

county, be, and he hereby is authorized to receive said warrant, who shall dispose of the warrant as he shall be directed by a majority of the persons who constituted the last board of directors of said school.

SEC. 3. It is hereby made the duty of the treasurer of State to pay said orders out of any moneys in the treasury not otherwise appropriated. Treasurer pay.

SEC. 4. That the act entitled "An act directing the payment of certain moneys to the normal schools of Oskaloosa and Andrew," approved January, A. D. 1855, be, and the same is hereby repealed. Repeal.

SEC. 5. This act to take effect and be in force from and after its publication according to law.

Approved Jan. 28, 1857.

## CHAPTER 210.

### DUBUQUE.

AN ACT for revising and consolidating the laws incorporating the city of Dubuque, and to establish a city court therein.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* Boundaries. That all that part of the county of Dubuque, in the State of Iowa, included within the following boundaries, to wit: Beginning at a point in the middle of the main channel of the Mississippi river, in the south line continued of section thirty-one (31) in township 89 north of range three (3) east of the fifth principal meridian; thence west along the south line of said section continued, and along the south line of sections thirty-five (35) and thirty-six (36) in the same township, of range two (2) east of the fifth principal meridian to the west line of said section thirty five (35); thence north along the west line of sections thirty-five (35), twenty-six (26), and fourteen (14) to the north line of said section fourteen (14); thence east along the north line of said sections fourteen (14) and thirteen (13) to the range line between townships two (2) and three (3) east of said meridian; thence north on last mentioned range line, to its intersection with the north line of section seven (7) in the

same township of range three east of said meridian ; thence east along the north line of section seven (7) and along said line continued to the main channel of the Mississippi river ; thence down the middle of the main channel of the Mississippi to the place of beginning, shall be and is hereby declared to be a city, and the inhabitants thereof are created a body corporate and politic, with perpetual succession, under the name and style of the city of Dubuque, and as such, and by that name, shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, in all matters whatsoever ; and also of purchasing, using, occupying, enjoying, and conveying real, personal, and mixed estate, and may have and use a corporate seal, and may change, alter and renew the same at pleasure ; and shall be competent to have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation.

Corporate powers.

Council and officers.

SEC. 2. The right and power to exercise the corporate powers hereby and herein granted, and the administration of the fiscal, prudential and municipal affairs of said city, with the conduct, direction and government thereof, shall be vested in a mayor and aldermen, to be denominated the city council, neither of whom, while holding their respective offices, shall hold any other under the city government ; and in a recorder, auditor, treasurer, marshal, city judge, clerk of city court, and city attorney, and such other officers as are herein mentioned, as the city council, for the better fulfillment and administration of the corporate duties and powers herein granted, may by ordinance create and establish.

Officers—election & term.

SEC. 3. The mayor, aldermen, recorder, treasurer, auditor, marshal and city attorney, shall be elected at the annual election, by the qualified voters of said city, as herein-after provided, and the said, recorder, treasurer, auditor, marshal and city attorney, shall hold their offices, respectively, for the term of one year from the date of their election, and until their successors are elected and qualified. Such other officers as the city council may by ordinance

provide for, shall be either elected by the people or appointed by the city council, as such ordinance may determine; if elected by the people they hold their offices for the term of one year, and until their successors are qualified; if appointed by the city council, they shall hold their offices for such time as shall be fixed by ordinance, not longer than one year, or at the pleasure of the council. All city officers, before entering on the duties of their respective offices, shall take an oath or affirmation to support the constitution of the United States and of the State of Iowa, and faithfully and impartially to perform the duties of the offices to which they may be elected or appointed, and when required by the council shall, except the city judge, give bonds in such sums and with such sureties as the council may determine and approve, for the faithful performance of all the duties appertaining to their respective offices. All elective officers shall be citizens of the State of Iowa, and qualified voters in said city.

