

provide adequate means to pay the interest due on said bonds, as the same becomes due, and to reimburse the principal as may be agreed on; and for these purposes the revenue arising from all the taxable lands, and other taxable property in this state, or so much thereof as may be necessary, shall be, and the same is hereby, set apart and pledged for that purpose; which revenue shall in no year be less than the amount payable for the interest or the principal, as the case may be, after the payment of all expenses of collection; and no tax shall ever be levied, by the legislative authority of Iowa, on the stock hereby created, nor on the interest which may be payable thereon: and further, that the value of said stock shall in no wise be impaired by the authority of this state.

SEC. 4. Where money to be paid—how paid out—legislative expenses—salaries—bank debt—convention expenses—other claims. All moneys or funds arising from the loan shall be paid into the state treasury, and be there subject to the payment of the debts hereinafter mentioned, and in the order in which they are named, to wit: The expenses growing out of the present session of the legislature, and the salaries of the state officers, so far as the same may be due; the debt due the Miners' Bank of Dubuque; the expenses incurred by the two conventions held for the formation of a constitution of this state; and then other duly authenticated claims against the state in the order in which the same may be presented.

SEC. 5. Agent—his duties—duty of governor. That William F. Coolbaugh be, and he is hereby appointed an agent on the part and in behalf of the state to negotiate said loan, to sell and transfer the bonds, and to do and perform all things necessary and proper for fulfilling the purposes of this act. It shall be the duty of said agent to communicate a full and official statement of all his acts and proceedings with reference to the negotiation of the loan to the governor of the state, who shall communicate the same to the legislature as soon as practicable.

SEC. 6. Agent to give bond—approved and filed. The said agent shall give bond with securities in the amount of sixty thousand dollars for the faithful performance of his duties, which bond shall be approved by and deposited with the auditor of state.

SEC. 7. Compensation. That the said agent shall be allowed such compensation, in addition to his necessary expenses, for the services required by this act, as shall seem just and proper to the auditor and treasurer of state.

[49] **SEC. 8. Duties, how executed—proviso—state stock.** It shall be deemed a good execution of the powers and duties prescribed by this act, for the agent to sell the bonds herein authorized to be made: provided, that in no instance shall said bonds be sold for less than their nominal par value; which bonds, when made as aforesaid, shall be called the Iowa state stock.

SEC. 9. Repealing section. That the act entitled "An act to provide for a loan for the purpose of defraying the expenses and paying the creditors of the state," approved December [19th,] 1846, be, and the same is hereby repealed.

SEC. 10. To take effect. That this act shall be in full force and effect from and after the date of its publication in one or more newspapers in Iowa City.

Approved, February 9th, 1847.

Published in the Reporter and Standard February 17th, 1847.

CHAPTER 38.

FAIRFIELD.

AN ACT to incorporate the town of Fairfield.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Incorporated. That the southwest quarter of section No. twenty-five in township No. seventy-two north, of range No. ten west, being in the

county of Jefferson, in which is embraced the village of Fairfield, be, and the same is hereby constituted a town corporate, and shall hereafter be known by the name of the town of Fairfield.

SEC. 2. Election—officers—proviso. It shall be lawful for the free male inhabitants of said village having the qualifications of electors, to meet at the usual place of holding elections in said town of Fairfield, on the second Monday of April next, and on the second Monday of April annually thereafter, at such place in said town as the town council shall direct, and then and there proceed to elect, by ballot, a mayor, recorder, and three trustees, who shall have the qualifications of electors, and reside within the limits of the corporation; and said mayor, recorder and trustees shall hold their offices for one year, and until their successors are elected and qualified, and any three of them shall be a board for the transaction of business, but a less number may adjourn from time to time: provided, that a failure to elect on said day shall not forfeit the charter; but an election may be had on any succeeding day, pursuant to notice to be given in the manner hereinafter provided.

