

CHAPTER 18.

AN ACT to divorce Sarah East from her husband, Hardman E. W. East.

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

SECTION 1. That the marriage contract heretofore existing between Sarah East and her husband Hardman E. W. East, be and the same is hereby dissolved, from and after the passage of this act.

Approved January 25, 1842.

[14] CHAPTER 19.

AN ACT for the incorporation of the town of Mount Pleasant, in Henry county, Iowa territory.

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

SECTION 1. **Boundaries—name.** That all that part or tract of land, lying in township seventy-one north, range six west, in the county of Henry, which is comprised in the town plat of Mount Pleasant, together with all additions that may hereafter be made and recorded thereto, be and the same is hereby constituted a town corporate, and shall be known by the name and title of the town of Mount Pleasant.

SEC. 2. **Qualified voters—election when and where to be held—officers to be elected and how—president and two councilmen a board—proviso.** That the qualified voters for members of the legislative assembly, who have resided within the limits of said corporation for thirty days immediately preceding any such election, shall meet at some suitable place within said corporation, on the first Monday in March next, and annually thereafter, then and there proceed to elect by ballot a president, four councilmen, and a recorder, who shall hold their offices for one year, and until their successors shall be elected and qualified; and the president and any two of the councilmen shall be a board for the transaction of business, but a less number may adjourn from time to time; provided, that in case of the death or absence of the president, the councilmen shall choose a president pro tem. from their own body.

SEC. 3. **Additional officers—oath to be taken—how to open polls, etc.—duty of clerk—duty of recorder.** At the first election to be held under this act, there shall be chosen, by the electors present, three 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; and at all subsequent elections the councilmen, or any three of them, shall be judges, and the recorder, clerk of election; and at all elections to be held under this act, the polls shall be opened between the hours of nine and ten in the forenoon, and closed at five in the afternoon, of the same 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 an election the clerk shall give notice to the persons elected of their election; and it shall be the duty of the recorder, at each annual election, to give at least five days' notice thereof, by posting up notices at three of the most public places in said town.

SEC. 4. President may call meetings—proviso—further duties of recorder—may appoint deputy. It shall be the duty of the president to call meetings of said councilmen, by posting up written notices of such intention, in three of the most public places in said town, at least three days previous to such meeting, and also to preside at all such meetings: provided, that in case of the absence of the president, it shall be the duty of the recorder to give notice of such meeting, as above prescribed. And it shall be the duty of the recorder 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 the duties enjoined upon the said recorder, and for whose acts the said recorder shall be liable.

SEC. 5. Name of body politic, etc.—general powers of corporation—process how served. The president, councilmen, and recorder, of said town shall [15] be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the president and council of the town of Mount Pleasant; and shall be capable in law, in their corporate name, to acquire property, real and personal, for the use of said town, and 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 such 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 seven nor more than twelve days before the return day thereof.

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

SEC. 7. Further powers of corporation—power to levy fines, etc.—proviso—by-laws to be published—proviso. The president and councilmen shall have power to ordain and establish by-laws, rules and regulations, for the government of said town, and the same to alter, repeal, or re-ordain at pleasure; and to provide in said by-laws for the election of a treasurer, two assessors, a town marshal, and other subordinate officers, which may be necessary for the good 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 oath or affirmation, faithfully to discharge the duties of their respective offices; and may require of them such securities for the performance of the duties of their respective offices as shall be thought necessary. Said president and councilmen shall also have power to fix, 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 also, that no by-laws or ordinances of said corporation shall have any effect until the same shall have been published, three weeks successively, in a newspaper published in said county, or by written notices, posted up in three of the most public places in said town: provided, that nothing done under the provisions of this section shall be incompatible with the laws of this territory.

SEC. 8. Statement of receipts and expenditures to be published. The president and councilmen 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. Electors may levy taxes, etc.—ratio of tax—proviso—of nuisances, etc. The electors of said town, in legal meeting, shall have power, by vote, to direct the levy of taxes upon all real and personal estate within the limits

of said corporation, not exceeding one-half per centum upon said real and personal estate in any one year; to regulate and improve the lanes and alleys, and determine 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 the streets and commons, and all other places within said town, and to provide for the removal of the same.

SEC. 10. Corporation may grant licenses, etc.—proviso. The president and councilmen shall be authorized to grant, or withhold, at their discretion, all licenses for the retailing of ardent spirits within the limits of the corporation, and to grant licenses and to regu-[16]-late or prohibit all shows and public exhibitions, and to appropriate the proceeds of all such licenses for the benefit of said town: provided, however, that the powers herein granted shall not be construed as to conflict with the general laws of this territory, or the future state of Iowa.

