

**SEC. 13. Rules.** In the absence of other rules, the rules of parliamentary practice, comprised in Jefferson's Manual, shall govern the convention.

**SEC. 14. To take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers printed in Iowa City.

Approved, February 23d, 1847.

Published in the Reporter April 7th, and in the Standard April 14th, 1847.

## CHAPTER 78.

### STATE GOVERNMENT.

AN ACT to complete the change from a territorial to a state government.

**Preamble.** Whereas, by our present laws, writs are directed to run in the name of the United States of America, and in many other ways the federal government is, by those laws, regarded as the sovereign authority, and ourselves as a dependent territory; and whereas, in order to assume fully the attitude of our independent state, it is proper that our laws and judicial proceedings should be accommodated to our new condition, in shape as well as in substance; therefore,

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

**SECTION 1. Style of writs.** That all writs which have heretofore run in the name of "the United States of America," shall hereafter run in the name of "the state of Iowa."

**SEC. 2. Bond and recognizances.** A like change shall be made in bonds and recognizances executed to the public, and in all other cases where a similar reason exists, and where such change shall be proper to carry into effect the object of this law.

**SEC. 3. The word territory.** The word territory shall be changed to the word state, under like circumstances.

**SEC. 4. Writs and proceedings made valid.** All writs and other proceedings and instruments wherein, since the adoption of our state constitution, and before the taking effect of this law, the changes above authorized shall have been or may hereafter be made, shall be deemed as valid as though this act had all the while been in force.

**SEC. 5. Acts and resolutions made valid.** That all acts and resolutions passed by the general assembly of the state of Iowa, prior to her admission into the union, shall be [95] considered as valid and effectual, in all respects, as if passed and approved subsequent to her admission.

**SEC. 6. To take effect.** This act shall take effect and be in force from and after the first day of April next, and shall forthwith be published in the newspapers of Iowa City.

Approved, February 23rd, 1847.

Published in the Standard Mar. 3d, 1847, and in the Reporter Mar. 17th, 1847.

## CHAPTER 79.

### FARMINGTON.

AN ACT to incorporate the city of Farmingham, Van Buren county, Iowa.

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

**SECTION 1. Limits of the corporation—title—may sue, etc.—hold property—seal.** That all that part or tract of land lying in township sixty-eight north,

and fractional township sixty-seven north, and range eight west, in the county of Van Buren, as is comprised in the town plat of Farmington and North Farmington, including the streets as laid off originally in the first town plat of Farmington, at the north and south ends, together with all additions that may hereafter be made and recorded thereto, also to the middle of the Des Moines river, opposite said plats, be, and the same is, hereby constituted the city corporate, to be known by the name and title of the city of Farmington, and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions and matters whatsoever, may grant, purchase, receive and hold property, real and personal, and may lease, sell and dispose of the same for the benefit of the city, and may do all other acts as natural persons, may have a common seal, and break and alter the same at pleasure.

**SEC. 2. Powers, how vested.** The corporate powers and duties of said city shall be vested in a mayor and board of aldermen, who shall be chosen as hereinafter directed.

**SEC. 3. Board of aldermen—wards.** The board of aldermen shall consist of four members, for the election of whom the city shall be divided into two wards, the centre of Elm street being the division line; the lower or southern ward shall be called the first, and the upper or northern the second, which may be altered from time to time, and new wards established, as the convenience of the inhabitants may require; that two aldermen shall be elected from each ward.

**SEC. 4. Mayor, how elected—contested—tie—qualifications.** The mayor shall be elected by the qualified electors of the [96] city, shall hold his office for the term of one year, and until his successor is duly elected and qualified. When any election for mayor shall be contested it shall be determined by the board of aldermen. When two or more persons shall have an equal number of votes for mayor, it shall be determined by lot. The mayor shall be twenty-one years of age, and a citizen of this state.

**SEC. 5. Aldermen, how elected—tie—vacancies.** The aldermen shall be chosen by the qualified electors of the city for the term of one year; and whenever there shall be a tie in the election of aldermen, it shall be determined by judges of the election of the ward in which it shall happen, by lot; and all vacancies shall be filled by election as aforesaid, in such manner as shall be provided by ordinance. The aldermen shall be twenty-one years of age, and citizens of the state and county.

