

## CHAPTER 80.

AN ACT to incorporate the town of Nashville, in the county of Lee.

*Be it enacted by the Council and House of Representatives of the Territory of Iowa:*

**SECTION 1. Limits of Nashville—name.** That all that part or tract of land in the county of Lee, known as fractional section nineteen of township sixty-six north, of range four west, of the fifth principal meridian, together with any additions that may hereafter be made thereunto, agreeable to the laws of this territory, from the adjoining township of sixty-six north, of range five west, not exceeding one and a half miles square, be and the same is hereby constituted a town corporate, and shall be known by the name or title of "The town of Nashville."

**SEC. 2. Meeting of citizens—officers to be elected—officers to reside in town, etc.—proviso.** That the citizens of said town may meet at any time after the first day of March next, at some convenient place therein, by having public notice of the time and place posted up in three of the most public places in said town, at least ten days prior to such meeting, signed by twelve of the electors of said town; and on the acceptance or adoption of this charter by a majority of three-fifths of the qualified electors present, may proceed to elect, by plurality of votes, a president, recorder, and three trustees, having the qualifications of electors, and who shall be actual residents of said town, who shall hold their offices one year or until their successors are elected and qualified: provided, that a failure to meet or adopt this [89] charter on such day, shall not forfeit it; but the citizens may meet at any subsequent time for that purpose within two years from the passage of this act, by having due notice given thereof.

**SEC. 3. Qualification of electors—mode of conducting elections, etc.—opening of polls—clerk to make record, etc.—persons elected to take oath, etc.** That all free white male inhabitants of said town, of the age of twenty-one years, who shall be at the time permanent or actual residents therein, may vote at all corporation elections of said town; and at the first election held under this act there shall be chosen by the electors present two judges and a clerk, who shall each take an oath or affirmation faithfully to discharge the duties required of them by this act; and at all subsequent elections the president and trustees, or any two of them, shall be the judges of the election; and the recorder (or in case of his absence some competent person appointed pro tempore,) shall sit as clerk; and at all such elections (after the first) the polls shall be opened at one, and closed by four o'clock, p. m.; and at the close of the polls the votes shall be immediately counted, and a statement thereof proclaimed to the electors present, and a record thereof made by the clerk, who shall without delay notify the persons elected of their election; and every person so elected, before entering on the duties of his office, shall take and subscribe an oath or affirmation to support the constitution of the United States and the organic law of this territory, (or constitution of this state,) and an oath of office, a certificate of which shall be filed with the recorder.

**SEC. 4. Duty of president—duty of recorder—may appoint deputy.** That it shall be the duty of the president, or in his absence one of the trustees, to preside at all meetings of the town council; and the recorder shall faithfully record the by-laws ordained by the council and all the proceedings thereof; and he may appoint, under his hand and seal, some competent person to act as his deputy in his absence, and for whose acts he shall be held responsible.

**SEC. 5. Town council—name—general powers of corporations—of suits against corporation.** That the president, recorder and trustees, shall constitute

the town council, and shall be a body politic and corporate, with perpetual succession, to be known by the name or title of the "town of Nashville;" and shall be capable in law to acquire property, real and personal, for the benefit of the corporation, and sell and convey the same; may have a common seal, may sue and be sued, may plead and be impleaded in any court having competent jurisdiction; and in all suits brought against the corporation the first process shall be by summons, an attested copy of which shall be left with the recorder at least ten days before the return day thereof.

**SEC. 6. Authority to appoint additional officers—oath required—compensation—by-laws, etc.—repeal—penalty for violation of by-laws—notice to be given of laws, etc.—proviso.** The president, recorder and trustees, or a majority of them, (of whom the president or recorder shall always be one,) shall have power to appoint or provide for the election of an assessor, treasurer, and a town marshal, and also to appoint such other subordinate officers as they may think necessary for the good order of said town, to define their duties, and may remove them at pleasure, and require them to give such security as they may deem sufficient, and to take an oath faithfully to discharge the duties of their appointment, and establish a reasonable compensation for their services; and shall also have power to ordain and publish such by-laws as they may think necessary for the good order and govern-[90]-ment of said town, and for the promotion of morality, and for the health, interest and convenience of the inhabitants thereof; may alter and repeal the same at pleasure, and affix such reasonable penalty for the violation of them, not exceeding twenty dollars for any one offense, as they may deem necessary, to be collected, with costs, by an action of debt in the name of the corporation, and may provide for the disposal of the same; but no such law shall be in force till the same has been published ten days in some newspaper in the county, or by posting up written notices in three of the most public places in said town: provided, that nothing in this section shall be construed to authorize the passing or enforcing any law incompatible with the constitution of the United States or laws of this territory.

