

all conflicting case under the provisions of this act in the county of Iowa, a majority of whom shall have power to decide any or all of said cases, and the School Fund Commissioner of said county is hereby required to carry into effect the decision of said Board as provided in this act.

Sec. 5. An appeal may be taken to the District Court of the District in which the lands are situated, from any decision made under the provisions of this act, and the School Fund Commissioner shall conform his official action, in case of appeal, to the decision and direction of said Court. Appeal allowed.

Sec. 6. The Commissioners appointed by this act shall be entitled to the sum of three dollars per day as a compensation for their services, which shall be paid by the purchasers of said lands, in proportion to the number of acres purchased by each, before the execution of the contract of purchase. Pay of commissioners.

Sec. 7. This act to take effect and be in force from and after the publication thereof in the Iowa Weekly Citizen and the Iowa State Journal. Take effect.

Approved March 23d, 1858.

I hereby certify that the foregoing Act was published in the Iowa Citizen on the 14th day of April, 1858, and in the Iowa State Journal on the 10th day of April, 1858.

ELLIJAH SELLS,
Secretary of State.

CHAPTER 157.

CITIES AND TOWNS.

AN ACT for the Incorporation of Cities and Towns.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That no town or city shall hereinafter be incorporated in the State of Iowa, in any other manner than as herein provided. None of the provisions of this act shall apply to cities or towns already incorporated in this State, otherwise than as herein provided, save and except section sixty-one of this act. Corporation limited.
Application of law.

Petition presented. Sec. 2. When the inhabitants of a part of any county not embraced within the limits of any city, or incorporated town, shall desire to be organized into an incorporated town, they may apply by petition in writing signed by not less than thirty of the qualified voters, residents of the territory to be embraced in the proposed incorporated town, to the County Court of the proper county, which petition shall describe the territory proposed to be embraced in such incorporated town, and have annexed thereto an accurate map or plat thereof, shall state the name proposed for such incorporated town, and shall also name the person or persons authorized to act in behalf of the petitioners in prosecuting said petition.

Contents.

Petition filed. Sec. 3. Where any such petition shall be presented to the County Court, the same shall be filed in the office of the County Judge, to be there kept subject to the inspection of any person or persons interested, until the time appointed for the hearing thereof; the said Judge shall at or before the time of such filing, fix and communicate to such petitioners, or their agents, a time and place for the hearing of such petition, which time shall not be less than fifty days after the time of such filing, and thereupon the petitioners or their agents shall cause a notice to be published in some newspaper of general circulation in the county, (if one is published in the county) not less than four consecutive weeks, and a copy of said notice to be posted at some public places within the limits of the said proposed incorporated town, not less than four weeks previous to the time of such hearing, which notice shall contain the substance of said petition, and state the time and place for hearing thereof.

Day of hearing.

Notice of hearing.

Hearing public. Sec. 4. Every such hearing shall be public, and may be adjourned from time to time, and any person interested may appear and contest the granting of said petition, and upon demand shall have the right to a jury of six men to hear and decide the case, and affidavits or other testimony in support of or against said petition, which may be prepared and submitted, shall be examined and heard by said Court or jury, and the Court may permit the

Mode of conducting.

agent or agents named in the original petition, to change or amend the same, but no amendment shall be permitted whereby territory not before embraced shall be added, or the character or extent of said proposed incorporated town materially changed, without appointing another time for hearing, and requiring new notice to be given as above provided.

Sec. 5. If the Court or jury, after hearing such petition, shall be satisfied that at least fifty qualified voters actually reside within the limits described in the petition, and that said petition has been signed by a majority of the voters within said limits, that said limits have been accurately described and an accurate plat or map thereof made and filed, that the name proposed for said town is proper and sufficient to distinguish it from others in the State, and it shall moreover be deemed right and proper in the judgment of the Court or jury, that said petition should be granted, the Court shall make and endorse on said petition an order to the effect that the incorporated town as named and described in the petition, may be organized, which order the Court shall sign and deliver, together with the plat or map, to the Recorder of the county, whose duty it shall be to record the same as soon as practicable in the proper book of records, and to file and preserve in his office the original papers, having certified thereon that the same have been properly recorded, and it shall also be the duty of said Recorder to make out and certify two transcripts of said record, one of which he shall forward to the Secretary of State, and the other he shall deliver to the agent or agents of said petitioners, with a certificate thereon, that a similar transcript has been forwarded to the Secretary of State as above provided.

Facts proved.

Organization ordered.

Petition filed and recorded.

Sec. 6. So soon as said record shall be made and said transcripts certified and forwarded and delivered, the inhabitants within the limits described in the petition, shall be deemed an incorporated town, to be organized and governed under the provisions of this act, in like manner as if specially named therein, and so soon as said incorporated town shall be actually organized, by an

Beginning of incorporation.

election of its officers as hereinafter provided, notice of its existence as such shall be taken in all Judicial proceedings in the State.

Delay in organization. Sec. 7. Two months shall elapse from the time such transcripts are forwarded and delivered, before notice shall be given for an election of officers in any such town, and any person interested may at any time within said two months, make complaint in writing, in the nature of an application for an injunction, to the District Court of the county, or to the Judge thereof in vacation, having given at least five days notice thereof, and furnished a copy of the complaint to the agent or agents of the petitioners, for the purpose of having the organization of such proposed town prevented. It shall be the duty of such Judge or Court to hear such complaint in a summary manner, receiving such answers, affidavits and proofs as may be deemed pertinent, and if it shall appear that the proposed town does not contain the requisite number of inhabitants, or that a majority of them have not signed the petition, or that the limits of said town are unreasonably large, or small, or are not properly and sufficiently described, then the said Court or Judge shall order that the record of said town shall be annulled, and it shall be the duty of the County Recorder to endorse on the record the order so made, and to certify and transmit to the Secretary of State a copy thereof, but such proceeding shall in no manner bar a subsequent petition to the County Court.

Injunction may be issued.

Complaint heard

Records annulled

Provisions for first election. Sec. 8. Unless the agent or agents of the petitioners shall, within two months after the transcript shall be delivered as above provided, be notified of a complaint having been made to the District Court, or Judge thereof, then at the end of said two months, or after the dismissal of said complaint, the said agent or agents shall give public notice by posting the same at three or more of the most public places within the limits of said town, of the time and place of holding the first election for officers of said town, which election shall be conducted and the officers elected and qualified in the manner prescribed by law in like cases, the clerk and other officers

Township officers conduct.

of the township in which said proposed town is situated presiding at said election in the same manner as at township elections, and making the same returns. *Provided*, The officers so elected shall continue in office only until the time of the regular election of said officers, and until their successors are elected and qualified.

Sec. 9. When the inhabitants of a part of any county contiguous and adjoining to any city or town, shall desire to be annexed to such city or town, they may apply by petition in writing to the County Court of the proper county, signed by the inhabitants so applying, to be in number not less than a majority of the electors, which petition shall describe the territory proposed to be annexed, and be accompanied by an accurate map or plat thereof, and shall name the person or persons in prosecuting said petition.

Contiguous territory annexed.

Sec. 10. When any such petition shall be presented to the County Court, the same shall be filed, and like proceedings shall be had for a hearing thereon as is prescribed by the third, fourth, and fifth sections of this act, and should the said petition be granted, the Judge shall endorse on said petition an order to the effect that the territory described in the petition may be annexed to, and become a part of the city or town named in said petition, and the petition, together with the map or plat, shall be delivered to the clerk or recorder of such city or town.

Proceedings to secure annexation.

Sec. 11. No further action shall be taken on such order for the space of two months, and within that time any person interested, may in like manner as provided in the seventh section of this act, institute a proceeding to have the proposed annexation prevented, and if it shall appear to the Court or Judge hearing such proceeding, that a majority of the electors aforesaid actually residing within the limits described in such petition, have not signed the same, or that the territory proposed to be annexed is unreasonably large, or that said territory is not properly described, he shall make an order to restrain any further action under the order of the County Court, and annulling the same, but such pro-

Proceedings in opposition to annexation.

ceeding shall not bar any subsequent petition to the County Court.

After decision of Court. Sec. 12. When any complaint shall be made as before provided, to prevent an annexation of territory, notice thereof shall be given as well to the proper authorities of such city or town as to the agent or agents of the petitioners, and if no such notice shall be given within two months after the delivery of the order to the clerk or recorder of said city or town, then at the end of said two months and within one year, and in case of any such complaint, and after the dismissal of said complaints, and within one year thereafter, the proper authority of such city or town shall provide by ordinance or resolution for the submission to the electors at the next annual election of municipal officers, of the question whether such annexation shall be made, and if a majority of the electors of such city or town voting at such election, shall vote in favor of such annexation, then on the return of such vote to the proper authority of such city or town, a resolution or ordinance shall be adopted or passed declaring that the territory described in the petition has been annexed to, and is a part of such city or town, and it shall be the duty of the clerk or recorder of the said city or town to make out two copies of the petition, plat, order of the County Court, abstract of votes and resolutions or ordinances in relation to such annexation, with a certificate that the same are correct, attested by the seal of such city or town, and he shall deliver one of said copies to the Recorder of the county, whose duty it shall be, having first made a record thereof in the proper books of record, to file and preserve the same, and the other of said copies shall be forwarded by the clerk or recorder of said city or town, to the Secretary of State.

The question submitted to the people.

Petition and plat recorded and filed.

Annexation completed. Sec. 13. So soon as said resolution or ordinance declaring such annexation has been adopted, and said copies transmitted, delivered and recorded, the said territory shall be deemed and taken to be a part and parcel of the said city or town, and the inhabitants residing therein, shall have and enjoy all the rights and privileges of the inhabitants within the original limits of such city or town.

