

CHAPTER 120.

AN ACT to change the name of Rising Sun, to Pittsburgh.

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

SECTION 1. That the name of that part of the town of Rising Sun, in Van Buren county, which lies above the mouth of Chegnest Creek, known as Clayton's addition, is hereby changed, and shall hereafter be known by the name of Pittsburgh, in common with that part of said town, lying below the mouth of said creek.

Approved February 17, 1842.

CHAPTER 121.

AN ACT relative to the "Davenport Institute."

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

SECTION 1. **Names of persons constituted a body corporate — name and style—powers—proviso.** That Thomas S. Hoge, David Hoge, Alfred Sanders, James Thorington, E. Tichenor, L. E. Johnson, J. L. Davies, A. B. Hichcock, John Owens, jr., A. H. Brownlee, G. McKown, J. W. McCaunnon, H. W. Cheever, E. M. Mackemer, Z. H. Goldsmith, A. W. McGregor, James Hall, and their associates and successors, who may become members of such incorporation, are hereby created a body politic and corporate by the name of the "Davenport Institute," and by that name shall have perpetual succession, and shall possess the necessary powers of a corporation, and such as are usually granted to a corporation for literary and scientific purposes: provided, that the yearly value of the real and personal estate, held by such institute, shall not exceed five thousand dollars.

[107] SEC. 2. **By-laws.** Said institute may establish such by-laws as may be deemed necessary, not contrary to law.

SEC. 3. **Officers—how elected.** The officers of the said institute, shall consist of a president, vice president, secretary, and treasurer, and such other officers as may be deemed necessary, to be elected in such manner and to serve for such time as the society, by their by-laws, shall determine.

SEC. 4. **May be altered, amended, or repealed.** That any subsequent legislature shall have power to alter, amend, or repeal, any or all of the foregoing provisions of this act.

Approved, February 17, 1842.

CHAPTER 122.

AN ACT to incorporate the city of Keosauqua.

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

SECTION 1. **Boundaries—name and style.** That all that part or tract of land, recorded by James Hall, and company, in the office of the recorder of

deeds, for Van Buren county, Iowa territory, as the town of Keosauqua, and the northwest quarter of section thirty-six, in township number sixty-nine, north of range, ten west of the fifth principal meridian, be and the same is hereby constituted an incorporated city; and shall hereafter be known by the name or title of the "City of Keosauqua."

SEC. 2. Qualification of voters—election—officers—to be a board—proviso. It shall be lawful for the free white male inhabitants of said city, being of twenty-one years of age, and having resided therein for three months previous, to meet at some convenient place in said city of Keosauqua, on the first Monday of May, and annually thereafter, and then and there proceed by a majority of votes, to elect by ballot, a mayor, five aldermen, and one recorder, who shall hold their offices one year, and until their successors are elected and qualified; and any three of them excepting the recorder, 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 a mayor, aldermen, and recorder, 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, and may be lawful, to hold such election at any time thereafter, pursuant to public notice, to be given in the manner hereinafter prescribed.

SEC. 3. First election—judges and clerks of election—result of elections to be proclaimed—persons notified of their election—notice of election to be posted up. 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, who shall each take an oath or affirmation, faithfully to discharge the duties required of him by this act; and at all subsequent elections, the council shall appoint three judges and a 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 remain open until five o'clock p. m., of said day; 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 make true returns to the recorder; and it shall be the duty of said city council, at least ten days before each [108] annual election, to give notice of the same by posting up notices in three of the most public places in said city.

SEC. 4. Duties of recorder. It shall be the duty of the recorder, or his deputy, to attend all meetings of the council, and 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 the said recorder shall be liable.

SEC. 5. Power of mayor and aldermen — to acquire property—seal—sue and be sued—summons with whom left. That the mayor and aldermen and inhabitants of said city, shall be a body corporate and politic, with perpetual succession, to be known by the name of the mayor and aldermen of the city of Keosauqua; and shall be capable in law, by their corporate name, to acquire real and personal property, within and for the use of said city; to sell and convey the same; may have a common seal, and may alter and change the same at pleasure; they may sue and be sued, plead and be impleaded, defend and be defended, in all manner of courts of judicature in this territory, and in all manner of actions whatever; and when any suit shall be brought against the city, an attested copy of the summons shall be left with the mayor, or at his place of residence, ten days before the return thereof, or in his absence with the recorder of said city.

