

[174] **SEC. 3. How applied.** That said money shall be applied in the manner best calculated to secure the said buildings and prevent their injury.

Approved, February 25th, 1847.

CHAPTER 116.

DISTRICT COURTS.

AN ACT fixing the times of holding district courts in the first judicial district.

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

**SECTION 1. Time of courts.** That from and after the first day of January, one thousand, eight hundred and forty-eight, the times of holding district courts in the several counties of the first judicial district of this state, shall be as follows:

**Louisa county.** In Louisa county, on the first Mondays in March and September;

**Washington.** In Washington county, on the second Mondays in March and September;

**Henry.** In Henry county, on the third Mondays in March and September;

**Des Moines.** In Des Moines county, on the first Mondays in April and October;

**Lee.** In Lee county, on the first Monday in February, fourth Monday in May, and first Monday in November.

Approved, February 24th, 1847.

CHAPTER 117.

TOWNS.

AN ACT incorporating towns.

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

**SECTION 1. Petition—proviso.** That whenever the inhabitants of any town wish to become incorporated for the better regulation of their internal police, it shall be lawful for the qualified voters who shall have resided six months therein to petition to the board of county commissioners in the county in which such town is situate to that effect: provided, such towns exceed in population five hundred inhabitants.

**SEC. 2. Election—notice.** When a majority of all the qualified voters who shall live within the limits of such proposed incorporation shall have signed said petition, and the same is presented to said board, they shall order an election to be held at the usual place of holding elections in said town, on some day within one month from that time, for the purpose of electing five trustees of such incorporation, of which said board shall [175] cause ten days' notice to be given by written advertisements to be put up in three of the most public places in said town.

**SEC. 3. Election.** At the meeting of said qualified voters for the election of trustees, they shall first proceed to elect a chairman and a clerk of said meeting, who, after being duly qualified, shall proceed to open a poll and receive the legal votes of the town for five trustees; and, also "for incorporating" and "against incorporating" said town; and, if a majority of the votes

cast shall be in favor of incorporating said town, then the trustees shall proceed to qualify, and shall serve one year and until their successors are elected and qualified; but if a majority of the votes should be against incorporating, then the election and former proceedings shall be null and void.

**SEC. 4. Annual election.** An election for trustees as aforesaid, after the first election, shall be held annually, on such day as the board may determine by law, and at every such election, the preceding board of trustees shall direct the manner in which the same shall be conducted.

**SEC. 5. Vacancies.** Vacancies occasioned by death, resignation or otherwise in said board, shall be supplied in such manner as the board may direct.

**SEC. 6. Duty of trustees.** It shall be the duty of the trustees first elected under this act, before they proceed to make any by-laws or regulations by virtue of their election to office, to have recorded in the county recorder's office the certificate of the chairman and clerk of the election of the first board of trustees, certifying to the election of the persons who were first elected trustees; and no act or ordinance of any such first board of trustees shall be valid or of any force, unless the provisions of this act shall have been substantially complied with.

**SEC. 7. President—style.** The board of trustees of any town, elected agreeably to the provisions of this act, shall choose a president out of their own body; and the president and trustees aforesaid so duly elected, and their successors in office, shall thenceforth be considered in law and equity a body corporate and politic, to have continuance forever, by the name and style of "The president and trustees of the town of———;" and by such corporate name and style shall be capable in law and equity to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all manner of suits, actions, complaints, pleas, causes, matters and demands, of whatever nature or kind they may be, in as full and effectual a manner as any person or persons, or bodies corporate and politic.

**SEC. 8. Powers and duties of trustees.** Whenever any town shall be incorporated agreeably to this act, the president and board of trustees, or a majority of them, shall have power, from time to time, and at all times, to make, ordain, establish and execute such by-laws and ordinances, not inconsistent with the [176] laws and constitution of this state, as they shall deem necessary for the good government of such corporation, and to prevent and remove nuisances; to restrain and prohibit gambling or other disorderly conduct; to provide for licensing, regulating, or restraining theatrical and other public shows and amusements within the corporation; to regulate and establish markets, and to sink and keep in repair public wells; and shall have the sole and exclusive power and authority to keep in repair all necessary streets, alleys and dams, and to pass regulations necessary for the same, agreeably to the plan of said town.

**SEC. 9. As to taxes.** The president and board of trustees, or a majority of them, shall have full power to assess and collect, annually, taxes on all real property, not exceeding fifty cents on every hundred dollars of the assessed value thereof; also a reasonable tax upon all other property which they may think proper subjects of taxation.