Sec. 14. When any municipal corporation shall desire to annex any contiguous territory thereto, not embraced within the limits of any city or town, it shall be lawful for the trustees or council of the corporation, by an ordinance passed for that purpose, at least one month before the regular annual election to submit the question of said annexation to the qualified voters of such corporation, and if a majority of the electors of the corporation voting on the question, shall vote in favor of such annexation, the officers of said corporation shall present to the County Court, a petition praying for such annexation, which petition shall describe the territory proposed to be annexed to such municipal corporation, and have attached thereto an accurate map or plat thereof, and like proceedings shall be had upon said petition, as are provided in the third, fourth, fifth, sixth and seventh sections of this act, so far as the same may be applicable, but it shall be lawful for the voters residents upon the territory thus proposed to be annexed, or any of them to appear at said hearing, and show cause why said annexation should not be made, and if it appear by remonstrance or otherwise that a majority of the legal voters in said district so proposed to be annexed are opposed to such annexation, said annexation shall not be allowed, and if within two months as above provided, no notice of a complaint against such annexation shall be given, according to the provisions of this act, then at the end of said two months, and in case such complaints then at the end of said two months, and after the dismissal of said complaint, the said contiguous territory proposed to be annexed shall be in law deemed and taken to be included in and shall be a part of said municipal corporation and the inhabitants thereof shall, in all respects be citizens thereafter of the said municipal corporation.

Corporation desiring to annex territory.

Submitted to people of city.

Submitted to people of territory.

Time of annexing.

Sec. 15. When any municipal corporation, the territory of which shall be contiguous to and adjoining that of another municipal corporation, shall desire to be annexed thereto, it shall be lawful for the trustees or council of the corporation proposing such annexation,

Corporations joining.

to submit the question to the electors of the corporation, by an ordinance passed for the purpose, at least one month before the annual election the trustees or council of the municipal corporation to which the annexation is proposed to be made, may in like manner submit the question to its electors, if a majority of the electors of each of the two corporations voting on the question at the same general election, shall vote in favor of such annexation, the trustees or council of each corporation may appoint three commissioners who shall arrange the terms and conditions of the annexation, and submit the same to the trustees or council of the respective corporations, and the same being duly approved, by an ordinance passed for the purpose by each corporation, certified copies thereof signed by the presiding officer of the trustees or council of each corporation, and the Clerk or Recorder, and attested by its corporate seal, shall be filed in the office of the Clerk of the corporation to which such annexation shall be proposed to be made, and it shall be the duty of such Clerk or Recorder, under the direction of such corporation to make out and certify two transcripts of all ordinances, abstracts of the returns of the votes, and other papers relating to such annexation, one of which shall be filed in the office of the county Recorder, who having made a record thereof, shall file and preserve the same, and the other of said copies shall be forwarded by said Clerk or Recorder, to the Secretary of State.

Sec. 16. So soon as said transcripts shall be certified and delivered, and forwarded, the said annexation shall be deemed complete, and it shall be lawful for the corporation to which the annexation has been made, to pass such ordinances as will carry into effect the terms of such annexation, so far as the same shall not be inconsistent with this act, and with the regular and proper government of such corporation under the provisions thereof, and any part of such terms so inconsistent shall be deemed void, but their nullity shall in no manner affect such annexation, and the two former corporations shall thereafter be governed as one, embracing the ter

Question submitted.

Commissioners to arrange terms.

Agreement filed.

Transcripts of proceedings filed.

Annexation completed by ordinance.

ritory, shall have equal rights and privileges; *Provided*, Existing rights not impaired. such annexation shall not affect or impair any rights or liabilities existing at the time of such annexation either in favor or against said corporations, and suits founded upon such rights and liabilities may be commenced, and pending suits prosecuted and carried to final judgment and execution, the same as though such annexation had not taken place.

Sec. 17. It shall be the duty of the Secretary of State, to receive and preserve in his office, all papers transmitted to him in relation to the incorporation of cities or towns, or the annexation of territory to the same or the consolidation of municipal corporations, and shall keep an alphabetical list of said cities and towns, in a book provided for that purpose, in which shall be entered the name of the town or city, the character of the same, whether town or city, and if a city, whether of first or second class, the county in which situated and the date of organization under this act. Complete record by Secretary of State.

Sec. 18. Cities and towns, organized or to be organized under this act, are hereby declared to be bodies politic and corporate under the name and style of the city of ——— or town of ———, as the case may be, capable to sue and be sued, to contract and be contracted with, to acquire and hold property real and personal, to have a common seal, and to change and alter the same at pleasure, and to have such other privileges as are incident to municipal corporations of like character or degree not inconsistent with this act, or the laws of this State. Powers of corporation enumerated.

Sec. 19. When the inhabitants of a part of any city or town, shall desire to have the part of the territory of such city or town in which they reside, severed from or stricken out of the limits of such city or town, they may apply by petition in writing, signed by a majority of the resident property holders of such part of the territory of such city or town as they desire to have so severed from or stricken out of the limits of such city or town, to the District Court of the county, which pe- Territory taken from a corporation. Petition court.

town, and have attached thereto, an accurate map or plat thereof, and shall also name the person or persons authorized to act in behalf of the petitioners in the prosecution of said petition.

Petition filed and notice given.

Sec. 20. When any such petition shall be presented to the Clerk of the District Court, he shall file the same and docket the case in its proper place, said petition shall be subject to the inspection of any person interested in the subject matter thereof, and notice of the filing of the same shall be given by publication in a newspaper published in said city or town, or by posting a notice of the same in five public places in said city or town, four weeks previous to the succeeding term of said Court, which notice shall contain the substance of said petition, and state the term of Court at which the hearing thereof will be had.

Petition heard.

Sec. 21. The hearing of such petition may be had by the Court, or either party may demand a jury, and the proper authorities of such city or town, or any person interested in the subject matter of said petition may appear and contest the granting of the same, and affidavits in support of or against said petition which may be prepared and submitted, shall be examined by the Court or jury, and the Court may in its discretion permit the agent or agents named in the petition to amend or change the same, except that no amendment shall be permitted whereby the territory embraced in said petition shall increase or diminish, without continuing the case to the next term and requiring new motion to be given as above provided.

Amended.

Evidence examined.

Sec. 22. If the Court or jury, after hearing the petition and evidence bearing upon the subject matter thereof, shall be satisfied that said petition has been signed by a majority of the property holders residing within the limits of the part of the city or town described in the petition and plat, and that the limits have been accurately described and a correct map or plat thereof made and filed, and if the Court or jury shall be further satisfied that the territory proposed to be thus severed or stricken out of the limits of such city or

Terms adjusted by Commissioners.

fied that justice and equity require that the prayer of the petitioners should be granted, the Court shall appoint three disinterested persons Commissioners to settle and adjust the terms upon which such part shall be so stricken out as to any debts or liabilities of such city or town that have accrued during the connection of such part with such corporation.

Sec. 23. The Commissioners so appointed shall take and subscribe an oath or affirmation that they will faithfully and impartially perform their duties as such, and shall at a time ascertained by them fixed, hear the agent or agents named in said petition, and also the proper authorities of the city or town, in regard to the subject matter to them submitted, and report to the next succeeding term of said Court their doings and judgment in the premises, and upon the filing of said report the Court shall order, adjudge and decree in accordance therewith and with the prayer of said petition. *Provided*, That for good and sufficient cause and upon a proper showing, the Court may reject or set aside said report, and appoint new Commissioners, and continue the cause for further action to be had thereon.

Com'rs qualify,
hear and report

Judgment rendered.

Sec. 24. The Clerk of said Court, as soon as practicable, shall file a certified transcript of such decree, together with the petition and map or plat, in the office of the Recorder of the County, and the same disposition shall be made thereof as is provided by section five of this act, in the organization of a corporation under this act.

Decree filed and recorded.

Sec. 25. So soon as said record shall be made, and said transcript certified and forwarded and delivered as provided in said section five, the inhabitants residing within the limits described in said petition and plat or map, shall be deemed and taken to be no part of such corporation, and the territory described in such petition and map shall be deemed no part of such city or town, the costs shall be paid by the petitioners, but when witnesses are called in such cases, each party shall pay their own witness fee.

Completion of separation.

Costs.

Sec. 26. In no case shall territory which is not

**Town lots only
annexed.**

laid out into town or city lots or blocks, be annexed to, or retained as a part of a city or town without the consent of the majority of the resident owners thereof.

**Powers and priv-
ileges of corpo-
rations.**

Sec. 27. All municipal corporations organized or to be organized under this act, shall have the general powers and privileges, and be subject to the rules and restrictions granted and prescribed in the succeeding section of this act.

**Enumeration o
powers.**

Sec. 28. They shall have power to prevent injury or annoyance within the limits of the corporation, from anything dangerous, offensive or unhealthy, and to cause any nuisance to be abated, to regulate the transportation and keeping of gunpowder or other combustibles, and to provide or license magazines for the same, to prevent and punish fast or immoderate riding or driving of horses through the streets, to establish and regulate markets, to provide for the measuring or weighing of hay, coal, or any other article of sale, to prevent any riots, noise, disturbance or disorderly assemblages, to suppress and restrain disorderly houses, houses of ill-fame, billiard tables, nine or ten pin alleys, or tables and ball alleys, and to authorize the destruction of all instruments or devices used for purposes of gaming, and to protect the property of the municipal corporation and its inhabitants, and preserve peace and order therein.

**Regulations a-
gainst fires.**

Sec. 29. They shall have power to make regulations for the purpose of guarding against danger from accidents by fire, and on petition of the owners of two-thirds of the grounds included in any square or block, to prohibit the erection thereon of any building, or any addition to any building, unless the outer walls thereof be made of brick and mortar or of iron, or stone and mortar, and provides for the removal of any building or additions erected contrary to such prohibition.

