

of July next to make final settlement with the commissioners of said county, for the revenue due said county for the year eighteen hundred and forty.

SEC. 2. How this act to be construed. That nothing in this act shall be so construed as to authorize the said sheriff to withhold from said commissioners any money collected by him and belonging to said county.

Approved January 15, 1841.

[97]

CHAPTER 89.

AN ACT to incorporate Iowa City.

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

SECTION 1. Boundaries of city—name. That section ten, and the northwest quarter of section fifteen, in township seventy-nine, range six west, of fifth principal meridian, in which is embraced the town of Iowa City, be and the same is hereby constituted a town corporate, and shall hereafter be known by the name or title of "Iowa City."

SEC. 2. Electors—time of meeting—officers to be elected, etc.—proviso. It shall be lawful for the free male inhabitants of said town having the qualifications of electors, to meet at some convenient place in Iowa City on the first Monday of March next, and on the first Monday of May annually thereafter, and then and there proceed by plurality of votes to elect a president, recorder, and five trustees, who shall hold their offices one year and until their successors are elected and qualified; and any five of them shall be a board for the transaction of business, but a less number may adjourn from time to time: provided, that if an election of president, recorder and trustees, shall not be made on the day when, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election at any time thereafter pursuant to public notice to be given in the manner hereinafter prescribed.

SEC. 3. Officers of election, etc.—opening of polls—duty of clerk—notice of election. At the first election to be held under this act, there shall be chosen viva voce by the electors present, two judges and a clerk of said election, and at all subsequent elections the trustees or any two of them shall be judges, and the recorder shall be clerk of the election; and at all elections to be held under this act the polls shall be opened between the hours of nine and ten o'clock, A. M., and close at five o'clock, P. M., of said day; 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, the said clerk shall give notice to the persons elected of their election; and it shall be the duty of the said town council, at least five days before any annual election, to give notice of the same, by posting up notices in three of the most public places in said town.

SEC. 4. Duty of president—duty of recorder—deputy to recorder. It shall be the duty of the president to preside at all meetings of the town council, and it shall be the duty of the recorder to attend all such meetings, and to keep a fair and accurate record of all their proceedings; and the 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 said recorder shall be liable.

SEC. 5. Body politic—name and style—general powers—how process to be served. The president, recorder and trustees of said town, shall be a body corporate and politic, with perpetual succession, to be [98] known and distinguished by the name and style of "the president and trustees of Iowa City;" and shall be capable in law, in their corporate name, to acquire property, real and personal, for the use of said town, sell and convey the same, may have a common seal which they may alter at pleasure, may sue and be sued, defend and be defended, in any court of competent jurisdiction; and when any suit shall be commenced against said corporation the first process shall be by summons, which shall be served by an attested copy to be left with the recorder not less than five nor more than ten days before the return day thereof.

SEC. 6. Officers to take oath. The officers elected by virtue of this act shall each, before entering on the duties of his office, take an oath or affirmation to support the constitution of the United States and of the organic law of this territory, (and of this state,) and also faithfully to discharge the duties of his office.

SEC. 7. Power of president and trustees—Officers authorized—duties, fees, etc.—oath—security—penalty for violation of by-laws—proviso—*Ib.* The president and trustees shall have power to ordain and establish by-laws, rules and regulations, for the government of said town, and the same to alter and repeal, or re-ordain, at pleasure, and to provide in said by-laws for the election of treasurer, two assessors, a town marshal, and other subordinate officers which may be thought necessary for the government and well-being of the town; to prescribe their duties, declare their qualifications, and determine the period of their appointments, and the fees they shall be entitled to receive for their services, and require them to take an affirmation, faithfully and impartially to discharge the duties of their respective offices; and may require of them such security for the performance of the duties of their respective offices as shall be thought necessary. Said president and trustees shall also have power to affix to the violation of the by-laws and ordinances of the corporation such reasonable fines and penalties as they may deem proper, and to provide for the disposition of such fines and penalties: provided, that no by-laws or ordinances of said corporation shall have any effect until the same shall have been posted up three weeks in three of the most public places in said town: provided, nothing contained in this section shall be incompatible with the laws of the United States or the laws of this territory.

SEC. 8. Receipts and expenditures. The president and trustees shall, at the expiration of each six months, cause to be made out and published a correct statement of the receipts and expenditures of the preceding six months.

SEC. 9. Power of electors—tax on real and personal estate, etc.—proviso—nuisances. The electors of said town, in legal meeting assembled, shall have power by vote to direct the levy of taxes on all real and personal estate within the limits of said corporation, not exceeding one-half of the per centum upon said real and personal estate in any one year; to regulate and improve the lanes and alleys, and to determine the width of side-walks: provided, that no property shall be taken from any individual until such individual shall be paid therefor the value thereof, to be ascertained by twelve disinterested freeholders to be summoned by the marshal, for that purpose. They shall have the power to remove all nuisances and obstructions from [99] the streets and commons, and all other places of said town, and to provide for the removal of the same.

SEC. 10. May grant license to retail ardent spirits—proviso. The president and trustees shall be authorized to grant licenses for the retailing of ardent spirits within the limits of the corporation, and the proceeds of such licenses shall be appropriated for the benefit of said corporation: provided,

however, that the power hereby granted shall not be so construed as to conflict with the general laws of the territory (or of the future state) of Iowa regulating taverns and licenses for retailing ardent spirits.