SEC. 4. The annual election for city officers shall take place on the first Monday of April in each year. Polls shall be opened in each ward under the direction of judges of election, and a clerk to be appointed by the city council. It shall be the duty of the mayor at least ten days previous to each election to issue his proclamation, setting forth the time and place at which the polls shall be opened, which shall be published in the official paper of the city. The rules prescribed by law for the regulation of township elections shall govern as far as applicable, the election of city officers, and returns within two days shall be made out in the same manner as by the township trustees, and delivered in a sealed envelope to the mayor, who shall, within one week from the day of election, at a regular meeting of the city council, or at a special meeting to be called for that purpose, open the returns in the presence of the council, and the council upon examination and comparison of the returns, shall judge and decide the result, and these proceedings shall be entered upon the record by the recorder in his minutes of the proceedings of said council of that meeting. Every person qualified to vote for State or county officers in the county of Dubuque, and who shall have resided in said city for the space of six months, shall

be qualified to vote at city elections in the ward where he resides.

**Wards.**

SEC. 5. The city of Dubuque shall be divided in such manner as the city council may by ordinance determine, into five or more wards, which may be altered or changed at the pleasure of the said council: *Provided*, That such change shall not affect the right of any member to hold his seat during the time for which he is elected. Two aldermen shall be elected from each ward, who shall hold their offices for the term of two years, and these terms shall be so arranged that one alderman shall be elected from each ward each year. Any citizen who is a qualified voter in said city may be elected alderman from the ward in which he resides, and a removal of his residence from such ward shall be deemed a vacation of his office. No member of the city council shall be directly or indirectly interested in the profits of any contract or job for the city, and to become so interested, or being so interested when elected, shall be deemed a vacation of said office. Neither shall any alderman vote in said council upon any question in which he is directly or indirectly interested.

**Powers of the council.**

SEC. 6. The city council shall have power to judge as to the qualification of its members, and to establish rules and regulations for the government of its proceedings; and to prescribe the times and places at which the meetings of the council shall be held; and to make all ordinances necessary and proper for carrying into effect the powers herein granted, and to enforce obedience to such ordinance by fine not exceeding one hundred dollars, or by imprisonment not exceeding thirty days, or by such fine and imprisonment.

SEC. 7. The city council shall have power, and it is hereby made their duty:

**Vacancies.**

First—To fill all vacancies which may occur among the officers of said city, by appointment, the person so appointed to hold office until the next succeeding April election, when the vacancy shall, if an elective office, be filled by election by the people

**Salaries.**

Second—To establish and fix the salaries and compensation of all officers of said city, not fixed by this act.

**Protection.**

Third—To provide all needful regulations and precautions to protect the city and the inhabitants thereof, against

injuries by fire, thieves, robbers, burglars, and all persons violating the public peace.

Fourth—To provide for the suppression of riots, gambling, and all indecent and disorderly conduct, and for the punishment of all lewd and lascivious behavior in the streets and other public places in said city. Blots and disorder.

Fifth—To prohibit the erection in any square or fraction of a square in said city, of any building or of any addition to any building, except the entire walls thereof shall be of stone, or brick and mortar, and to provide for the removal of any building erected contrary to true intent and meaning of said prohibition. Wood building

Sixth—To organize and establish fire companies, and provide them with engines and other apparatus, and to regulate and prohibit the establishment of an independent fire company or companies, after the passage of this act. Fire company.

Seventh—To require and compel the removal of all obstructions of the public streets and alleys, and the abatement of all nuisances in said city. Obstructions.

Eighth—To cause all grounds or lots where water shall at any time become stagnant, or remain standing, to be raised, filled up or drained at the expense of the owner thereof, and to effect this object the said council may give notice to the owners thereof, or their agents, or in case of non-resident owners without known agents, notice may be given by publication in one or more of the newspapers published in said city, to fill up, raise, or drain such grounds at their own expense, and the council shall designate how high such grounds shall be filled up or raised, or in what manner they shall be drained; and in case the owners shall fail to fill up, or drain such grounds, within the time designated in said notice, the city council may cause the same to be done at the expense of the city, and assess the expenses thereof against said grounds, and such assessment shall be placed in the hands of the city collector, who shall proceed to collect the same, with costs, by sale of such grounds in such manner and under such restrictions and regulations as may be provided by ordinance: *Provided*, the owners of such grounds shall have the right to redeem within one year after sale, by paying the purchasers the amount by them paid with 10 per cent interest thereon. Nuisances.