SEC. 3. First election—subsequent elections—officers to take oath. That at the first election to be held under this act, two [50] judges and a clerk shall be chosen, *viva voce*, by the electors present, who shall each take an oath or affirmation faithfully to discharge the duties required of him by this act; and, at all subsequent elections, the mayor or any two of the trustees shall sit as judges, and the recorder, or in his absence, some one of the council, *pro tempore* shall sit as clerk; and at all such elections the polls shall be opened at one o'clock in the afternoon, and close at the hour of four o'clock in the same afternoon, and, at the close of the polls, the votes shall be counted and a statement thereof proclaimed at the door of the house in which the election was held; and the persons elected shall, within ten days after their election, take an oath to support the constitution and laws of the United States and of this state, and an oath of office, a certificate of which shall be deposited with the recorder, and by him preserved.

SEC. 4. A body politic—name—powers—how suits commenced. The mayor, recorder and trustees of said town shall be a body politic and corporate with perpetual succession, to be known by the name of the town of Fairfield, and shall be capable in law to acquire property, real and personal, for the use of said town, and sell and convey the same; may have a common seal, and may alter the same at pleasure; may sue and be sued, plead and be impleaded, answer or be answered unto, in any court of law or equity in this state; and, when any suit shall be commenced against said corporation, the first process shall be a summons, a certified copy of which shall be left with the recorder, and, in his absence, with the mayor, at least ten days previous to the return thereof.

SEC. 5. Authority of the mayor, etc—marshal and treasurer—fines, how paid. That the mayor, recorder and trustees, or a majority thereof, of whom the mayor or recorder shall always be one, shall have authority to make, ordain and publish all by-laws and ordinances, not inconsistent with the constitution and laws of the United States and of this state, as they shall deem necessary and proper for the promotion of morality as well as for the good regulation, interest, safety, health and cleanliness of said town and the citizens thereof. They shall have power to fill all vacancies that may happen, by death or otherwise, of any of the officers herein named. They shall also have power to appoint a treasurer, marshal, and such other subordinate officers as they may deem needful; to prescribe their duties and require surety for their performance; to remove them at pleasure, and to establish the fees of all officers in the corporation not established by this act. They shall have power to impose fines for a breach of their ordinances; which fines may be recovered, with costs, before any justice of the peace in said town, by an action of debt, in the name

of the corporation. All fines collected in pursuance of this act shall be paid over by the officer collecting the same to the treasurer of the corporation.

[51] **SEC. 6. Laws and ordinances—recorder, deputy.** It shall be the duty of the mayor to preside at the meetings of the town council; and it shall be the duty of the recorder to keep a true record of the by-laws and ordinances; to attend all meetings of the council, and keep a fair and accurate record of their proceedings; and said recorder is authorized, under his hand and seal, to appoint some competent person as his deputy, who, in his absence, shall do and perform all and singular the duties enjoined upon said recorder, and for whose acts he shall be liable.

SEC. 7. Taxes—assessor. That the town council shall have power to assess for corporation purposes, an annual tax on all property in said town made subject to taxation by the laws of this state, for state and county purposes, not exceeding in any one year one per centum on the value thereof; which value shall be ascertained by an assessor appointed by the town council for that purpose, a duplicate of which shall be made out and signed by the recorder and delivered to the collector. They shall have power to equalize any injudicious assessment then made, on the complaint of the person aggrieved.

SEC. 8. Marshal's duty—tax sale. That the town marshal shall be the collector of any tax assessed, and he is hereby authorized and required, by distress and sale of property, as constables on execution, to collect and pay over said tax to the treasurer, within three months after the time of receiving the duplicate thereof, and the treasurer's receipt shall be his voucher. The town marshal shall make personal demand of every resident charged with tax; and, before sale of property for delinquent tax, shall give ten days notice by advertisement in three of the most public places in said corporation; and if the tax on any lot or piece of land, [for] which no personal property can be found, shall remain unpaid three months after the expiration of the time by this act allowed the collector for the collection of the tax, then the town marshal shall give notice in the nearest newspaper, stating the amount of such tax, and the number of the lot on which it is due, and that the same will be sold to discharge such tax when, [unless] the payment thereof be made within three months from the date of such advertisement, and if such tax be not paid within that time, the town marshal, after giving twenty days notice of the time and place of sale, at three of the most public places in said town, shall proceed to sell at public auction so much of said lot or piece of land as will discharge said tax.