**Power to erect
water works.**

Sec. 30. They shall have power to provide a supply of water by the construction and regulation of wells, pumps, cisterns, reservoirs, or water works, to prevent the unnecessary waste or the pollution of water and injuries to the water works, and for the purpose of establishing or supplying water works, any municipal corpo-

ration may go beyond its territorial limits and its jurisdiction to prevent or punish any pollution or injury to the stream or source of water, or to the water works, shall extend five miles beyond its corporate limits, and they shall have power to assess and collect, from time to time in such manner as they shall deem equitable upon each and every tenement supplied with water, a water rent of sufficient amount to defray the expenses of conducting and repairing the water works, and for the creation of a sinking fund for the liquidation of the debts incurred by said corporation in the erection of the same, and the amount so collected shall be applied to the above named purpose and none other.

Sec. 31. They shall have power to regulate the burial of the dead, to provide without the limits of the corporation, places for the interment of the dead, and to prevent any sub-interments within such limits, and to carry into effect any prohibition of interments within the limits of the corporation, may not only impose proper fines and penalties, but shall have power to cause any body interred contrary to such prohibition to be taken up and buried without the limit of the corporation.

Pow'r to regulate cemeteries.

Sec. 31. They shall have power to restrain and regulate the running at large of cattle, horses, swine, sheep and other animals within the limits of the corporation, and to authorize the destringing, impounding and sale of the same, for the penalty incurred and costs of proceeding to prevent the running at large of dogs and injuries therefrom, and to authorize the destruction of the same when at large contrary to any prohibition to that effect.

Power to impound animals.

Sec. 32. They shall have power to regulate or prohibit all theatrical exhibitions of whatever name or nature for which money or any other reward is in any manner demanded or received, *Provided*, that lectures on scientific, historical or literary subjects shall not come within the provisions of this section.

Pow'r to regulate shows.

Sec. 33. They shall have power to regulate or prohibit the sale of horses or other domestic animals at public auction, in the streets, alleys or highways, to regu-

Pow'r to regulate actions, taverns and liquors.

late all carts, wagons, drays, coaches, omnibuses, and every description of carriages which may be kept for him, to regulate taverns, and houses for the public entertainment, and to regulate or prohibit sale of intoxicating liquors subject to the provisions of the law relating thereto.

Pow'r to regulate and light streets.

Sec. 34. They shall have power to lay off, open, widen, straighten or to narrow or vacate, or to extend and establish, to improve, keep in order and repair, and to light streets, alleys, public grounds, wharves, landing places, and market places, to open and construct, keep in order and repair sewers and drains, to enter upon and take for such of the above purposes as may require it, land or material, and to assess and collect, or on the lots or lands through or by which a street, alley, or public highway may pass for the purpose of defraying the expenses of constructing, improving, repairing or lighting such street, alley or public highway in such proportion as to them shall seem just and equitable.

Private property taken for public purposes.

Sec. 35. When it shall be deemed necessary by any municipal corporation to enter upon or take private property as above provided, an application in writing shall be made to the County Judge, which application shall describe as correctly as may be the property to be taken, the object proposed, and the owners of the property, and of each lot or parcel thereof, known notice of the time and place of such application shall be given, either personally in the ordinary manner of serving legal process or by publishing a copy of the application with a statement of the time and place at which it is to be made, for three weeks next preceding the time of the application in some newspaper of general circulation in the county, if it shall appear to the County Judge, that such notice has been served five days before the application, or has been published as above provided, the time may be set for the inquiry into, and assessment of compensation, and the County Judge shall appoint three disinterested persons who shall act as a Jury to assess the compensation, which assessment shall be made at the time set as above provided ; the said jurors having first ex-

Application published.

Jury to assess damages.

amined the premises or property so proposed to be appropriated, unless for good cause continued to another day to be specified, if at the time of such application it shall appear that any of the owners of property are infants or insane, a guardian *ad litem* shall be appointed, and the municipal corporation may be required to file a more accurate description of the property to be taken, and the object proposed, and maps, plats and surveys if necessary or proper. The assessment shall be made so that the amount payable to each owner may be ascertained either by allotting it to each owner by name, or on each lot or parcel of land, and the inquiry and assessment, shall in other respects be made by the jurors under such instruction as shall be given by the court. The jurors shall be sworn or affirmed to make the whole inquiry and assessment, but may be allowed to return a verdict as to part, and be discharged as to the rest in the discretion of the court, and in case they shall be discharged from rendering a verdict in whole or in part, another jury shall be empanelled, at the earliest convenient time, who shall make the whole inquiry and assessment on the part not made as the case may be. But in making said assessment the jury shall not take into consideration any advantages that may result to said owner or owners on account of the improvement for which the property is taken.

Sec. 36. So soon as the amount of compensation which may be due to the owners of the property to be taken, or any of them, shall be ascertained, the court shall make such order as to its payment, or its deposit as shall be deemed right and proper, and the proportion payable to each, and may require adverse claimants to any part of the money or property to interplead, so as fully to settle their rights and interests according to equity and justice, the court may direct the time and manner in which the possession of the property, shall be taken or delivered, and may if necessary enforce any order giving possession. But none of the property shall be actually taken or occupied until the compensation thus ascertained shall have been paid or secured to be

Guardian.

Jury sworn.

Return.

Second jury.

Damages paid.

Possession.

- Costs paid.** paid. The costs occasioned by the inquiry and assessment shall be paid by the corporation and as to the other costs, which may arise, they shall be charged or taxed as the court in its discretion may direct, no delay in making an assessment of compensation or in taking possession, shall be occasioned by any doubt which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners, but in such cases the Court shall require the deposit of the money allowed as compensation for the whole of the property, or the part in dispute and in all cases as soon as the corporation shall have paid the compensation assessed or secured its payment by a deposit of money under the order of the Court, possession of the property may be taken, and the public work or improvement progress.
- Money deposited**
- Right of appeal.** Sec. 37. Any party interested in any such inquiry and assessment, who shall feel aggrieved by the finding of the jury or the order of the Court may have the part thereof in which such party may be interested and feel aggrieved, reviewed in the District Court, by filing a petition for that purpose within ten days after the finding or decision complained of shall have been made, and it shall be the duty of the Court to report in the nature of a bill of exceptions, the facts necessary to show the ground of the finding, or decision, and said petition and report shall be filed in the District Court, on or before the first day of the next term thereof, and the matter shall be heard and determined by said Court, and if the Court shall find that right and justice has not been done, a new assessment may be ordered by a jury in said Court or the judgment of the Court below affirmed. When such petition shall be filed, the Court may suspend the execution of any order which may have been made, on such terms as may be deemed proper, and
- Proceedings in Dist. Court.**
- Security for damages.** may require a bond with security for the payment of any damages or costs which may be thereby occasioned, but in all cases when the municipal corporation shall pay or secure by deposit of money the compensation assessed, and shall give such surety as shall be deemed adequate

to pay any further compensation and all damages and costs which may be adjudged in the district Court the right to take and hold the property condemned shall not be affected by such review.

Sec. 38. Each Municipal Corporation may by a general by-law or ordinance, prescribe the mode in which the charge on the respective owners of lots or lands, and on the lots or lands shall be assessed and determined, for the purposes authorized by this act, such charge when assessed shall be payable by the owner or owners at the time of the assessment personally, and shall also be a lien upon the respective lots or parcels of land in the possession of any owner from the time of the assessment, such charge may be collected, and such lien enforced by a proceeding in law, or in equity, either in the name of the municipal corporation, or of any person to whom the municipal corporation shall have directed payment to be made, in any such proceeding at law where pleadings are required, it shall be sufficient to declare generally for work and labor done, and materials furnished on the particular street, alley or highway, and in proceedings in equity, when the owner of any lot shall be a non-resident of the county, or unknown notice shall be given by publication in the manner prescribed by law for notices upon absent defendants returned not found, but a publication for one half the usual time, shall be deemed sufficient, proceedings at law or equity may be instituted against all the owners, or against each or any member of them, as to enforce the lien against all the lots or land, or each lot or parcel or any number of them embraced in any one assessment, but the judgment or decree shall be rendered separately for the amount properly chargeable, any proceeding may be served, in the discretion of the Court for the purpose of trial, review or appeal.

The assessment
of lots.

Tax collected.

Pleadings.

Non-residents
notified.

Proceed against.

Sec. 39. In any such proceeding where the Justice of the Peace or the Court trying the same, shall be satisfied that work has been done or materials furnished, which according to the true intent of the act would be properly chargeable upon the lot or land through or by

Tax enforced by
court.

which the street, or alley highway improved or repaired or lighted may pass, a recovery shall be permitted, or a charge enforced, to the extent of the proper proportion of the value of the work or materials which would be chargeable on such lot or land notwithstanding any informality, irregularity or defect in any assessment on the part of such municipal corporation, or any of its officers, but in such case the Justice or Court may adjudge as to costs as may be deemed proper, and in cases where an assessment shall have been regularly made and payment shall have been neglected or refused at the time when the same was required, any municipal corporation shall be entitled to demand, and recover in addition to the amount assessed and interest thereon at ten per cent., from the time of the assessment, five per cent. to defray the expenses of collection which shall be included in any judgment or decree which may be rendered.

Costs paid.

Interest on delinquent taxes.

Lots raised and nuisances abated.