SEC. 6. By-laws and regulations—to fix compensation of officers—fines—proviso—collection of fines—ordinances to be published. The mayor and aldermen shall have power to make and establish by-laws, regulations and ordinances, for the government of the city, and alter and repeal the same at pleasure; to prescribe the duties and compensation of such subordinate officers, as they may deem proper; to appoint and remove them at pleasure; to fix reasonable fines and penalties for any violation of the laws and ordinances of the corporation: provided, that no person shall be fined exceeding fifty dollars for any one offense, against any one ordinance, and may be recovered by action of debt, before any justice or any magistrate of competent jurisdiction, within the limits of the city, and to provide for the collection and disposition of the same; and no by-laws and ordinances shall take effect, until they shall have been published; and the recorder shall keep a record of the publication of all by-laws and ordinances, which record shall be sufficient evidence of the publication of the same in all cases whatsoever.

SEC. 7. Streets and alleys—sewers, landings—liquor houses—pedlars—shows—races—dogs—hogs—markets—houses of ill-fame—tax—proviso—assessor and collector—fire company—gunpowder—to pass all laws necessary to carry the foregoing into effect. The city council shall have power to improve streets, lanes and alleys, within the said corporation; to grade, ditch, and cut sewers; to make and repair wharves or public landings, within the corporation; to license houses where liquor is sold; to license the vending of merchandise; to license pedlars; to license and prohibit shows and other public exhibitions; to prohibit the discharging of fire-arms, and the racing or immoderate running of horses within the corporation; to levy and collect a tax on dogs; to restrain or prohibit the running at large of hogs and ferocious animals; to establish and regulate public markets; to establish a ferry and for annually leasing the same; to restrain and prohibit houses of ill fame, and all indecent exhibitions within the city; to levy and collect a tax on real and personal property within the corporation, and subject to a county tax: provided, it shall not exceed in any one year, more than the one-fourth of one per centum of the aggregate amount of all such taxable property; the said tax shall be assessed and collected by such officer or officers, as the city council may from time to time appoint, in such manner, and under the same regulations, as are or [109] may be provided by law, for the assessment and collection of county taxes, to provide against danger by fire, and for this purpose there may be organized within the limits, one fire company, not to exceed twenty-five members; and when so organized, the members thereof shall be exempt from militia duty; to prohibit the keeping in any one place, large quantities of gun-powder; they shall have power to pass all laws and ordinances, not inconsistent with the laws of the United States and the laws of this territory, for the purpose of carrying the aforesaid powers into effect, and for the preservation of the peace, health, and cleanliness of said city.

SEC. 8. Marshal—Power and duties of marshal—fees—extent of jurisdiction—fines, to whom paid. The council shall appoint a suitable person to be marshal of the city, whose duty shall be to execute and return all process directed to him by the mayor, or any justice of the peace, within the limits of the corporation, in the name of the mayor and aldermen of the city of Keosauqua, and shall have the same authority, and perform the same duties, and be subject to the same liabilities, that constables are in their respective counties; and shall receive the same fees for services that are or may be allowed by law to constables within this territory, and do and perform all other duties that may be imposed on him by ordinance; and the mayor or

any justice of the peace, residing within the limits of said corporation, shall have jurisdiction co-extensive with the county, in all cases, where the mayor and aldermen of said city are plaintiffs or complainants; and all fines collected for any violation of the laws of this territory, where the offense has been committed within the limits of the corporation, shall be paid into the city treasury.

SEC. 9. Writs—how served and returned. All writs and process issued by any justice of the peace, or any other court, under any of the ordinances of the corporation, shall be served and returned in like manner, and with like effect, as writs and process are now served and returned under the laws of this territory.

SEC. 10. Power and duty of mayor. The mayor shall not vote except in case of a tie, when he shall give the casting vote; he shall sign all laws or ordinances passed by the board, and see that they are faithfully executed; he shall sign all bonds and drafts ordered by the city council, and attested by the recorder; and all such bonds or drafts so signed, shall bind the said corporation, and shall be good in law and equity in every court in the territory, for what is therein expressed.