- Health regulations.** Ninth—To make regulations to secure the general health of the city, and to cause the removal of all dirt, filth or other nuisance which may at any time be accumulated upon any lots, or streets and alleys in said city, at the expense of the owners of the grounds on which it lies.
- Hospitals, &c.** Tenth—To establish hospitals, workhouses, and a city jail, and make regulations for the government thereof.
- Prohibition.** Eleventh—To prohibit hogs, cattle, horses, and all other animals from running at large in the streets, alleys and public places in said city.
- Police.** Twelfth—To establish a day and night police, and punish resistance to them or any other city officers in the discharge of their duties.
- Streets, alleys, &c.** Thirteenth—To open, alter, extend, widen, establish and vacate, and to grade, pave and otherwise improve, clean and keep in repair the sidewalks, streets, alleys, wharves, docks, landings, and other public grounds of said city.
- Bridges, &c.** Fourteenth—To establish, erect and keep in repair, bridges, culverts and sewers, and regulate the use of the same; to establish, alter and change the channel of water-courses, and to wall them up and cover them over.
- Market.** Fifteenth—To erect market houses, establish market places, and provide for the regulation and government thereof.
- Buildings.** Sixteenth—To provide for all needful buildings for the use of the city, and for enclosing, improving and protecting all public grounds belonging to the city.
- Wharves.** Seventeenth—To regulate the use of wharves and public landings, fix the rate of wharfrage, and regulate the stationary anchorage and mooring of all boats and rafts within the city.
- Licenses.** Eighteenth—To license, tax and regulate auctioneers, peddlers and traveling merchants, grocers, merchants, retailers, hotel-keepers, and keepers of livery stables, of eating-houses, boarding-houses, saloons and places of amusement, and bankers, dealers in money, warrants, notes and other evidences of indebtedness, and works of all kinds.
- Hacks, &c.** Nineteenth—To license, tax and regulate hackney carriages, omnibusses, wagons, carts, drays, and all other vehicles, and porters, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage, drayage or portorage of property.

Twentieth—To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements, and billiard tables, ten-pin alleys, and to suppress gambling-houses, and bawdy-houses, and houses of prostitution; also to tax and destroy dogs; to regulate the weights and measures to be used in said city; to provide for the inspection of wood and lumber, and for the inspection and weighing of coal and hay, and to provide for and regulate the inspection of beef, pork, flour, butter, lard and other provisions, and to regulate the vending of meat, poultry, vegetables and other provisions.

Twenty-first—To establish regulations respecting character and size of the foundation and other walls of buildings in said city, and to enforce the same by the removal of buildings erected in violation of such regulations at the expense of the owner or lessee of the lots upon which they are situated.

Twenty-second—To purchase land or other property for the use of the city, and to dispose of all personal property of the city at the pleasure of the council, and of the real estate of the city, when authorized so to do by the majority of the legal voters; and the council may by ordinance provide for submitting the question of the sale of the real estate, or any part thereof, to the voters of said city, in such manner and at such times as it may deem expedient.

Twenty-third—To collect taxes to defray the current expenditures and pay the debts of the city: *Provided*, that the tax for any one year shall not exceed one per cent. upon the assessed value of all property taxed.

Twenty-fourth—To provide for the assessment of all taxable property in said city, with reference to taxation for city purposes. Appeal shall lie from the assessment of any officer appointed by the city council to assess property, to the city council, whose adjudication shall be final.

Twenty-fifth—To audit all claims against the city, and order the payment of such as shall be allowed.

Twenty-sixth—The city council shall have the exclusive right to license and regulate ferries, and to establish the rates of ferriage between Dubuque and the opposite bank of the Mississippi river.

Twenty-seventh—To make all such ordinances as to them

shall seem necessary to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of said city and the inhabitants thereof.

**Take effect.**

SEC. 8 The ordinances passed by the city council shall take effect from and after the date of their publication in such newspaper of the city of Dubuque as the council shall designate, the date of which publication shall be noted by the recorder in his record of the ordinances, and such record shall be evidence of the time and fact of such publication: *Provided*, That the city council may authorize the revision and publication of the ordinances in book or pamphlet form, in which case such revised ordinances shall take effect from and after the date of such publication, and such book or pamphlet shall contain the resolution of the city council authorizing its publication, and a certificate of the city recorder that the ordinances and resolutions therein contained are correct copies from the records in his office, and shall then be received without further proof, as presumptive evidence of such ordinances and resolutions: *And provided further*, That the city council may provide for the taking effect of any ordinance not before a day certain therein specified. All ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and shall be recorded in books kept for that purpose.