Sec. 40. Municipal Corporations shall have the power to cause any lot or lots of land within their limits on which or part of which, water at any time become stagnant, to be raised and filled up or drained, and to cause all putrid substances whether animal or vegetable to be removed from such lot or lots and may for such purposes from time to time direct that such lot or lots be raised, filled up or drained or that such putrid substances be removed from such lot or lots by the owner or owners thereof respectively in such manner as may be directed by a resolution of the proper authority of any municipal corporation, and it shall be the duty of such owner or owners his, her or their agent or attorney, after service of a copy of the same resolution or after a publication of the same in some newspaper of general circulation in such municipal corporations for two successive weeks, to comply with the directions of such resolution within the time therein specified, and in case of a failure or refusal to do so, it may be done at the expense of said municipal Corporation, and the amount of money so expended shall be a debt due to said municipal corporation from the owner or owners of said lot or

Owner to have it done.

Lien on the lots.

lots according to the amount expended by him, her or them respectively, to be recovered before a Justice of the Peace or any other court of competent jurisdiction, and shall moreover from the time of the adoption of such resolution be a lien on such lot or lots, which may be enforced if need be, either after or without a previous proceeding at law, by a suit in equity in the District Court of the proper county and like proceedings may be had as herein before directed in relation to the improvement of streets, or as in other cases at law or in equity.

Expense recovered.

Sec. 41. Municipal corporations shall have power to make and publish from time to time by-laws, or ordinances, not inconsistent with the law of the State for carrying into effect, or discharging the powers and duties conferred by this act, and it is hereby made the duty of municipal corporations to make and publish such ordinances or by-laws as shall be necessary to secure such corporation from injuries by fire, thieves, robbers, burglars, and all other persons violating the public peace for the suppression of riots and gambling and indecent and disorderly conduct for the punishment of all lewd and lascivious behavior in the streets and other public places, and they shall have power to make and publish such by-laws and ordinances as to them shall seem necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of such corporation and the inhabitants thereof.

Power to make ordinances.

Ordinances published.

Sec. 42. By-laws and ordinances of municipal corporations may be enforced by the imposition of fines, forfeitures and penalties, and any person or persons offending against or violating such by-laws or ordinances or any of them, and the fines, penalties or forfeiture may be prescribed in each particular by-law or ordinance or by a general by-law or ordinance made for that purpose, and municipal corporations shall have power to provide in like manner for the prosecution, recovery and collection of such fines, penalties and forfeitures.

Ordinances enforced by penalties.

Sec. 43. Fines penalties and forfeitures which shall

Fines regulated. not exceed the sum of twenty dollars, for any one specified offence or violation of the by-law or ordinance, or double that sum for each repetition of each offence a violation of which shall not exceed the sum of ten dollars for each day, where a thing prohibited or rendered are lawful and in its return continuous in respect to time shall be deemed reasonable and proper. But where in

Heavy fines modified. any by-law or ordinance a greater fine, penalty or forfeiture is imposed than as above specified it shall and may be lawful in any suit or recovery thereof, to reduce the same to such amount as shall be deemed reasonable and proper and to permit a recovery or render judgment accordingly.

Fines may be enforced. Sec. 44. Fines, penalties and forfeitures may in all cases, and in addition to any other mode provided be recovered by suit or action before a Justice of the Peace, or other court of competent jurisdiction in the name of the proper municipal corporation and for its use, and in any such suit or action. Where pleading is necessary it shall be sufficient to declare generally for the amount claimed to be due in respect to the violation of the by-law, or ordinance referring to its title, and the duties of its adoption or passage, and showing as near as may be the transaction of the alleged violation.

Time of commencing suits for fines. Sec. 45. All suits or prosecutions for the recovery of any such fines, penalties or forfeitures or for the commission of any offence made punishable by any by-law or ordinance, of any municipal corporation as hereinafter provided shall be commenced within one year after the violation of the ordinance or commission of the offence and not afterwards.

Copies of ordinances made evidence. Sec. 46. The printed copies of the by-laws or ordinances of any municipal corporation, published by its authority and transcripts of any by-laws or ordinances, or of any act or proceeding of municipal corporation, recorded in any book, or entrie, on any minutes or journals kept under the direction of such municipal corporation and certified by its Clerk shall be received in evidence for any purpose for which the original ordinances, books, minutes or journals would be received, and

with as much effect. It should be the duty of the Clerk, to furnish such transcripts, and he should be entitled to charge therefor, at the rate that the Clerk of the District Court is entitled to charge for transcripts of records from that Court.

Transcripts by
the Clerk.

OF THE CLASSES OF MUNICIPAL CORPORATIONS.

Sec. 47. In respect to the exercise of certain corporate powers, and duties of certain officers, municipal corporations are and shall be divided into the classes following: Cities of the first and cities of the second class, and incorporated towns.

Cities classified.

Sec. 48. All cities which at the last Federal census, had or now have a population of fifteen thousand inhabitants, shall be deemed cities of the first class, and all other cities shall be deemed cities of the second class; all cities which at any future federal census, or at any census which may be taken in pursuance of the laws of this State shall have a population exceeding fifteen thousand inhabitants, shall also be deemed cities of the first class, and any incorporated town, which at any future federal census, or at any census taken under the authority of the State, as aforesaid, shall have a population exceeding two thousand and less than fifteen thousand, shall be deemed a city of the second class.

First and second
classes defined
by population.

Sec. 49. It shall be the duty of the Governor, Auditor and Secretary of State, or any two of them, within six months after the census contemplated by this act, has been filed in the office of the Secretary of State, to ascertain what cities of the second class are entitled to become cities of the first class, and what incorporated towns are entitled to become cities of their proper class. And the Governor shall cause a statement thereof to be prepared by the Secretary of State, which statement he shall cause to be published in some newspaper published in the city of Des Moines, and also in some newspaper printed in each of the cities and incorporated towns, the grade of which shall have been so advanced, and a copy of said statement shall also be transmitted by the Sec-

Cities change
from second
to 1st class.

Statement of cit-
ies published.

Election of officers

retary of State, to the next General Assembly, and any such city or incorporated town, shall at the next regular annual period for the election of municipal officers, proceed to organize, according to its new grade, by the election of officers properly belonging thereto, and on their election and qualification the term of service of any former officer shall expire.

Proper ordinances made and published.

Sec. 50. So soon as the statement shall be published as above provided, showing that any city or incorporated town, will be entitled at the next regular annual period for the election of municipal officers, to be organized into a city of the first or second class as the case may be, it shall and may be lawful for the proper corporate authority of such city or incorporated town, to make and publish such by-laws or ordinances as may be necessary to perfect such organization, in respect to the election, duties and compensation of officers or otherwise.

OF INCORPORATED TOWNS.

Officers of incorporated towns.

Sec. 51. The corporate authority of incorporated towns, organized or to be organized for general purposes shall be vested in one Mayor, one Recorder, and five Trustees, who shall be qualified electors, residing within the limits of the corporation, and shall hold their offices for one year, and until their successors are elected and qualified, and such Mayor, Recorder and Trustees, shall constitute the Council of the incorporated town, any five of whom shall be a quorum for the transaction of business.

Council.

Duties of the Recorder.

Sec. 52. The Mayor, or in case of his absence, the Recorder shall preside at all meetings of the Council; the Recorder shall also be and act as Clerk of the corporation, and shall attend all meetings of the Council, and make a fair and accurate record of all their proceedings, laws, rules and ordinances made and passed by the Council, and the same shall at all times be open for the inspection of the electors of the corporation.

Vacancies filled.

Sec. 53. The Council shall have power to order special elections to fill vacancies which may happen in

mitted within the limits of the corporation, he shall execute the process of the Mayor, and receive the same fees for his services that constables are allowed in similar cases.

Removal from
office.

Sec. 57. By the concurrent vote of five members of the council, the Mayor, Recorder or any member of the council, or any officer of the corporation may be removed from office, but no such removal shall be made without a charge in writing being made, and an opportunity of hearing being given, unless the officer against whom the charge is made, shall have removed out of the limits of the corporation, and when any officer shall cease to reside within the limits of the corporation, it shall be deemed a good ground for a removal from office.

Arrests for viola-
tion of ordinan-
ces.

Sec. 58. It shall be lawful for any council to provide for the immediate arrest, by the proper officer of the corporation, of any person found violating the ordinances made to preserve the peace and good order of the corporation, and any person so arrested shall be taken forthwith before the mayor or some Justice of the Peace of the county, for trial, the council may also provide, that when any fines are imposed for the violation of any ordinance, the offender may be committed until the fine and costs of prosecution be paid or until there shall be a discharge in due course of law.

Sec. 59. The corporation shall be allowed the use of the jail of the county for the confinement of such persons as may be liable to imprisonment under the laws and ordinances of the corporation; and all persons so imprisoned shall be under the charge of the jailor as in other cases.

OF CITIES.

Corporate au-
thorities defin'd

Sec. 60. The corporate authorities of cities organized under this act, shall be vested in one principal officer, to be styled the Mayor, in one board of trustees to be denominated the city council, together with such officers as are within this act mentioned, or as may be created under its authority.

Sec. 61. The Mayor, shall be elected biennially in cities of the first class, and annually in cities of the second class, on the first Monday of April by the qualified voters of the city, he shall be a qualified voter and reside within the limits of the city, and shall hold his office for the term for which he shall have been elected and qualified, he shall keep an office at some convenient place in the city, to be provided by the City Council, and shall keep the corporate seal of the city in his charge, he shall sign all commissions, licenses and permits, granted by the authority of the City Council, and such other acts as by the law or ordinances may require his certificate.

Election of Mayor.
or.

Qualification and duties.

