall be received Ordinances.

in evidence in all courts and places, without further proof.

Removal. SEC. 26. A removal out of the ward by any alderman, and a removal out of the city by any city officer, shall vacate his office, which shall be filled as provided by this charter.

Solicitor. SEC. 27. The city council may appoint a city solicitor, and pay him from the treasury of the city such sum or sums for his services as may be reasonable.

Security. SEC. 28. The mayor and justices of the peace in said city may, in all cases before issuing process, require security to be given for costs; and no prosecution or suit shall be entertained, in any court, against said city unless ample security has been given for costs.

Receipts and disbursements. SEC. 29. The city council shall provide by ordinance for the keeping of the public money of the city, and the manner of disbursing the same, and shall audit all claims against the city, and all officers of the city are accountable to the council in such manner as it directs. It shall publish annually a particular statement of the receipts and expenditures of the city, and of all debts owing to and from the same.

R. R. stock. SEC. 30. Said city shall have power to subscribe to the capital stock of any railroad company, and may issue, or cause to be issued, the bonds of the same, and shall be empowered and required to levy and collect all the necessary taxes to pay the principal and interest of said bonds: *Provided*, said subscription shall be authorized by a majority vote of the legal voters of said city.

Submit ordinances. SEC. 31. The city council may submit to the legal voters of said city, at any election of said city, or at a special election called for that purpose, the question of the enactment of any ordinance not repugnant to the constitution of the State of Iowa or that of the United States, the borrowing of money by the city for any particular purpose, whether the city shall subscribe to and take stock in any railroad company, or assist in the construction of any other public improvement, whether any street or streets, alley or alleys, block or portion of block, lot or lots or part of lot, or public ground in the city, shall be laid out, opened or improved, extended, or diminished or abolished and vacated, or any other measure to be taken by the city, and in all cases

where a majority of the legal votes cast in said city at such election, shall be in favor of such measure. The city council is hereby authorized and empowered to carry the same into effect according to law and the ordinances of the city: *Provided*, that in all and every case the said city shall be liable to make full compensation at the fair cash value to the owners of all property, which shall then be taken for public use and for all damages which the owners may sustain by any change which said city council may at any time see proper to make.

Sec. 32. This act to take effect and be in force from and after its publication in the St. Charles Republican Intelligencer and Dubuque Tribune.

Approved January 28, 1857.

CHAPTER 203.

HISTORICAL SOCIETY.

AN ACT to provide for an annual appropriation for the benefit of a State Historical Society.

SECTION 1. *Be it enacted by the General Assembly of the* Appropriation.
State of Iowa, That there is hereby annually appropriated until the Legislature shall by law otherwise direct, to a State Historical Society, formed or to be formed in connection with, and under the auspices of the State University, the sum of two hundred and fifty dollars, to be expended How expended
 by said society in collecting, embodying, arranging and preserving in authentic form, a library of books, pamphlets, maps, charts, manuscripts, papers, paintings, statuary, and other materials illustrative of the state of the history of Iowa, to rescue from oblivion the memory of its early pioneers, to obtain and preserve varieties of their exploits, perils and hardy adventures; to secure facts and statements relative to the history, genius and progress or decay of our Indian tribes; to exhibit faithfully the antiquities, past and present resources of Iowa; also to aid in the publication of such of the collections of the society as the society shall