**SEC. 10. Officers.** They shall have full power and authority to appoint an assessor, treasurer, clerk and such other officers as they shall find necessary, and shall allow them a reasonable compensation for their services.

**SEC. 11. Duties—collection of taxes.** Such assessor, treasurer and clerk, when appointed, shall be governed by such rules and regulations as shall be prescribed by the said president and board of trustees; and the person or persons appointed to collect any tax imposed by virtue of any powers granted by this act, shall have authority to collect the same by distress and sale of the

goods and chattels of the person charged with such tax, on giving ten days' previous notice of the time and place of such sale; and if no goods and chattels of the person charged with such tax can be found, it shall be lawful to seize and sell any lot or lots or part of lots thereon, or so much as will pay and satisfy such taxes due and in arrear, and all costs accruing on such sale, paying to the owner or owners the overplus, if any.

**SEC. 12. Tax sales.**—Any real estate sold by virtue of this act, shall be redeemable at any time within two years, by the payment of the full amount for which the same may have been sold, with fifty per centum per annum thereon, and also the amount of all the taxes or charges subsequently accrued thereon, with legal interest on the same; and if the purchaser cannot be found conveniently, the same may be redeemed by payment made into the corporation treasury, for the benefit of the purchaser.

**SEC. 13. Quorum—expel.** A majority of the members of any board of trustees shall be a quorum to transact business, but a less number may make adjournments and shall have power to compel the attendance of absent members, by imposing such fine on delinquents as will insure their attendance; and the board of trustees shall be judges of the election of their own [177] members and officers, and two thirds of the members concurring, may expel an officer or member for mal-conduct in office.

**SEC. 14. Increase of trustees.** When, in the opinion of the board of trustees, it shall be deemed expedient to increase the number of trustees of such town, they may so order as exigency may require, designating the number; and such additional number shall be elected at any annual election; and they may in like manner diminish the number, but not below that originally created.

**SEC. 15. Penalties—publication of by-laws.** The president and trustees shall have power and authority to enforce their by-laws and ordinances. All penalties and forfeitures may be recovered before any justice of the peace in the county, by action of debt, in the name of such corporation. No by-law or ordinance shall be in force until it shall have been published in at least three of the most public places in said town ten days, and also in some newspaper, if any there shall be in the county.

**SEC. 16. Bounds of corporation.** The bounds of the corporation of each town shall extend in such manner as to embrace all the in-lots and streets thereto appurtenant as recorded in the recorder's office of the county; and when any new in-lots shall be laid off adjoining any town, and the plat thereof recorded, the same shall form a part of said corporation—entitled to the same privileges and subject to the same taxes, rules and regulations as the original corporation; and for the purpose of preventing or removing nuisances, the limits of the corporation shall extend to one half a mile in each direction from the recorded plat of the town.

**SEC. 17. Out lots incorporated.** When two-thirds of the householders residing on any tier of out-lots adjoining any incorporated town, are desirous of being embraced within the bounds of said corporation, and they shall petition the president and trustees of such corporation to that effect, it shall be lawful for the president and trustees, upon the petition being proved by the oath of a respectable witness to have been signed by the persons whose names are affixed to the same, and that they are householders resident as aforesaid, to order and cause said petition to be recorded among the minutes of the proceedings of such corporation, from which time the said tier of out-lots shall be made a part of said corporation, and the inhabitants residing thereon and the owners thereof shall be subject to the rules and regulations of said corporation, and be entitled to all the privileges of the same.

**SEC. 18. The jurisdiction—public grounds—wharfs.** The trustees, or other constituted authorities of any incorporated town, whether incorporated under this act or any other heretofore enacted, shall have jurisdiction over any commons or public ground belonging to such town, and such trustees or other authorities of any town or city in this state, situated on a navigable stream, shall have [178] power to regulate the banks, shores and wharves in front of said town, and the same shall be deemed a part of the corporation and within the jurisdiction of the trustees or authorities thereof.

**SEC. 19. Fines how paid.** Any person convicted of any petty offense and fined therefor, within a corporate town, if he have no goods and chattels out of which the same can be made, may commute the same for labor on the public streets of said town, at the rate of seventy-five cents per day, until the fine and costs be paid.