In case of the death, disability, resignation or other vacation of his office, the City Council shall order a special election as soon as practicable to fill the vacancy for the remainder of the time of office, and may appoint some qualified voter to act as Mayor until such special election. The Mayor of the city shall be its chief executive officer and conservator of the peace, and it shall be his special duty to cause the ordinances and regulations of the city to be faithfully and constantly obeyed; he shall supervise the conduct of all the officers of the city, examine the grounds of all reasonable complaints made against any of them, and cause all the violations of their duty, or their neglects, to be promptly punished, or reported to the proper tribunal for correction; he shall have and exercise within the city limits the powers conferred upon the Sheriffs of counties, to suppress disorders and keep the peace; he shall also perform such other duties compatible with the nature of his office, as the council may from time to time require; he shall receive such salary payable quarterly out of the city treasury, as may be provided by ordinance, but the amount of such salary shall neither be increased nor diminished during any incumbents term of office.

Vacancy.

Powers of Mayor enumerated.

Salary.

Sec. 62. That until otherwise provided for by the city Council constituted by this act, the numbers, divisions and boundaries of the several wards of the cities heretofore incorporated shall remain as fixed by ordi-

Wards defined.

nance, on the first Monday of March, A. D. one thousand eight hundred and fifty eight; *Provided*, that the city Council created by this act may at any time create new wards, and the boundaries thereof, and those now established, alter in such manner as may be deemed expedient, and provided further, that in each city classified in this act as a city of the second class, the city Council shall within three months after the taking effect of this act, divide such city into not less than four, nor more than seven wards; the number of wards shall not at any time be decreased nor shall the number ever be increased beyond seven.

New wards may be created.

Election of ward trustees. Sec. 63. That the qualified voters of each ward within the several cities shall on the first Monday of March in each year, elect by a plurality of votes, two Trustees who shall be residents of the wards in which they shall be elected, and who shall at the time be qualified voters therein, and when the City Council elected under this act shall have been organized as hereinafter provided, they shall proceed and determine by lot the term of service, of each trustee so elected, so that one of the trustees from each ward shall serve for two years, and the other for the term of one year, and at every succeeding annual city election, one trustee shall be elected by the qualified electors of each ward, who shall possess the qualifications hereinbefore required and whose term of service shall be two years, so that the terms of service of the two trustees from each ward shall always expire on different years, and the persons thus chosen shall hold their offices until their successors shall be elected and qualified. The trustees elected for each city shall on the next ——— after their election assemble together and organize the city council, a majority of the whole number of trustees shall be necessary to constitute a quorum for the transaction of business, they shall be judges of the election returns, and qualification of their own members, they shall determine the rules of their own proceedings and keep a journal thereof, which shall be open to the inspection and examination of any citizen, and may compel the

Terms of office.

Organization of Council.

Duties of Council.

attendance of absent members, in such manner and under such penalties, as they shall fit think to prescribe; they shall elect from their own body a President *pro tempore*, they shall also appoint from the qualified voters of the city, a city Clerk, who shall have the custody of all the laws and ordinances of the city, and shall keep a regular and correct journal of the proceedings of the council, and shall perform such other duties as may be required by the ordinances of the city. The Clerk in office at the expiration of the term of service of any council, shall continue in office until his successor shall be appointed and qualified.

Sec. 64. Each city council shall cause to be provided for the Clerk's office, a seal, in the centre of which shall be the name of the city, and around the margin the words "City Clerk," which shall be affixed to all transcripts, orders or certificates which it may be necessary or proper to authenticate under the provisions of this act, or of any ordinance of the city. For all attested certificates and transcripts other than those ordered by the city council, the same fees shall be paid to the clerk, as are allowed to county officers for the same services.

Sec. 65. The city council shall possess all the legislative powers granted in this act, and other corporate powers of the city, not herein, or by some ordinance of the city council, made in pursuance to this act, conferred on some officer of the city, and they shall have the management and control of the finances, and all the property, real and personal, belonging to the corporation, they shall provide the times and places of holding their meetings, which shall at all times be open to the public, and the Mayor or any three Trustees may call special meetings, by notice to each of the members of the council, personally served or left at his usual place of abode, they shall appoint, or provide by ordinance that the qualified voters of the city, or of the wards or districts, as the case may require, shall elect, all such city officers as may be necessary for the good government of the city, and for the due exercise of its cor-

- Duties and term.** porate powers, and which shall have been provided for by ordinance, as to whose election or appointment provision has not herein been made, and all city officers whose term of service is not prescribed, and whose powers and duties are not defined by this act, shall perform such duties, exercise such powers and continue in office such term of time, not exceeding one year, as shall be prescribed by ordinance; but all officers to be elected, shall be elected at the regular annual election for municipal corporations. The officers of all municipal corporations shall receive such compensation and fees, for their services as the Trustees shall by ordinance prescribe *Provided*, that the compensation of the council or trustees shall not exceed one dollar to each member for every regular or special meeting of the board, and not to exceed to each, fifty dollars in any one year.
- Pay of city officers.** Sec. 66. The city council shall have power to establish a board of health, to invest it with powers, and impose upon it such duties, as shall be necessary to secure the city and the inhabitants thereof, from the evils, distresses and calamities, of contagious, malignant and infectious diseases, provide for the proper organization and the election or appointment of the necessary officers thereof and make such by-laws, rules and regulations for its government and support, as shall be required for the enforcing of the most prompt and efficient performance of its duties, and the lawful exercise of its powers, they shall have power to establish a city watch or police, to organize the same under the general supervision of the Mayor, Marshal or other officer of the police, prescribe its duties and define its powers in such manner as will most effectually preserve the peace of the city, secure the inhabitants thereof from personal violence, and their property from fire and unlawful depredations, they shall establish and organize all such fire companies, and provide them with proper engines and such other instruments as may be necessary to extinguish fire and preserve the inhabitants of the city from conflagration, and provide such by-laws and regulations, for the government of the same as they shall
- Board of health.**
- Police.**
- Fire companies.**

see fit and expedient, and each and every person, who may belong to such fire company, shall in the time of peace, be exempt from the performance of military duty, under the laws of the State; they may erect, establish and regulate the markets and market places, for the sale of provisions, vegetables and other articles necessary for the sustenance, comfort and convenience of the city and the inhabitants thereof; no charge or assessment of any kind shall be made or levied on any wagon or other vehicle, or the horses thereto attached or belonging, bringing produce or provisions to any of the markets in any city, for standing in or occupying a place in any of the market spaces of the city, or in the streets contiguous thereto, or market day and evenings previous thereto, and no charge, assessment or prohibition, shall be imposed or made on or against the owners of such wagons or vehicles, or the person using the same, in respect to the market spaces and streets, in the manner and for the purpose aforesaid, but the city council shall have full power to prevent forestalling, to prohibit or regulate huxtering in the markets, to prescribe the kind and description of articles which may be sold, and the stands or places to be occupied by the vendors and may authorize the immediate seizure, and arrest or removal from the market, of any person violating its regulations as established by ordinance, together with any article of produce in their possession, and the immediate seizure and destruction of tainted or unsound meat or other provisions.

Sec. 67. The City Council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and commons, within the city, and shall cause the same to be kept open and in repair, and free from nuisances; no street or alley which shall hereafter be dedicated to public use, by the proprietor of ground in any city, shall be deemed a public street or alley, or to be under the care or control of the City Council unless the dedication shall be accepted and confirmed by an ordinance especially passed for such purpose; they shall have the power in cities of the first

Markets.

Farmers not charged.

Marketing regulated.

Control and repair of highways.

Public squares

Wagons and omnibuses.

class, to prescribe by ordinance the width of the tires of all wagons, carts, drays and other vehicles habitually used in the transportation of persons or articles from one part of the city to another, or in the transportation of coal, wood, stone or lumber, into the city to establish stands for hackney coaches, cabs and omnibuses, and enforce the observance and use thereof, and to fix the rates and prices for the transportation of persons and property in such coaches, cabs, and omnibuses, from one part of the city to another.

Wharves and dockage.

Sec. 68. The City Council shall have power to establish and construct and regulate, landing places, wharves, docks, piers and basins, and to fix the rates of landing, wharfage and dockage, and to use for the purpose aforesaid any public building or any property, belonging to, or under the control of the city, and the City Council shall have the use and control for the above purpose, of the shore or bank of any lake or river, not the property of individuals, to the extent and in any manner that the State can grant such use or control, the City Council shall have power to appoint, or to provide that the qualified voters shall elect harbor masters, wharf masters, port wardens, and other officers usual and proper for the regulation of the navigation, trade or commerce of such city, to define their duties and powers, and fix their fees or compensation, copies of examination and surveys, and of the proceedings of any port warden in the usual discharge of the duties of such officers, certified under his hand and seal, shall be prima facie evidence of the facts therein duly stated.

Harbor masters.

Papers used as evidence.

The regulation of ferries.

Sec. 69. The city Council of any city shall have the exclusive power to establish and to regulate and license ferries, from such city or any landing therein, to the opposite shore, or from one part of said city to another, and in granting such license, to impose such reasonable terms and restrictions, in relation to the keeping of such ferries, and the time, manner, and rates of the carriage and transportation of persons and property, as the city Council may prescribe, and the city Council shall have power to provide for the revocation of any such license,

and for the punishment by proper fines and penalties, of the violation of any ordinance prohibiting unlicensed ferries, or regulating those established and licensed.

Sec. 70. The city Council shall have power to provide that when a fine shall be imposed for the violation of the ordinances of the city, or any of them, and the same is not paid, the party convicted, shall by order of the Mayor, or the proper authority, or on process issued for the purpose, be committed until such fine or the costs of the prosecution shall be paid, or the party discharged by due course of law; they shall also, have power to provide that any person convicted of a repeated and wilful violation of any ordinance, who shall refuse or neglect to pay the fine imposed, and the costs of prosecution, shall by like order of process, be imprisoned and kept in confinement for any term not exceeding thirty days; they shall have power to provide that all vagrants, common street beggars, common prostitutes, and persons disturbing the peace of the city, shall on conviction thereof be punished by imprisonment, not exceeding thirty days, and any city shall be allowed for the purpose of imprisonment, authorized under this act, the use of the jail of the proper county, and all persons so imprisoned shall be under the charge of the Sheriff of the county, who shall receive and discharge such persons in such manner as shall be prescribed by the ordinances of the city, or otherwise by due course of law.