**Orders.**

SEC. 9. All orders of the city council for the payment of money, shall be signed by the mayor and attested by the recorder, and countersigned by the city auditor.

**Fines &c.**

SEC. 10. All fines and forfeitures collected for violations of city ordinances shall be paid into the city treasury, and the mayor shall see that the same is done without unnecessary delay.

**Mayor's duty.**

SEC. 11. The mayor is the executive officer of the city, and it is his duty to be vigilant and active at all times, in causing the ordinances and regulations of the city to be put in force and duly executed, and shall take care that all officers under the city government comply with the law and ordinances and resolutions of the council; he is ex-officio president of the city council, but shall have no vote therein except a casting vote when there is a tie. The city council shall elect a mayor pro tempore, who, in case of the absence



or inability of the mayor, shall discharge all the duties and possess all the powers that belong to the mayor.

SEC. 12. The recorder shall be secretary of the city Recorder's du-  
council, and shall keep a full record of the proceedings; he ty.  
shall have the custody of all the records, books and papers of the city, and of the city seal, and shall discharge such other duties as may be devolved upon him by law or ordinance, and shall keep his office at such place as the city council shall provide and designate.

SEC. 13. The city auditor shall keep in proper books Auditor's duty  
provided for that purpose, a full and fair exhibit of the finances of the city, its revenues, expenditures, indebtedness and audits. He shall countersign all orders on the treasury drawn for money appropriated by the city council, when signed by the mayor and attested by the recorder, and shall perform such other duties as the council may by ordinance or resolution require.

SEC. 14. It shall be the duty of the city marshal to at- Marshal's duty  
tend the meetings of the city council, to execute its orders, to arrest and bring before the proper court, with or without warrant, all whom he shall find in the actual violation of any ordinance, and to perform such other duties as may be devolved upon him by law or ordinance. The city council may by ordinance authorize the marshal to appoint deputy marshals.

SEC. 15. It shall be the duty of the city treasurer to Treasurer's du-  
take charge of and keep the funds and monies of the city; ty.  
he shall keep the same in three separate funds, to be denominated the "general fund," the "road fund," and the "school fund," and shall pay out money only upon orders from the city council, signed by the mayor and attested by the recorder, and countersigned by the auditor, or upon orders from the board of education under authority of ordinance, which orders shall specify the fund drawn upon. He shall keep an account with each fund, and shall from time to time report his receipts and expenditures, as required by the city council.

SEC. 16. It shall be the duty of the city attorney to ap- Attorney's du-  
pear for the city in the city court and all other courts; to ty.  
take charge of the legal business of the city; to give his written opinion whenever called upon by the city council;

to give legal advice to all officers of the city, and to perform such other duties as may be devolved upon him by law or ordinance.

**Borrow money** SEC. 17. The city of Dubuque is authorized to borrow money upon the credit of the city, and to issue the bonds of the city: *Provided*, That the proposition to borrow money shall first pass the city council, and shall then, under proclamation by the mayor, be submitted to the vote of the people, which proclamation shall state the amount of money to be borrowed, and the purpose for which the money is to be borrowed; and in case the proposition is adopted by a vote of two-thirds of the qualified electors of said city, the city council may at any time thereafter within the space of one year, authorize the borrowing of the money, and the issuing of the bonds.

**Road dist.** SEC. 18. The city of Dubuque is constituted a special road district, and the care and supervision of the highways in said city is devolved upon the city council; and the city council is authorized, in addition to the taxes otherwise authorized, to levy a special road tax, which shall not exceed the limits fixed by law of the road tax to be assessed by the county court. No county or township officer having the care or supervision of roads is required to expend labor upon the highways within the city of Dubuque, but the duties and responsibilities imposed by law upon such officers shall, as to the streets and highways in said city, devolve upon the city council.