**SEC. 20. Fire companies.** It shall be lawful for the constituted authorities of any town, incorporated under this or any other law of the state, to establish fire companies in any such town, and to give such companies power to regulate themselves by such by-laws as may be necessary; and they shall also have power to raise by taxation or otherwise, and appropriate funds to procure fire engines, hooks, ladders and buckets, and all other things necessary for the extinguishment of fires; and to pass and enforce all such by-laws and regulations as may be necessary to prevent the occurrence of fires in such town.

**SEC. 21. To dissolve a corporation.** Whenever three-fourths of the inhabitants of any town incorporated by virtue of this act are desirous of dissolving the corporation, it shall be lawful for them to present a memorial or petition to the board of county commissioners of the proper county, signed by three-fourths of the legal voters of said corporation, including the president and a majority of the board of trustees, setting forth the object of such dissolution. On proof that notice of such intended application has been given in a public newspaper, if there be one printed in the county—if not, by notice in writing, set up in each district or ward in said town—for four successive weeks next previous to the sitting of said board, said notice or notices being signed by the presiding officer of said board of trustees, the board of county commissioners shall proceed to hear and determine upon the object of such dissolution, and may, if the causes assigned appear to be sufficient and proper, dissolve the corporation.

**SEC. 22. Effect of same.** No such dissolution shall in any wise affect any vested rights or any contracts made by such corporation; and said corporation shall be liable for all debts contracted or incurred during its existence, and it shall lay out and expend all moneys for and towards accomplishing the objects for which they were associated previous to such dissolution.

**SEC. 23. Entry of same.** Whenever said board shall dissolve any corporation under the provisions of this act, they shall cause entry of the same to be made in the books containing their proceedings, together with the causes set forth in such act of dissolution.

[179] **SEC. 24. Practice.** Whenever any suit shall be instituted by any corporation herein authorized to be established, said corporation shall not be compelled to show on such trial their compliance with the provisions of this act, as to their organization or as to the publication of their by-laws, unless the same is controverted or denied by plea, verified by affidavit.

**SEC. 25. Towns already incorporated.** Nothing in this act shall be so construed as to prevent the qualified voters of any town heretofore incorporated from adopting the provisions of this act; and, in case they do so, their former charter shall be void, so far as it may be contrary to the provisions herein contained—such adoption to be made at some regular annual election—notice

of the intention to take a vote on such subject having been given three weeks previous to taking the same, in like manner that the by-laws are required to be published, and two-thirds of the voters of such town voting for such adoption.

**SEC. 26. Wharfage.** That in all towns incorporated under the provisions of this act, situate upon navigable streams, and shall charge wharfage, such corporations shall be liable for all damages sustained by reason of their said wharf being kept in bad condition: provided, no boats shall be charged wharfage for landing opposite any incorporated town, if they do not take in or discharge some cargo.

Approved, February 24th, 1847.

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## CHAPTER 118.

### STATE ROAD.

**AN ACT** to lay out a state road from the county seat of Benton county, to Quasqueton, in Buchanan county.

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

**SECTION 1. Commissioners—route of road.** That E. B. Spencer, Samuel M. Lockhart and William Belles, of the counties of Benton and Buchanan, be, and they are hereby appointed commissioners to lay out and establish a state road from the county seat of Benton county, on the most suitable and practicable route, to Quasqueton, in Buchanan county.

**SEC. 2. When to meet—assistance.** Said commissioners, or a majority of them, shall meet at the county seat of Benton county, on the first Monday in May, or within three months thereafter, and take to their assistance one surveyor, two chain carriers and one marker, and proceed to lay out and establish said road according to the provisions of an act for opening and regulating roads and highway, approved Dec. 29th, 1838.

[180] **SEC. 3. Compensation.** That the persons required to render services under this act shall receive such compensation as is provided in the eleventh section of an act for opening and regulating roads and highways, approved February 1st, 1843.

**SEC. 4. To take effect.** This act shall take effect and be in force from and after its passage.

Approved, February 25th, 1847.

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## CHAPTER 119.

### STATE ROAD.

**AN ACT** to discontinue certain territorial or state roads in the county of Jones.

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

**SECTION 1. Roads discontinued.** That all territorial or state roads in the county of Jones, running by the side of the military road and so near it as to render the said territorial or state road unnecessary, are hereby discontinued.

**SEC 2. Disagreement.** In cases where there is a disagreement about the necessity of the continuance of any territorial or state road in said county of Jones, the county commissioners of the county shall decide the same.

**SEC. 3. To take effect.** This act shall be in force from and after its passage.

Approved, February 25th, 1847.