SEC. 11. Road district—overseer of the road—vacancy. The streets, lanes, and alleys, of said town, shall constitute one road district, embracing the several roads leading from said town for the distance of one mile from the corporation limits; and the electors of said town shall, at their annual meeting, elect an overseer of the same; and in case of death, removal or other inability of said overseer or other officers of the corporation, the president and trustees shall have power to fill such vacancies.

SEC. 12. Of meetings of corporation. All meetings for the purpose contemplated in the preceding sections of this act, shall be called by the president, or in his absence by the senior trustee, by posting up written notices in three of the most public places in said town, at least three days previous to the holding said meeting: said notices shall specify the time and place of holding said meeting, and the purpose for which said meeting is called.

SEC. 13. Recorder's fees, etc. The recorder shall receive such fees for his services as the by-laws and ordinances of said corporation shall prescribe; but the president and trustees shall receive no compensation unless the same shall be authorized by the inhabitants in legal meeting assembled.

SEC. 14. Tax on real and personal property authorized—proviso—Ib.—tax limited—president, etc., to fix amount to be collected. For the purpose of enabling the president and trustees to carry into effect the provisions of this act, they are hereby authorized to lay a tax on all real and personal estate within the bounds of the corporation, as the same has been or may be appraised: provided, such tax shall in no case exceed the sum for the same year voted for and directed according to the provisions of the ninth section of this act: and provided also, that the said tax shall not exceed in any year one-half of the per centum of the aggregate amount of the real and personal estate within the limits of said town; and the said president and trustees shall, between the first Mondays of April and May in each year, determine the amount of tax to be assessed and collected within the current year.

SEC. 15. Duplicate to be made out—rate of tax, etc. It shall be the duty of the president and trustees to make out a duplicate of taxes, charging each individual therein the amount of tax in proportion to the real and personal estate of such individual within said town, which duplicate shall be signed by the president and recorder, and delivered to the marshal or such person as may be appointed collector, whose duty it shall be to collect the same within such time and in such manner as the by-laws shall direct.

SEC. 16. Non-payment of taxes—notice of assessment to be published—notice to be given of sale, etc.—real estate may be redeemed. The said collector shall have power to sell personal estate, and for the want thereof to sell real estate, for the non-pay-]100]-ment of taxes within said town; but no real estate shall be sold by reason of non-payment of such tax or taxes, unless the assessment of such tax shall have been duly notified in some newspaper printed at the seat of government of this territory once each week for at least six weeks, the last publication whereof shall be at least six weeks before the day when said taxes are payable; nor unless the intended sale thereof be duly notified by publication in like manner in such newspaper or newspapers for and during the space of at least six consecutive weeks, the last of which publications to be at least six weeks prior to such sale; nor unless such assessment and proceedings thereon be regular, and in all things conformable to the provisions of this act; and, moreover, all such real estate so sold may be redeemed in the same manner and within the same period of time as is or may be provided by law in case of real estate sold for any state tax.

SEC. 17. This act to be voted for by electors—manner of voting—election of officers. That at the first meeting of the inhabitants of Iowa City, as provided for in section second of this act, they shall proceed by ballot to vote for the adoption of this act. Those electors who are in favor of adopting [this] act, shall write on their tickets the word "Incorporation;" and those who are not in favor of the same shall write on their ticket "No incorporation;" and if a majority of electors there present shall vote in favor of this act, then they shall proceed to the election of officers as provided for in the second section of this act.

Approved, January 15, 1841.

CHAPTER 90.

AN ACT to levy a territorial tax.

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

SECTION 1. Rate of tax to be levied for territorial purposes. That there shall hereafter be levied and collected on all taxable property within this territory, one quarter mill's per cent. on the value thereof, for territorial purposes.

SEC. 2. Duty of county commissioners—how to be collected. That it is hereby made the duty of the county commissioners of each and every organized county in this territory, when they levy the county tax, to levy in addition thereto the above amount for territorial purposes, which shall be collected in the same manner and at the same time that the county tax is collected, and by the same collector.

SEC. 3. Duty of collector—receipts to be taken. That when said tax is collected it is hereby made the duty of the collectors of said taxes to pay the same into the county treasury of his county, there to remain subject to the order of the territorial treasurer; and it is hereby made the duty of the said collectors to take duplicate receipts for the same, one of which they [101] shall transmit by mail or other safe conveyance to the territorial treasurer, and the other they shall keep as a voucher for their own safety.

SEC. 4. Certain act partly repealed—proviso. That so much of an act entitled "An act to provide for a territorial revenue," approved January twenty-five, eighteen hundred and thirty-nine as relates to the five per cent. to be set apart by the said county commissioners as a debt due from said county to the territory, is hereby repealed: provided, that nothing in this act shall be so construed as to relinquish to said counties any portion of said five per cent. which has not been paid into said territorial treasury.

SEC. 5. Of assessment rolls, etc. The county commissioners of the several counties are hereby required to forward to the auditor of public accounts a correct copy of the assessment roll at as early a period as practicable after the original may be returned.

SEC. 6. When to take effect. This act to take effect and be in force from and after its passage.

Approved, January 15, 1841.