SEC. 9. Redemption. That if the owner of such lot or piece of land shall appear at any time within two years after such sale and pay the purchase money, with interest at the rate of thirty per centum per annum thereon, he shall be entitled to the right of redemption.

SEC. 10. Account published. Twenty days before each annual election, the town council [52] shall put up in some conspicuous place within said town an accurate account of the money received and expended by said corporation since the last annual election, with the sources from which they were derived and the objects on which they were expended, which shall be certified by the recorder.

SEC. 11. Streets, etc.—proviso—shows—proviso. The said corporation shall have power to regulate and improve all streets, alleys, side-walks, drains or sewers, to sink and keep in repair public wells, remove nuisances, and regulate markets, provided, that nothing in said regulations shall be so construed as to prohibit any person from selling the products of his farm in such quantities or in such manner as he may deem proper. They shall have power to license and regulate, or prohibit all shows or public exhibitions: provided, however, that the power hereby granted shall not be so construed as to conflict with the general laws of this state.

SEC. 12. By-laws and ordinances to be published—evidence of same—notice of election. That the by-laws and ordinances of said corporation shall be published in a newspaper in the county, or posted up in some public place in said town, fifteen days before the taking effect thereof, and the certificate of the recorder upon the town records, shall be sufficient evidence of the same having been done; and every annual election herein authorized, shall be preceded by five days notice thereof, put up in three public places in said town.

SEC. 13. Road district. That the streets and alleys of said town shall constitute one road district, including the several roads leading from said town for the distance of one mile from the corporation limits.

SEC. 14. Mayor, etc., duties, compensation. That the mayor or a majority of the councilmen, may call a meeting of the town council, whenever in his or their opinion the same may be necessary. The mayor and trustees shall receive no compensation, unless the same shall be authorized by the inhabitants in legal meeting assembled.

SEC. 15. Act not to prevent county commissioners from building, etc.—county taxes. Nothing in this act contained, shall be so construed as to prevent the board of commissioners of Jefferson county, from building a court house on block No. 13, in said town of Fairfield, known as the centre square therein, or otherwise improving said square for public purposes, and from levying and collecting state and county tax within the limits of said corporation, by the proper authorities under the revenue laws of this state.

Approved, February 9th, 1847.

[53] CHAPTER 39.

STATE ROAD.

AN ACT to locate a state road from Oskaloosa, in Mahaska county, to Knoxville, in Marion county.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Commissioners. That Jonathan M. Hartman and J. N. Severs, of Mahaska county, and L. W. Babbit, of Marion county, be and they are hereby appointed commissioners, to lay out and establish a state road from Oskaloosa, in Mahaska county, to Knoxville, in Marion county.

SEC. 2. Duty—oath. Said commissioners shall meet in Oskaloosa, on the second Monday of May next, or within three months thereafter, and proceed to locate said road, by taking to their assistance two chainmen and one marker, the said J. N. Severs acting as surveyor: they shall take an oath, before some justice of the peace, before entering upon their duties, for the faithful performance of the same.

SEC. 3. Road, how laid out. Said road shall be laid out on the nearest and best route for a road, taking into consideration the public interest, and at the same time doing as little damage to private property as the public interest will admit.

SEC. 4. How governed. Said commissioners, in locating said road, shall be governed by an act to provide for laying out territorial roads, approved, December 29th, 1838.

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

Approved, February 10th, 1847.