**SEC. 7. Of streets, lanes, etc.—power to grant licenses, etc.—license proceeds—proviso.** The town council shall have power to regulate and improve all streets, alleys and public landings, in said town, and to remove or provide for the removal of all obstructions and nuisances from the same, or any other part of the town. They shall also have power to grant licenses to taverns and groceries, and for shows and public exhibitions, or may prohibit them; and to appropriate the proceeds of such licenses for the benefit of the corporation: provided, that the powers herein granted shall not be construed to conflict with the laws of the territory (or future state) of Iowa regulating licenses for retailing ardent spirits.

**SEC. 8. Books of recorder open for inspection—moneys to be accounted for.** The books of the recorder shall at all times be open for the inspection of the electors of the corporation; and the town council shall annually make a report of all moneys or property that may come into their hands for the benefit of the corporation, and the manner in which the same has been disposed of or expended.

**SEC. 9. Road district—vacancies, etc.** The streets and alleys of said town, and the several roads leading from the same, for the distance of one mile from the corporation, shall constitute one road district; and the town council shall have power to appoint or provide for the election of an overseer of the same; and in case of the death, removal or resignation, of any officer of the corporation, the town council shall have power to fill all such vacancies.

**SEC. 10. Meetings of corporation—of pay of president, etc.—time of election.** All special meetings of the electors of the corporation shall be called by the recorder, or in his absence by the trustees, by posting up a written notice in

three of the most public places in said town, and the purposes for which the meeting is called, at least five days prior to holding such meeting; and the electors, when so assembled, (or at any annual meeting of the corporation,) shall have power to direct what compensation, if any, the president and trustees shall receive for their services, to appoint the time for holding the annual meetings for the election of corporation officers, and to transact any business that may be lawful for them for the interest and benefit of the corporation not otherwise provided for in this act.

SEC. 11. **Pay of recorder—power to levy tax, etc.** The town council shall provide for the reasonable compensation of the recorder for his services, and shall have power to lay a tax on all property, real and personal, within the limits of the [91] corporation, subject to taxation for county revenue, to enable them to carry into effect the provisions of this act; but no such tax shall exceed in any one year one half of one per centum, unless authorized by vote of the electors of the corporation.

SEC. 12. **Tax duplicate to be made out—duty of marshal, etc.** The town council shall annually make out a duplicate of taxes in proportion to the valuation of the property of each individual within the limits of the corporation, on or before the first day of September, which shall be signed by the president and recorder, and delivered to the town marshal, (or to some other person who shall be appointed collector,) who shall proceed to collect and pay over the same as he shall be therein directed; and they shall have power to correct any illegal or erroneous assessment before making out such duplicate on the complaint of any person aggrieved.

SEC. 13. **Power to sell goods, etc., for taxes—may sell real estate, etc.—estate may be redeemed in two years—proviso.** The marshal shall proceed to collect the same, by demanding of each individual resident of the town the amount of tax charged to them respectively in the duplicate, and shall have power to collect the same by sale of the goods and chattels of any person who shall not pay said tax when called for, by giving at least ten days notice of the sale of any such property; and for want of goods or chattels of any resident or non-resident of said town, may proceed to sell the real and personal estate of such person taxed, (by publishing a notice of such sale in some newspaper printed in this territory four weeks in succession prior to such sale,) or so much of it as will pay the tax, with the costs of collection; and any real estate thus sold may be redeemed within two years, by paying the taxes and costs of sale, with twelve per centum interest: provided, that nothing herein contained shall prevent the rightful heirs to any such estate from the right of redemption, when they shall become of lawful age.

SEC. 14. **Repealing section.** This act may be altered, amended or repealed, by any future legislature of this territory.

Approved January 15, 1841.

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## CHAPTER 81.

AN ACT to authorize Samuel and John B. Crawford to erect a dam across Skunk river.

*Be it enacted by the Council and House of Representatives of the Territory of Iowa:*

SECTION 1. **S. and J. B. Crawford to erect dam—point where dam is to be constructed—dam to contain lock, etc.—proviso—ib.** That Samuel and John B. Crawford, their heirs and assigns, be and they are hereby authorized to construct a dam across Skunk river, in Henry county, in said territory, at a point in the southeast quarter of section thirty-one, with the privilege of