Sec. 71. Any member of the city Council may be expelled or removed from office by a concurrent vote of two-thirds of all the trustees elected to the city Council, but not a second time for the same cause; any officer appointed by the city Council may be removed from office by a concurrent vote of two-thirds of all the trustees elected to the city Council, and provision be made by ordinance, as to the mode in which charges shall be preferred, and a hearing be had; in all cases of vacancies in the city Council, they shall be filled by special election, and in case of any office of an elective officer, except trustees of the wards, shall become vacant before the regular expiration of the term thereof, the vacancy

Fines collected.

Imprisonm't for non-payment.

Bad characters punished.

Removal from office.

Vacancies filled.

shall be filled by the city Council, until a successor is elected and qualified, and such successor shall be elected for the unexpired term, at the first annual election that occurs after the vacancy shall have happened.

OF CITIES OF THE SECOND CLASS.

Mayor act as jus-
tice.

Sec. 72. The Mayor of cities of the second class shall have within the limits of the same, all the jurisdiction and powers of a Justice of the Peace, in all matters civil or criminal arising under the laws of this State, to all intents and purposes whatever, and for the crimes and offences, his jurisdiction shall be co extensive with the county; he shall give bond and security as is required of Justices of the Peace, to be approved by the city Council; he shall have exclusive jurisdiction of all the prosecutions for violations of the ordinances of the city, he may award and issue any process or writs that may be necessary to enforce the administration of right and justice throughout the city, and for the lawful exercise of his jurisdiction according to the usages and principles of law, and he shall in the discharge of his duties as Justice of the Peace, receive the fees and compensation allowed by law in such cases.

Jurisdiction.

Fees.

Election of city
officers and
terms.

Sec. 73. The qualified voters of each city of the second class, shall elect a city Marshal, who shall hold his office for one year, a city Treasurer who shall hold his office for one year, and a city Solicitor, who shall hold his office for two years, each of said officers shall continue in office until his successor is elected and qualified and shall have such powers and perform such duties as are prescribed in this act, or may be by any ordinance of the city Council, not inconsistent therewith.

The Marshal's
duties and ju-
risdiction.

Sec. 74. The Marshal of the cities of the second class shall execute and return all writs and process to him directed by the Mayor, and in criminal cases, or of cases in violation of city ordinances, he may serve the same in any part of the county, it shall be his duty to suppress all riots, disturbances and breaches of the peace, to apprehend all disorderly persons in the city, and to pursue and arrest any person fleeing from justice

in any part of the State, to apprehend any person in the act of committing any offence against the laws of the State or ordinances of the city, and forthwith to bring such person before the Mayor, or other competent authority, for examination or trial; he shall have power to appoint one or more deputies for whose official acts he shall be responsible; he shall have in the discharge of his proper duties, like power, shall be subject to like responsibilities, and shall receive the same fees as sheriffs and constables in similar cases.

OF CITIES OF THE FIRST CLASS.

Sec. 75. The Mayor of the cities of the first class, shall at the first regular meeting of the city Council in the month of April of every year, and at such other times as he may deem expedient, report to the city Council concerning the municipal affairs of the city, and recommend such measures as to him may seem advisable; the Mayor shall appoint one Chief of Police and as many subordinate officers and watchmen as the city Council may deem necessary, the watchmen to be selected in equal numbers from each ward, who shall hold their appointments during the pleasure of the Mayor; he shall have power in cases of emergency, to appoint as many special watchmen as he may think proper, but such appointments shall be reported to and subject to the action of the city Council at its next meeting; he shall have within the county in which such city is situated, in all criminal cases, all the powers of a Justice of the Peace, but in cases of emergency or necessity, the Mayor shall not be required to sit on the examination or hearing of any criminal charge or case, and warrants issued by him shall be made returnable before some Judge of the Police Court.

Message from the Mayor.

Appointment of police.

Act as Justice.

Sec. 76. The qualified voters shall elect a city Marshal, a city Civil Engineer, a City Treasurer, a city Auditor, a city Solicitor, Police Judge, and a Superintendent of the market, who shall hold their offices for two years; each of said officers shall continue in office until his successor is elected and qualified, and shall have

Election of city officers.

such powers and perform such duties as are prescribed in this act, or as may be prescribed in any ordinance of the city, not inconsistent with this act, and which may not be incompatible with the nature of their respective offices.

**City Marshal's
duties, powers
and jurisdiction**

Sec. 77. The city Marshal shall execute and return all process to him directed by the Mayor or Judge of the Police Court, and shall attend on the sittings of said Court, he shall have power to execute any such process by himself or deputy, in any part of the county, it shall be his duty to suppress all riots and disturbances, and breaches of the peace, to apprehend all persons committing any offence against the laws of this State or the ordinances of the city, and then forthwith bring before the proper authority for examination or trial; he shall have power to pursue and arrest any person fleeing from justice in any part of the State, and to receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or States, to appoint one or more deputies, for whose official acts he shall be responsible; he shall have, in the discharge of his proper duties like powers, be subject to like responsibilities, and shall receive the same fees as sheriffs and constables in similar cases.

**Appointment of
police.**

Sec. 78. The city Council shall by a general ordinance direct the number of officers of the police and watchmen to be appointed, they shall also provide, in addition to the regular watch, for the appointment of a reserved watch, to consist of a suitable number of persons in each ward, to be called into duty in whole or in part, in such manner and on such occasions as the Council may prescribe, and by the Mayor, or officers of the police under his direction, in special cases or cases of emergency, the duty of the Chief and other officers of the police, and of the watchmen shall be under the direction of the Mayor, and in conformity with the ordinances of the city, to suppress all riots and disturbances and breaches of the peace, to pursue and arrest any person fleeing from justice in any part of the State, to apprehend any and all persons in the act of committing

Reserve.

**Duties, powers &
jurisdiction of
the Police.**

any offence against the laws of the State, or the ordinances of the city, and forthwith to bring such person or persons before the police court, or other competent authority, for examination, and at all times to diligently and faithfully enforce all such laws, ordinances and regulations, for the preservation of good order and the public welfare, as the city Council may ordain, and for such purposes, they shall have all the power of constables; the Mayor, Marshal and watchmen of the city may, upon view arrest any person or persons who may be guilty of a breach of the ordinances of the city, or of any crime against the laws of the State, and may upon reasonable information, supported by affidavits, procure process for the arrest of any person or persons who may be charged with a breach of any of the ordinances of the city.

Sec. 79. The city Council of any city of which wa-
 ter works are or may be constructed, shall establish a
 board of three trustees to be known as the trustees of
 the water works, who shall be elected by the qual-
 ified electors of the city, and hold their offices for the
 term of three years, but it shall be so provided that one
 of said trustees shall be elected annually; the trustees
 of water works shall manage, conduct and control the
 city water works, furnish supplies of water, collect wa-
 ter rents, and appoint all necessary officers and agents
 under such rules and regulations as the city Council
 shall prescribe, when any city shall have contracted a
 debt, in respect of water works, the rents and income
 which may accrue therefrom, shall be kept a separate
 and distinct fund, to be applied to the payment of the
 expense of constructing and repairing the works, the pay-
 ment of such debts, or the creation of a sinking fund
 for its redemption.

Trustees of water works.

Terms of office.

Duties.

Water debt.

Sec. 80. That on the first Monday in March there shall be elected three Commissioners, the person having the highest number of votes cast to hold his office for the term of three years, the person having the next highest number to hold his office for the term of two years, and the person having the next highest number to hold

St. Comm's and terms of office.

his office for the term of one year, and thereafter one shall be elected annually, who shall continue in office for the term of three years, and until his successor is elected and qualified; it shall be the duty of the city Commissioners to enforce the ordinances of the city, to superintend the cleaning and improvement and the lighting of the streets, lanes and alleys, market spaces, commons, bridges, sewers and landings of the city, and perform such other duties as the Council by ordinance may provide; they shall, with the Mayor of the said city, and the city Civil Engineer, constitute the board of city improvements, and receive such compensation for their services as the Council may determine; the board of city improvements shall exercise such powers and perform such duties in the superintendence and construction of public works, constructed by authority of the city Council, or owned by the city, as the said Council may from time to time prescribe.

Streets cleaned.

Construction of public works.

Infirmary for the poor. Sec. 81. The city Council shall have power to erect and establish, to maintain and regulate an infirmary for the accommodation of the poor of the city, either within the limits of the city, or within the county, within which it may be situate, and for such purpose may purchase or hold any real estate that may be deemed necessary; the management and government of any such infirmary, and the granting of out door relief to the poor, under such rules and regulations as the Council may prescribe shall be vested in a board of three directors to be elected by the qualified voters of the city, and hold their offices for the term of three years, but it shall be so provided that one of said directors shall be elected annually; the city Council may provide that the qualified electors of each ward of the city shall elect, or that the said directors shall appoint an overseer in each ward, who shall perform such duties in respect of the care of the poor, and their removal to said infirmary, as the city Council may provide.

Directors elect'd.