**Streets.** SEC. 19. The city council shall have power to open, widen or extend any street or alley in said city, and under such regulations as may by ordinance be prescribed, may cause a jury to be summoned who shall apportion and assess the damages and benefits which any person may sustain by reason thereof, upon the lots or lands adjoining, or in the immediate vicinity, which may be benefitted thereby; and such apportionment and assessment shall be returned to the city council, and shall be collected and paid into the city treasury. Notice must be given to all persons whose property is appropriated, in writing or by publication, or they will not be bound by the proceedings. The damages assessed to any persons constitute a valid claim on the part of such persons against the city, and may be sued

for and collected as any other claim. The date at which any property shall be considered as appropriated shall be at the time of the passage of a resolution by the council ordering the laying out and establishment of the street, and the jury shall be summoned to assess the damages at least **Damages.** within one month thereafter, and their apportionment shall be final, and shall not be subject to be quashed by the city council, but may be returned to the same jury for the correction of any irregularities or informalities.

SEC. 20. The marshal shall notify the owners of all lots **Give notice.** and grounds against which any sum shall be apportioned, to pay the same within thirty days. In cases where neither such owners, nor any agents shall be residents of the city of Dubuque, or are unknown, notice may be given by publication in any newspaper in said city for two weeks. If default of payment shall be made, the recorder shall deliver to the collector of taxes for the city a statement of the same, and he shall proceed to collect the same by sale of the property as may be prescribed by ordinance.

SEC. 21. The city may levy a special tax on any lot or **Tax for paving** lots, or the owner thereof, on any alley, street or highway, or any part thereof, for the purpose of grading, paving, or macadamizing the same, or for the purpose of grading paving or curbing the side-walks, and may collect the same under such regulations as may be prescribed by ordinances.

SEC. 22. The city may appropriate lands for the pur- **Lands.** pose of using the same for jails, workhouses, markets, and other public buildings, and to provide for supplying the city with water by constructing aqueducts, reservoirs, and other conveniences, and when compensation therefor cannot be otherwise agreed upon, it may be ascertained as follows: The city shall make application to the city court by petition, setting forth the facts in the case, and praying that the damages may be ascertained by a jury in said court, and for judgment condemning the ground and vesting the title thereof in the city, and the court may proceed without further pleadings, to assess the damages against the city, and tender a decree accordingly.

SEC. 23. No addition to the city of Dubuque shall be **Addition.** lawful unless it is first submitted to the city council for their

approval, who shall have exclusive authority to provide for and regulate the width of streets and alleys in such addition, and when the same shall be so approved of, it shall be admitted to record on the records of the city, and shall thereafter become a lawful addition thereto: *Provided*, that the owner or owners of the land included in said addition shall furnish for the use of the city, a correct map of the same for public reference, and the provisions of chapter 42 of the code of Iowa, shall also be complied with in all such cases, so far as the same are applicable and not inconsistent with this act.

**School dist.**

SEC. 24. That the city of Dubuque shall constitute one permanent school district, and subject to alteration by the school fund commissioner, and shall be subject to the city council of said city, who shall provide for the adequate support and maintenance of common schools in said district. The city council of said city shall, by ordinance, provide for the appointment or election of a board of education, and may invest such board with the necessary powers for the proper care and management of the common schools in said district, the employment of teachers, and to provide school-houses and other buildings, and for taking and returning to the proper officer, as required by law, of the number of persons between the ages of five and twenty-one years, to expend the money in the treasury placed to the credit of the board, and to perform such other duties in connection with the public schools as the city council may deem proper to impose upon the same.

**Com. schools**

SEC. 25. The city council shall furnish the funds necessary to support the common schools in said city; and to provide school houses, and for other expenses; and for this purpose shall, in addition to other taxes authorized by law, levy a special school tax, not to exceed one-fourth of one per centum upon the assessment of any one year.

**F. F. Com'r**

SEC. 26. The city council shall have power, by their order upon the school fund commissioner of Dubuque county, to receive from him for the use of said district, all money apportioned to said district from the school fund. All money received from the city for school purposes shall be paid into the treasury, and shall constitute a separate fund,

to be denominated the school fund, and shall only be appropriated for school purposes.

SEC. 27. The city council shall provide for the publication, at least once in each year, of a full statement of all receipts and expenditures for school purposes for the current year, and which shall show the number of schools kept, the number of teachers employed, the wages paid, the whole number of persons in attendance, and the time such schools have been kept during the current year. Receipts & expenditures.