**SEC. 6. First election—polls, when opened—ballot—duty of clerk—oath.** At the first election under this act the qualified electors of each ward shall meet, on the second Saturday in March next, at some convenient place in their respective wards, and shall elect, by ballot, two judges and a clerk of said election, who shall each take an oath or affirmation faithfully to discharge the duties required of them by this act. The polls shall be opened between the hours of nine and ten in the forenoon, and close at five in the afternoon of the same day. The votes at this election, and all subsequent elections, [shall] be cast by ballot, and, at the close of the polls, the votes shall be counted, and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall make a true record thereof; and, within five days after such election, said clerk shall give notice to the persons elected of their election; and the persons so elected shall take and subscribe the oath of office before some justice of the peace, or some person qualified to administer such oath, which shall be endorsed on such certificate by the justice or officer administering the same within five days thereafter; and all subsequent elections shall be held as provided by ordinance. At the close of the polls of the first election,

the judges and clerk of the second ward shall meet the judges and clerk of the first ward at their place of holding the election, and compare their poll books; and, when ascertained, it shall be proclaimed by one of the judges who is elected mayor, treasurer, assessor and city constable.

**SEC. 7. Aldermen may appoint president—quorum—absent members.** The board of aldermen shall appoint their president and all other officers of the board; shall judge of the qualifications, elections and returns of their own members; a majority shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the board may provide.

[97] **SEC. 8. Meetings of the board.** The stated meetings of the board of aldermen shall be on the first Monday in March, June, September and December, in every year, but they may be convened by the mayor at any time when he may think it expedient.

**SEC. 9. Duty of mayor—fees.** The mayor shall be *ex officio* a conservator of the peace throughout the city; he shall have the powers and jurisdiction vested in justices of the peace, in matters of a criminal nature, and shall receive the same fees as may be allowed to justices of the peace for like services, and shall exercise and perform such powers and duties required of him by ordinance, not inconsistent with the constitution and laws of this state.

**SEC. 10. Appointment of officers—duty of mayor—to fill vacancies—information—casting vote.** The mayor shall nominate, and with the concurrence of the board of aldermen, appoint all officers within the city, which are not ordered by law or ordinance to be otherwise appointed. It shall be his duty to enforce the laws of the state, and ordinances of the city, within the corporate limits thereof. He may, with the advice of the board of aldermen, remove from office any person holding office created by ordinance; he shall have power to fill all vacancies that may happen in any office, other than alderman, until the end of the session of the board of aldermen, which may happen after the vacancies shall occur; he shall, from time to time, give to the board of aldermen information relative to the state of the city, and shall recommend to their consideration such measures as he shall deem expedient, and in case of a tie of the board, shall give the casting vote.

**SEC. 11. Vacancy of mayor—how filled—compensation—new election.** When any vacancy shall happen in the office of mayor by death, resignation, removal, or absence from the city, removal from office, refusal to qualify, or otherwise, the president of the board of aldermen, for the time being, shall exercise the office of mayor until such vacancy shall be filled, and during the time he shall so fill such office, he shall receive the same compensation as the mayor would have been entitled to; and in case of vacancy, as aforesaid, other than temporary absence, the person exercising the office of mayor shall cause a new election to be held, giving ten days' written notice thereof.

**SEC. 12. Powers and duties of mayor and aldermen—taxes—proviso—ferries—health—auctions, exhibitions, etc.—bridges and markets—proviso—streets, etc.—fires—elections—fines.** The mayor and board of aldermen shall have power by ordinance to levy and collect, upon real and personal property within the city, such tax as shall, from time to time, become necessary for the purposes of the corporation, on all property and persons made taxable by law for state purposes: provided, said tax shall not exceed one-half per centum per annum; and they shall have power by ordinance to regulate ferries within the city; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to provide for licensing, taxing and regulating auctions, retailers and [98] taverns, theatrical and other shows of amusement; to prohibit tippling houses, gaming houses, and other disorderly houses;

to establish and repair bridges; to establish and regulate markets: provided, that nothing in this act shall be so construed as to prevent any person from selling the products of their farms in such quantity as they may deem proper; to open and keep in repair streets, avenues, lanes, alleys, and keep the same clean; to provide for the prevention and extinguishing of fires; to regulate the police of the city; to regulate the election of city officers and fix their compensation; and, from time to time, to pass such ordinances to carry into effect the object of this act, and to secure the health and convenience of the city, as may be necessary and as the good of the inhabitants may require; and to impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof.