Overseers of poor

of refuge. Sec. 82. The city Council shall have power to erect and establish and to maintain and regulate either within its limits, or within the county in which it is situate,

a house of refuge, or a house of correction, and a work house, or either of them, and place the same under the management and control of such directors, superintendents and other officers as the Council may by ordinance provide; all children under the age of sixteen years, who shall be convicted of any offence made punishable by imprisonment under any ordinance of the city, or who shall be liable to be committed to prison under any such ordinance, may be confined in such house of refuge, and may be there kept or apprenticed out under such rules and regulations as the directors of the house of refuge may prescribe, until they arrive at the age of eighteen years, and it shall and may be lawful for the directors of any such house of refuge to receive and take charge of any children who may be committed to their custody by the county court, or any judge, justice of the peace, or other officers, under any law of the State, any person over the age of sixteen years, convicted of the violation of any ordinance, and liable to be punished therefor by imprisonment, may, in lieu thereof, be committed to the house of correction, or to the work house as may be provided by ordinance.

Convict children confined.

Bad children committed.

Sec. 83. That the board of directors of any house of refuge heretofore established by any city, be and they are hereby authorized to appoint a committee of one or more of their own number with power to execute and deliver, on behalf of said board indentures of apprenticeship for any inmate of said institution whom they may deem a proper person for an apprenticeship to a trade or occupation, to such person as said committee, or the board may select and agree with, and the said indentures shall have the like force and effect as other indentures of apprenticeship, under the laws of Iowa, and that said indentures shall be filed and kept in said institution by the superintendent thereof, and it shall not be necessary to file or record the same in any other place or office.

Children may be bound to apprenticeship.

SEC. 84. That when any boy or girl shall be convicted of any offence against the laws of this State, punishment with imprisonment in the penitentiary, or in the

Youth may be changed from house of refuge to the prison.

jail of the county where such house of refuge may be situate, and shall under existing laws be sent to the house of refuge, instead of the penitentiary or jail; and if said boy or girl shall refuse to submit to the rules of said institution, and prove to be stubborn and irreclaimable, in the opinion of a majority of said board, he or she may, by their order, be delivered into the custody of the Sheriff of said county, with a written statement of the cause of his or her commitment, and of the conduct and character of such boy or girl as exhibited in said institution, which statement shall be prepared and signed by the Superintendent of said institution; and it shall be the duty of the Sheriff to receive such boy or girl into custody, and to file such statement in the office of the Clerk of the District Court, or in the office of the court in which he or she shall have been tried, and to notify the prosecuting attorney of the district thereof, and thereupon the District Attorney shall cause such boy or girl to be brought before the District Court, or before the court in which he or she may have been tried, to receive the sentence which the court shall deem just according to the law for the offence for which he or she may have been convicted.

Statement of
causes made.

Sentenced in
Dist. Court.

Re-commitment
to house of re-
fuge.

Sec. 85. That when any inmate of said institution shall have been apprenticed, and prove untrustworthy and unreformed, he or she shall be recommitted to the said institution, to be held in the same manner as before said apprenticeship.

City prison.

Sec. 86. The city Council shall have power to erect, establish and maintain, a city prison, which shall be in the keeping of the City Marshal, under such rules and regulations as the city Council shall provide. The city Council of such city shall provide one or more watch or station-houses; they shall also provide suitable rooms for holding the Police Court; they shall provide by ordinance for the election by the qualified voters of the city, or for the appointment by the Police Judge, of a Clerk for such Police Court, and for the selection, summoning and empanelling its juries, and for all such matters touching said court as may tend to its efficiency

Watch house.

s of Police
rt.

and the despatch of business. No clerk of said court shall be in any way concerned as counsel or agent in the prosecution or defence of any person before such court. It shall be the duty of the City Marshal, by himself or deputy, to attend the sittings of the Police Court, to execute its orders and process, and preserve order.

Sec. 87. The Police Judge shall have in all criminal cases the powers and jurisdiction that are or may by law be vested in Justices of the Peace of the county, in all respects whatsoever; he shall have the power to take acknowledgments of deeds and other writings; he shall have jurisdiction of all ordinances of the city, and of all cases of petit larceny and other inferior offences which do not require an indictment or presentment by the grand jury, with power to hear and determine the same, where a jury is not demanded in cases where it may be properly claimed. The Police Judge of any such city shall have power to hold court, to be styled the "Police Court." Every such Police Court shall be deemed a court of record, shall have a seal to be provided by the city Council, with the name of the State in the centre, and the style of the court around the margin, and shall have like jurisdiction as a court as is or may be invested in the Judge holding the same; and shall also have jurisdiction and power to hear and determine all cases of violation of the ordinances of the city which shall be prosecuted in the name or in the behalf of the city; and all cases of petit larceny, or other inferior offences of any description committed within the limits of the city, or within one mile thereof, and which the Constitution or some law of the State does not require to be prosecuted by indictment or presentment of a grand jury; and prosecutions for such offences shall be brought and conducted in the name of the State. And for the proper exercise of such jurisdiction, such Police Court shall have in respect of the issuing of process, the preserving order and punishing contempts, the administering oaths, the summoning and empanelling juries, or otherwise all the persons incident

Police Judge's powers.

Police Court.

Seal.

The powers and jurisdiction of Police Judge determined.

to the District Court in the hearing and determining like cases.

Fees and salary
of Police Judge

Sec. 88. The Police Judge holding the Police Court shall be entitled to receive in all criminal cases prosecuted in behalf of the State, the same fees, to be collected in the same manner as is or may be provided by law, as the Justice of the Peace in like cases, and in cases prosecuted in behalf of the city, such fees not exceeding fees for the services of the like nature in State prosecutions, as the Council may by ordinance prescribe, and shall also receive such future salary or compensation as the city Council in like manner may prescribe.

Sessions of police
court.

Sec. 89. The police court shall always be open for the dispatch of business but may adjourn from day to day or from time to time, and the mode in which cases shall be brought before the court shall be regulated by the ordinance of the city council or rule of the court; the jurors in said court, shall have the qualifications of jurors in the district court, the police judge shall adopt such rules of practice and proceedings as will give to all the parties a proper statement of any charge against them, full opportunity of being heard, but at the dispatch the business of the court with convenient speed.

Jurors.

Rules of court.

Appeal to Dist.
Court.

Sec. 90. Any final conviction or sentence of the police court may be examined into by the District court on certiorari, which may be allowed by such court or judge thereof, for sufficient cause and proceedings may be stayed on such terms as may be deemed reasonable; such police Judge or court shall on such certiorari, all matters of record on file touching the proceedings, or a transcript thereof and any facts which may have been noted by the Judge, or certified in the nature of a bill of exceptions at the time of trial, which it shall be the duty of the judge on the request of the party to do and on such return the District Court shall make such order as right and justice may require and may either discharge the party or set aside the conviction, and order another trial, or dismiss the certiorari and order a ~~procedendo~~, but no conviction or sentence of

Transcript of
case made
out.

Case decided.

any such Judge shall be set aside or disregarded for want of any technical averment that any matter or thing is within their jurisdiction and in like manner as is above provided, may a conviction for the violation of any ordinance before the Mayor of any corporation, be examined and revised.

Appeal from Mayor.

Sec. 91. That until a police Judge shall be elected and qualified the Mayor of any such city shall have all the powers and jurisdiction which are by this act vested in the police Judge, and shall hold the police court in like manner, and with like jurisdiction and powers as required of the police Judge, and shall be entitled to demand and receive the same fees and compensation as in this act or as may be provided by the city council for the police Judge or police court.

Mayor acts till Judge is elect'd.

Sec. 92. All by-laws or ordinances and all resolutions or orders of the appropriation or payment of money, shall require for their passage or adoption the concurrence of a majority of all the trustees of any municipal corporation, all by-laws, and ordinances of a general or permanent nature, shall be fully and distinctly read on three different days, unless three fourths of the council of the municipal corporation in which the same may be pending, shall dispense with the rule, no by-law or ordinance shall contain more than one subject, which shall be clearly expressed in its title and no by-law or ordinance or section thereof shall be reviewed or amended unless the new by-law or ordinance contain the entire by-law or ordinance, or section reviewed or amended, and the by-law or ordinance, section or sections so amended, shall be repealed. No trustee or member of any council, shall during the term for which he has been elected or for one year thereafter, be appointed to any municipal office, which shall be created or the emoluments of which shall have been increased, during the term for which he shall have been elected, no such trustee or member shall be appointed to any municipal office except in the cases provided in this act during the time for which he may have been elected, nor shall any such trustee or member be interested direct-

Majority of all the Council pass laws.

Three readings of bills.

Mode of amendment.

Councilmen not eligible to office.

No interest in
contracts

ly or indirectly in the profits of any contract or job for work or service to be performed for the corporation. The emoluments of no officer whose election or appointment is required by this act shall be increased or diminished for the term for which he shall have been elected or appointed, nor shall any charge of compensation effect any officer whose office shall be created under the authority of this act during his existing term, unless the office be abolished, and no person who shall have resigned or vacated any office shall be eligible to the same during the time for which he was elected or appointed to serve where during the same time the emoluments have been increased.

Salary not in-
creased dur-
ing term of
office.

REVENUE AND DEBTS OF MUNICIPAL CORPORATIONS.

Tax certified to
Co. Clerk.

Sec. 93. That the Council of any municipal corporation, is hereby authorized and required to cause to be certified to the Clerk of the county, on or before the first of August annually, the percentage by them levied on the real and personal property in said corporation, appraised and returned on the grand levy aforesaid, and county Clerk is hereby authorized and directed to place the same on the duplicate of taxes for said county, in the same manner as county taxes are now placed on said duplicates, which said taxes of said municipal corporation, shall be collected by the county Treasurer of the county, and paid into the treasury of such corporation, with the same power and restrictions, and under the same regulations, and in all things as to the sale of real or personal property, he shall be authorized, and he is hereby required to act according to the provisions and requisitions of the law for the collection of taxes for the State and county purposes.

Co. Treas'r col-
lects taxes.

The per cent of
tax defined.