SEC. 28. There shall be and is hereby established in the city of Dubuque a court, to be denominated the city court; which court shall be a court of record and have a seal, and the officers thereof shall be a judge, clerk, and the city marshal. Said court shall hold a session every day during the year, except Sundays, the fourth of July, Thanksgiving day, Christmas day and New Year's day; but its session shall be divided into monthly terms, commencing on the first Monday of each month. It shall be held at some suitable place to be provided by the city council. City court.

SEC. 29. The judge of the city court shall be elected at the annual election in said city for city officers, and shall hold his office for a term of four years; he shall be a qualified elector of said city, and learned in the law; he shall take and subscribe in writing the same oath required by the judges of the supreme and district courts, and file the same with the recorder, and shall likewise be commissioned by the mayor. His salary shall be fixed by the city council, and shall not exceed fifteen hundred dollars per annum, payable out of the city treasury. Judge of city court.

SEC. 30. The clerk of said court shall be elected at the annual election; shall be a qualified voter of said city and shall hold his office for the term of two years; he shall give bond to the city of Dubuque in the sum of five thousand dollars, with a condition in substance the same as required by law of the clerk of the district court, and on the back thereof shall subscribe the same oath, required of the clerk of the district court. His salary shall be fixed by the city council, and shall not exceed one thousand dollars per annum payable out of the city treasury. Clerk of city court.

SEC. 31. The powers, duties and responsibilities of the judge, clerk and marshal in said court, shall correspond to Court powers.

those of the judge, clerk and sheriff in the district court, and the authority of the process of said court shall have the same extent and limitation as that of the district court, and may be served by the city marshal or by any sheriff; but the marshal shall not have power to serve process, other than subpoenas, beyond the limits of said city.

**Jurisdiction.**

SEC. 32. Said court shall have jurisdiction of all offences and suits under city ordinances, and shall have general jurisdiction concurrent with the district court in all civil cases, and shall have concurrent jurisdiction with justices of the peace in all criminal cases. In civil cases the defendant must reside, or if a non-resident of the State, must be found in the city of Dubuque, or in cases of attachment of property where the defendant is not served, or in cases where the suit is brought to obtain possession of personal property, or to enforce a lien or mortgage, or when it relates to real property, such property or some part thereof must lie in said city, or some part of the personal property must be found therein; when by its terms a contract is to be performed in the city of Dubuque, suit for the breach thereof may be brought in said court. Suit may be brought in divorce cases in said court, if the plaintiff resides in said city. Appeal from the city court lies directly to the supreme court of the State of Iowa.

**Rules—juries.**

SEC. 33. The rules and regulations of law which govern the district court, shall govern the city court as far as applicable. In order to provide juries for said court, the clerk thereof, at least ten days prior to the commencement of each term, shall issue a venire to the marshal, who shall, within five days thereafter, summon twenty-four jurors, qualified electors of said city, and otherwise qualified to serve as jurors in the courts of this State, to appear in said court on the second day of the next term thereof. The jurors summoned for any term may be dismissed as soon as the docket of jury cases for that term is disposed of; and if a jury shall afterwards be required to try any cause coming before the court for such term, a special venire shall issue. If a jury cannot be obtained otherwise, talismen may be summoned by the marshal from the city or the bystanders. If any juror fail to appear in obedience to summons, he may be brought into court by attachment, and if

he fail to show reasonable excuse, he may be fined as for contempt, in any sum not more than ten dollars and costs. No man shall be required to serve as regular juror at more than one term in any one year. When a jury is demanded, a jury fee of three dollars shall be taxed among the costs.

SEC. 34. Actions for the violation of city ordinances Actions. shall be brought in the name of the State of Iowa, for the use of the city of Dubuque. The proceeding shall be by information sworn to, which shall be filed with the clerk of the city court, or with any justice of the peace having his office within said city, whereupon said clerk or justice of the peace shall issue a warrant for the apprehension of the accused. But the city council may by ordinance provide that certain designated officers may arrest any person actually found violating any ordinance, and commit them for trial without warrant; the trial shall be in a summary manner, and without the intervention of a jury, unless demanded by the defendant.