**SEC. 13. Grocery license.** That the said corporation shall be subject to the laws of this state regulating grocery license.

**SEC. 14. Paving streets.** Upon the application of the holders of two-thirds of the front of the lots on any street or part of a street, it shall be lawful for the mayor and aldermen to levy and collect a special tax on the holders of lots on the said street or part of a street, according to their respective fronts, for the purpose of paving such street or part of a street.

**SEC. 15. Power as to streets—injury—damages—benefits—who pays.** The mayor and aldermen shall have power to regulate, pave and improve the streets, avenues, lanes and alleys within the limits of the city, and to extend, open and widen streets, avenues, lanes and alleys, making the person or persons injured thereby adequate compensation therefor, to ascertain which, the mayor shall, in all cases, cause to be summoned twelve good and lawful men, inhabitants of said city, not directly interested, who shall, (being first duly sworn for that purpose,) enquire into and take in consideration, as well the benefits as the inconveniences which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, extension or widening of any street, avenue, lane or alley, and shall moreover, estimate the amount which other persons may be benefitted thereby, who shall contribute towards compensating the persons injured, all of which shall be returned to the mayor under their hands and seals, and the person or persons who shall be benefitted and so assessed, shall pay the same in such manner as shall be provided for by ordinance, and the residue, if any, shall be paid out of the city treasury.

**SEC. 16. Ordinance to be signed.** Every ordinance which shall be passed by the board of aldermen, shall be signed by the mayor within three days after its passage.

**SEC. 17. Style of process—publication.** The style of the laws of said corporation shall be, "Be it [99] ordained by the mayor and board of aldermen of the city of Farmington." And all ordinances shall within ten days after they are passed, be posted up in three public places in the city, or published in some newspaper printed therein.

**SEC. 18. Register—oath and bond—duties.** The mayor shall nominate, and with the consent of the board of aldermen, appoint a register of the city, who shall hold his office for the term of one year, unless sooner removed; who, before he enters upon the duties of his office, shall take and subscribe the oath hereinafter prescribed, and shall, moreover, give bond with sufficient security, to be approved by the mayor, conditioned for the faithful discharge of the duties of his office; and it shall be his duty to keep a register of all the official acts of the mayor, and when necessary, shall attest them. He shall keep a book or books, wherein shall be entered all the proceedings of the board, which book shall at all proper times, be open to the inspection of the inhabitants of the city; and he shall keep and preserve in his office, all records, public papers, and

documents belonging to the city, and shall perform such other duties as shall be enjoined on him by ordinance.

**SEC. 19. Oath of office.** The mayor and each of the aldermen, and every other officer of the corporation, shall, before entering upon the discharge of the duties of his office, take an oath or affirmation, before some justice of the peace, or other officer authorized to administer said oath, to support the constitution and laws of this state, and faithfully to demean himself in office.

**SEC. 20. City property.** All property, real or personal, heretofore belonging to the inhabitants of the town of Farmington, or the trustees thereof, in their corporate capacity, shall be, and is hereby declared to be, vested in the corporation of the city of Farmington.

**SEC. 21. General election—treasurer, assessor and constable—oath and bond—powers and duties of constable—compensation.** A general election of the officers of the corporation shall be held on the first Saturday in March, in each and every year, in the several wards of the city, in such manner as the mayor and aldermen may by ordinance provide, and in addition to the officers heretofore specified, there shall be elected a treasurer, assessor, and city constable, who shall respectively, before entering on the discharge of the duties of their respective offices, take the oath of office prescribed by this act, and enter into bond to the said corporation, with sufficient securities, to be approved of by the mayor, conditioned for the faithful discharge of the duties of their offices, and the said constable shall possess the same powers, and perform the same duties within said city, as the constables in the different townships possess in their respective townships, and shall moreover, execute and return all process which may be issued by the mayor, and such other duties as may be prescribed by ordinance, and [100] shall be entitled to the same compensation as constables in like cases, until otherwise provided for by ordinance.