Sec. 94. The amount which may be so certified, assessed and collected for a special road district, to defray the general and incidental expenses thereof, shall not exceed three fourths ($\frac{3}{4}$) of one mill on the dollar of the amount subject to taxation for an incorporated town, to defray its general and incidental expenses, ten mills on the dollar, for a city of the second class, to defray its

general and incidental expenses ten mills on the dollar.

Sec. 95. That for the purpose of creating a sinking fund for the gradual extinguishment of the bonds and funded debt of any municipal corporation, the Council thereof may in their discretion annually levy and collect, in addition to the other taxes of said corporation a tax of not more than one mill upon the assessed value of said property appraised and returned as aforesaid, which shall be paid into said treasury and be applied by orders of the city Council towards an extinguishment of the said bonds and funded debt and to no other purpose whatever.

Tax levied for sinking fund.

Sec. 96. That it shall be the duty of the Treasurer of the county to pay over to the Treasurer of any municipal corporation, all moneys received by him arising from taxes levied belonging to such municipal corporation, on or before the — day of — in each year, and such moneys as said county Treasury may receive after that time for delinquent taxes belonging to such corporation, he shall pay over to the Treasurer thereof when demanded.

Co. Treas'r pays over to city Treas'r.

Sec. 97. In any municipal corporation where the power exists to impose taxes on lots when platted and recorded, the corporation shall also have power to impose taxes upon parcels of land laid off into lots and sold or leased by metes and bounds, or other description, though the same shall not have been platted or recorded.

Unrecorded lots taxed.

Sec. 98. That the Council of any municipal corporation shall have power, whenever in their opinion the interests of the corporation require it, to lay and collect a tax on dogs and other domestic animals, not included in the list of taxable property for the State and county purposes, which said tax shall be collected by the collector of such corporation and paid into the treasury thereof.

City may tax dogs.

Sec. 99. Loans may be made by any municipal corporations in anticipation of the revenues thereof, but the aggregate amounts of such loans shall not exceed the sum of four per cent upon the taxable property of any city or town.

Loans made and limited.

OF ELECTIONS AND QUALIFICATIONS OF OFFICERS.

Annual election. Sec. 100. The first Monday of March shall be the regular annual period for the election of municipal officers, and all officers whose election is provided for in this act, or may be provided for by any by-law or ordinance, shall be elected on that day. **Special election.** Special election of members of the city Council of any city shall be held at such time as the Mayor may direct, so that ten days notice thereof be given. **Places of election.** The trustees or council of every municipal corporation shall direct the place or places for holding elections for municipal officers. In all cities there shall be a place appointed in each ward **Qualifications of voters.** for holding all elections; any person who at the time of any election of municipal officers would be a qualified voter under the laws of the State for county officers, and shall actually reside in the corporation or ward in which he offers to vote, shall be deemed a qualified voter, and all elections shall in all respects be held and conducted in the manner prescribed by law in case of township elections.

Returns made to City Cl'k. Sec. 101. The returns of all municipal elections in cities and incorporated towns which are divided into election districts or wards shall be made to the Clerk or Recorder of the corporation, and shall be opened by him within the time prescribed by law in the county elections. He shall call to his assistance the Mayor of the corporation, or if there be no Mayor, or the Mayor shall have been a candidate at such election, then any of the Justices of the Peace of the county, and shall in his presence make out an abstract, and ascertain the candidates elected in all respects as required by law for the canvass of returns of the county elections, and shall in like manner make out a certificate as to each candidate so elected, and cause the same to be delivered to him or to be left at his place of abode. At all elections in cities and incorporated towns, which are not divided into election districts or wards, the Mayor and Trustees, any three of them whom shall be a quorum, shall serve as Judges, and the Recorder shall serve as Clerk, and after canvassing the votes which may be given at such

Canvass.

Certificate of election.

Canvass by incl.

election, shall declare the result, and the recorder shall make out and deliver to each person elected to any office in such city or incorporated town, a certificate of such election.

Sec. 102. All officers elected or appointed in any municipal corporation, shall take an oath or affirmation to support the constitution of the United States, and the constitution of the State of Iowa, and the trustees or council of any municipal corporation may require from such officers as they may think proper, a bond with proper penalty and surety, for the faithful discharge of the duties of their office, and such trustees or council shall have the power to declare the office of any person appointed or elected to any office, who shall fail to take the oath of office, or give bond when required, for ten days after he shall have been notified of appointment or election, vacant, and proceed to appoint as in other cases of vacancy.

FURTHER GENERAL PROVISIONS.

Sec. 103. All by-laws or ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and be authenticated by the signature of the presiding officer of the council, and the clerk; and all by-laws of a general or permanent nature, and those imposing any fine, penalty or forfeiture, shall be published in some newspaper of general circulation in the municipal corporation, and it shall be deemed a sufficient defence to any suit or prosecution for such fine, penalty or forfeiture to show that no such publication was made.

Sec. 104. On the passage or adoption of every by-law or ordinance, and every resolution or order to enter into a contract by any council of any municipal corporation, the yeas and nays shall be called and recorded; and to pass or adopt any by-laws or ordinance or any such resolution or order, a concurrence of a majority of the whole number of the members elected to the council shall be required; all appointments of officers by any council shall be made viva voce, and the concurrence of

Appointments. like majority shall be required and the names of those, and whom they voted, on the vote resulting in an appointment shall be recorded. No money shall be appropriated by the council except by ordinance.

Repairing of streets. Sec. 105. No street or highway shall be opened, straightened or widened, nor shall any other improvement be made which will require proceedings to condemn private property, without the concurrence in the by-laws or ordinance or resolution directing the same of two-thirds of the whole number of the members elected to the Council, and the concurrence of a like majority shall be required to direct an improvement or repair of a street or highway, the cost of which is to be assessed upon the owners of the property, unless two-thirds of the owners to be charged therefor, shall petition in writing for the same.

Two-thirds vote.

Improvements recommend'd by board, Sec. 106. In all cities of the first class, where there shall be a board of city improvements, no improvement or repair in relation to streets, sewers or bridges shall be ordered or directed by the city Council, except on the report and recommendation of said board; all petitions from the owners of property in relation to such improvements, shall be presented to such board who shall report from time to time to the city Council, when any such improvement is necessary or proper, and when assessment is required, and the proper amount to be assessed, and the city Council shall take such action thereon as may be deemed proper.

Petitions presented.

Rights of old corporation secur'd Sec. 107. All rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal corporation under the organization made by this act, and no right or liabilities either in favor or against such corporation existing at the time of taking effect of this act, and no suit or prosecution of any kind shall in any manner be affected by such change, but the same shall stand or progress as if no such change had been made, *Provided*, that where a different remedy is given by this act, which can properly be made applicable to any right ex-

isting at the time of its passage, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

Sec. 108. Any municipal corporation which under its former organization, held or exercised any power or duty in ordering or directing the election of Justices of the Peace, Constable or other township officers, shall continue to hold and exercise such power and duty until otherwise provided by law.

Additional justices elected.

Sec. 109. Any municipal corporation in which under its former organization any law or charter regulating any literary, charitable or benevolent institution, vested any power appointing officers of supervision or control, shall continue to hold, possess the like power and authority in every respect.

Powers continu'd

Sec. 110. That the Mayor, Trustees, Marshal, Treasurer, and all officers heretofore elected by the people or appointed by any municipal corporation now in office, shall remain and continue in their respective offices and perform the several duties thereof under the provisions of this act, until the term shall expire for which they have been elected or appointed, and until their successors shall be chosen or appointed and qualified, unless the Council of such corporation shall otherwise provide; but all such officers shall notwithstanding any instruction in this act, be subject to such rules and regulations touching their duties or compensation, as the proper authority of any municipal corporation may provide; and all laws, ordinances, and resolutions heretofore lawfully passed and adopted by the city Council, shall be, remain and continue in force until altered or repealed by the city Council, established by this act, and all special acts in relation to any municipal corporation, repealed by the first section of this act, shall notwithstanding, so far as the same affects the particular police regulations or local affairs of any municipal corporation, in matters not inconsistent with this act, be and remain in full force as by-laws and ordinances of the particular municipal corporations, until altered or repealed by the proper authority thereof.

Officers continued in office.

Laws and ordinances continued in force.

Process of amend-
ing charters.

Sec. 111. The charter or act of incorporation of any city or town in this State may be amended in manner following, to wit :

Submitted to the
people.

When one fourth qualified voters of said city or town as shown by the vote at the charter election immediately previous, petition the Legislative body of said city or town for the amendment of the charter or act of incorporation, the said Legislative body shall immediately propose sections amendatory of said charter or act of incorporation as petitioned for, and submit them to the qualified voters of said city or town at the first ensuing charter election, at least ten days before said election ; the Mayor or Chief officer of said city or town shall issue his proclamation setting forth the nature and character of such amendment, and the said proclamation shall be immediately published in some newspaper published in said town, and be posted up in some conspicuous place in the office of said Mayor or Chief officer, or if there is no such paper, then by posting copies of said proclamation in five conspicuous places in said city or town ; one of which shall be the door of the office of said Mayor or Chief officer. On the day specified the said amendment shall be submitted to the qualified voters of the corporation for adoption or rejection, and the form of the ballot shall be, "for the amendment," or "against the amendment."

Notice publish'd.

Form.

Amendment in
force.

Sec. 112. If the majority of the votes cast is in favor of said amendment, the Mayor or Chief officer shall forthwith issue his proclamation accordingly ; and the said amendment shall thereafter constitute a part of said charter and be operative on the people.

Amendment at
special election

Sec. 113. The Legislative body of said city or town may submit any amendment to the vote of the people as aforesaid at any special election, *Provided*, one half the voters determine as aforesaid, petition for that purpose, and the proceeding shall be the same as at the general election.

Approved March 23d, 1858.