SEC. 35. The fees in the city court shall be the same as Fees. in the district court, and the same, and all fines and forfeitures shall be accounted for by the clerk of said court to the city of Dubuque, and shall be paid into the city treasury as often as the city council may direct. The fees of the marshal and other officers serving the process and executing the orders of said court, belong and are payable to the officers serving the same.

SEC. 36. In case of the absence or disability of the city Absence, &c. judge, the criminal business pending in the city court shall be transferred to some justice of the peace having jurisdiction of the subject matter, by a delivery to him of all papers relating to the same, who shall proceed to dispose of the same as if the prosecution had originally commenced before him; and all civil business shall be continued as in like cases in the district court.

SEC. 37. The city of Dubuque shall be and hereby is Own real estate invested as the lawful owner and proprietor, with all the real, personal and mixed estates, and all the rights and privileges thereof, together with all the property, funds and revenues, and all the moneys, debts, accounts and demands due and owing, or in any wise belonging to the city of Du-

buque, under any previous act of incorporation, and all rights, interests, claims and demands against or in favor of said city, may be continued, prosecuted, defended and collected in the same manner as though this act had never been passed.

**Charges agn't officers.** SEC. 38. The city council shall provide by ordinance for the mode in which charges may be preferred against any officer under the city government, and for the hearing of the same, and they may remove any city officer, except the city judge, from office, as provided in the next section.

**Expulsion, &c.** SEC. 39. Any member of the city council may be expelled or removed from office by a vote of two-thirds of all the aldermen elected; but not a second time for the same offence; and any officer under the city government, appointed by the city council, may be removed from office by a vote of a majority of all the aldermen elected; but it shall require a vote of two-thirds of all the aldermen elected to said council to remove any officer elected by the voters of the city, or of any ward or district.

**Interest on loan.** SEC. 40. The city council are authorized to levy in each year a special tax, to pay the interest on such loans as are authorized by the seventeenth section of this act.

**Terms.** SEC. 41. The aldermen of the city of Dubuque, and all other officers now elected, shall hold and exercise their offices for and during the term for which they are chosen.

**Repeal.** SEC. 42. All acts and parts of acts heretofore passed relative to the incorporation of said city of Dubuque, shall be, and the same are hereby repealed, as far as the same come within the perview of this act. All ordinances passed under prior acts of incorporation of said city, and heretofore in force, not inconsistent with the provisions of this act, shall continue in force until altered or repealed, and shall be deemed in compliance with the requirements of this act as far as applicable.

**Public act.** SEC. 43. This act shall be taken and viewed in all courts as a public act.

**Submission of charter.** SEC. 44. This act shall be submitted for the approval of the electors of the city of Dubuque, at an election to be held on the first Monday in March, A. D. 1857, but prior to said election the whole act shall be published in the North-West, the Tribune, the Express and Herald, the National Demo-



crat, the Republican, and the Staats Zeitung, newspapers, at the expense of said city. The tickets which shall be polled at such elections shall contain either the words, "For the amended charter," or "Against the amended charter." And if a majority of all the legal votes at such election shall be in favor of the amended charter, then this act shall be in force from and after its publication in the North-West and Express and Herald newspapers, without expense to the State. If a majority of such electors shall vote against the amended charter, then this act shall not be in force until after the next session of the General Assembly of the State of Iowa.

Approved January 28, 1857.

I certify that the foregoing was published in the North-West, February 24, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 211.

### CITY OF CAMANCHE.

AN ACT to incorporate the city of Camanche.

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 following limits, to wit: Commencing at the centre of ninth avenue and Eighth street, as laid down and platted by the Camanche land company; thence running along the centre of Eighth street to the intersection of the centre line of said street, and the section line between section twenty-eight (28) and twenty-nine (29), township eighty-one (81), range six east of the fifth principal meridian; thence thirty-nine hundred and sixty feet; thence south to the middle of the main channel of the Mississippi river; thence up and along the middle of said main channel to the centre line of ninth avenue; proceed thence along said centre line to the intersection of said eighth street and ninth avenue to the place of beginning, be, and the same is hereby declared a city, and the inhabitants thereof are cre- Boundaries.