SEC. 11. Road district—overseer. The streets, lanes and alleys of said town shall constitute one road district, including the several traveled highways for the distance of one mile from the limits of said town or corporation, and the president and councilmen of said town, shall appoint one overseer of the same, who shall hold his office for one year from the time of his appointment.

SEC. 12. Recorder's fees—president and councilmen not to receive compensation. The recorder shall receive such fees for his services as the by-laws and ordinances of said corporation shall prescribe; but the president and councilmen shall receive no compensation, unless the same shall be considered necessary and right, by the electors of said town, in legal meeting assembled.

SEC. 13. Tax on real and personal property authorized—proviso—limit of tax—duties of president. For the purpose of enabling the president and councilmen to carry into effect the provisions of this act, they are hereby authorized, annually to levy a tax on all real and personal estate, within the bounds of said corporation, as the same has been or may be appraised: provided, said 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 that the said tax shall not exceed in any one year, one half per centum of aggregate amount of real and personal estate, within the limits of said town; and the said president and councilmen 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. 14. Tax duplicate to be made out—collection of taxes. It shall be the duty of the president and councilmen, 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 such town; which duplicate shall be signed by the president and recorder, and delivered to the marshal, or such person as shall 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. 15. Power of collector to sell personal estate, etc.—notice of assessment to be published, etc.—real estate sold may be redeemed. The said collector shall have power to sell personal estate, and for want thereof to sell real estate for the non-payment of taxes within said town; but no real estate shall be sold by reason of the non-payment of such tax or taxes, unless the assessment of such tax shall have been duly notified in some public newspaper printed in this territory, once each week, for at least six weeks before the day when said taxes are payable; nor unless the intended sale thereof be duly notified, by posting up three written notices of such sale, in three of the most public places in said town, for at least ten days before the day of 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 any real estate sold for any county tax.

SEC. 16. Power to repeal, etc., reserved. This act may be altered, amended or repealed, by any future legislature of this territory, whenever a majority of the citizens of the said town of Mount Pleasant, shall petition for the same.

Approved January 25, 1842.

[17] CHAPTER 20.

AN ACT to authorize Rachael Holcomb, as administratrix of the estate of Milo Holcomb, deceased, and as guardian of Elvin Milo Holcomb, minor heir of Milo Holcomb, deceased, to sell and convey certain real property.

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

SECTION 1. Authority to sell and convey real property—time of credit. That Rachael Holcomb, administratrix of Milo Holcomb, deceased, and guardian of Elvin Milo Holcomb, minor heir of said Milo Holcomb, deceased, is hereby authorized, either at private or public sale, to sell and to convey the following described real property, of which Milo Holcomb deceased, late of Washington county, died seized, to-wit: the northeast quarter of section number thirty-one, in township number seventy-four, north of range seven west, containing one hundred and sixty acres, on a credit not exceeding five years; or on payments to be made annually or otherwise, within five years subsequent to such sale, and conveyance as she may deem proper; which credits and payments are to be secured by mortgage, or other approved security.

SEC. 2. To be appraised—appraiser under oath—value to be sold for. That prior to any sale of the property aforesaid, said Rachael Holcomb shall cause said property to be appraised by three disinterested freeholders of said county; said freeholders being under oath or affirmation, to appraise the same according to the best of their knowledge and judgment; said oath or affirmation to be administered by, and filed together with said appraisement, with the clerk of district court of said county; and said property shall not be sold for less than three-fourths of the appraised value aforesaid.

SEC. 3. Return of sale to the court—deed to be executed. That upon the sale of the property aforesaid, said Rachael Holcomb, shall make a true and correct return to the district court of said county, at the next term of said court after said sale; and the court being satisfied that said sale has been made in compliance with this act, shall confirm the same; and upon the confirmation of said sale by the court, as aforesaid, the said Rachael Holcomb shall make and execute to the purchaser or purchasers, a good and sufficient deed in fee simple, for the said property; which said deed shall convey all the interest, right and title, of said heirs of said Holcomb to the said property, to the purchaser or purchasers.

SEC. 4. Dower right. That three-tenths of the proceeds of the sale of said property, shall be retained and held by said Rachael Holcomb, in lieu of her dower of the same; and the balance shall be retained and accounted for, as the assets of said estate by said administratrix.

SEC. 5. Loan of proceeds. That the said Rachael Holcomb shall, immediately upon the receipt of any payments from the purchaser or purchasers of