**SEC. 22. Unpaid taxes—if tenant pays—proviso—estate may be sold—redemption—duty of mayor.** If any owner or occupier of the lots upon which any special tax is laid, or other tax, shall fail to pay the same, or, in lieu of such tax, fail or refuse to do the work upon any street or alley, that he may, by order of the board of aldermen, be required to do, then it shall be competent for the board of aldermen to recover the full amount of such special or other tax, or liability whatsoever, from said owner or occupier, by an action of debt before any court of competent jurisdiction, applying said special tax to the object for which it was levied, and if any tenant shall do the work, as required of him by the board of aldermen, or pay the special or other tax, the amount so paid shall be a good offset against so much of the rent as is due the owner; provided, that no such tenant shall be required to expend more than is due to the owner of such lot or lots, at the time of assessment or notice of the work, in lieu of the tax assessed. If any person, resident or non-resident, refuse to do such work within the time required, or pay such tax or taxes to the corporation, and the amount thereof cannot otherwise be made, the said board of aldermen may by ordinance order that the real estate, or so much thereof as may be necessary to satisfy the debt with costs, be sold in such manner as the board of aldermen may direct, and in one year from the day of sale, if the original owner shall have failed to refund the purchase money, together with interest at the rate of twenty-five per centum per annum and costs of sale and transfer, then the mayor is authorized and required to execute to the purchaser a quit claimed deed for the land purchased.

**SEC. 23. Statements to be published.** It shall be the duty of the mayor and board of aldermen, and they are hereby required, to cause to be posted up annually, at three public places in the city, or published in some newspaper printed therein, a full and complete statement of all the moneys received and expended by the corporation during the preceding year, and on what account received and expended.

**SEC. 24. Fire companies.** The mayor and board of aldermen shall have power to organize and establish fire companies, and the members thereof shall be exempt from performing military duty in time of peace.

**SEC. 25. Repealing section.** An act for the incorporation of the town of Farmington, Van Buren county, Iowa territory, approved January 11th, 1841, and all acts amendatory thereto, be and the same are hereby repealed.

**SEC. 26. To take effect.** This act to take effect from and after its passage. Approved, February 22d, 1847.

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[101] CHAPTER 80.

BELLVIEW.

AN ACT to change the name of Bellview, in Jackson county.

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

**SECTION 1. Name changed.** That the name of the town of "Bellview," in the county of Jackson, be changed to that of "Bellevue."

**SEC. 2. To take effect.** This act shall take effect and be in force from and after its publication in the weekly newspapers printed in Dubuque.

Approved, February 23rd, 1847.

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CHAPTER 81.

INCORPORATIONS.

AN ACT to authorize general incorporations.

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

**SECTION 1. Incorporation.** That any number of persons may hereafter incorporate themselves for the transaction of any business which may be the lawful subject of a general partnership, including the establishment of ferries, the construction of railroads, and other works of internal improvement.

**SEC. 2. Regulations.** They may make such regulations as they please in relation to the management of their business, not incompatible with an honest and legal purpose.

**SEC. 3. Transfer.** They may render their individual interest in the corporation transferable.

**SEC. 4. Death of members.** The death of any of its members shall not terminate the corporation.

**SEC. 5. May sue—seal.** They may sue and be sued in their corporate name, and have a common seal.

**SEC. 6. Private property.** They may exempt private property from corporate debts, and may hold, buy and sell real estate: provided, the requisitions of this act are substantially complied with.

**SEC. 7. Articles to be recorded—certificate filed.** Previous to commencing business they shall adopt articles of incorporation, which shall be recorded in the office of the recorder of deeds in the county where the principal place of business is; and, further, all corporations for the purpose of constructing railroads, canals and other works of internal improvement, shall file a certified copy of their articles of association in the office of the secretary.