SEC. 11. Resignation or absence. In case of the resignation, absence, sickness, or death of the mayor, the aldermen shall elect one of their number mayor pro tem., who shall be invested with all the authority, and perform all the duties of mayor during his absence, or until another is elected and qualified.

SEC. 12. Oath to be taken. The mayor and aldermen, and all other officers of the city, shall, before entering upon their respective duties, take and subscribe an oath, to support the constitution of the United States, and the laws of this territory, and faithfully perform the duties for which they were elected, which oath shall be filed with the clerk.

SEC. 13. Treasurer—to settle quarterly with council—to give bond. The council shall also appoint a city treasurer, who shall receive and safely keep all moneys which may come into his hands, and when he receives moneys from the marshal, or any other person, for the use of said city, he shall give a receipt for the same; he shall, once in every three months, make out a list of all moneys by him received and paid out, and make a complete settlement with the council; he shall not [110] purchase, buy, or in any way trade for any city orders, at a less value than the amount called for by the same; he shall give to the council a bond, with security to their satisfaction, and be in all things governed by the by-laws and ordinances.

SEC. 14. Streets and alleys—persons liable for expense of sidewalk—proviso—proviso. When any street, lane, or alley shall be improved, the city council shall assess the cost thereof to the owners of the property on each side of the street, lane, or alley, so made, according to the number of feet front each person does own on said street, lane, or alley; and in like manner if sidewalks are only made, each person shall be liable for the expense incurred in front of his, her, or their property; and if the said assessment is not paid, after giving due notice thereof, the property shall be sold after giving the usual notice, as in case of execution, for to satisfy the amount with costs: provided, that if the owner of any such property is a non-resident, a notice posted in the office of the recorder, for sixty days, shall be a legal notice, and the owners of any property sold under this act may redeem the same within one year after such sale, by paying the costs, assessment, and twenty-five percent. interest per annum: provided, the city council shall have discretionary power to charge to the owners of property, such part of the expenses of improving any street, lane, or alley, as they may deem just, the balance to be paid out of the city treasury.

SEC. 15. Resignation or absence of mayor [aldermen]—vacancy—recorder pro tem. In case of the death, resignation, or absence of one month, without leave of the mayor, or [of] any of the aldermen, it shall be the duty of the recorder to give ten days' notice of an election to be held, to supply the vacancy, and in case of the death, or resignation of the recorder, the council shall in like manner call an election to fill the vacancy, and may appoint a recorder pro tem., until one is elected and qualified.

SEC. 16. Limits of city a road district. The limits of the said city shall form a road district, and persons residing therein shall be liable to work the roads, according to the laws of this territory for other districts.

SEC. 17. This act not to interfere with county or territory. That nothing in this act shall be so construed, as to interfere with the rights of the county or territory, to tax the people within the limits of said city.

SEC. 18. Election of justice of peace—term of service. At the first election, under this act, there shall be elected two justices of the peace, the one having the highest number of votes to be elected for two years, and the other for one year, and annually thereafter there shall be elected a justice of the peace, who shall hold his office for two years, and until his successor is elected and qualified.

SEC. 19. Repealing clause. That on application of a majority of legal voters of said city, any future legislature of the territory or state of Iowa, may alter, amend, or repeal this act.

SEC. 20. This act to take effect and be in force from and after its passage. Approved, February 17, 1842.

[111] CHAPTER 123.

AN ACT to incorporate the Mount Pleasant Literary Institute.

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

SECTION 1. E. Kilpatrick and others declared a body corporate—name and style—powers. That E. Kilpatrick, Esq., Samuel Nelson, Esq., J. D. Payne, L. B. Hughes, Charles Stoddard, N. J. Smith, John P. Grantham, J. C. Hall, Esq., G. W. Patterson, John Monroe, N. Lagthroop, H. M. Snyder, Robert Monroe, G. W. Kesler, Samuel Brazelton, William Thompson and their associates, are hereby ordained, constituted and declared, a body corporate, by the name of "The Mount Pleasant Literary Institute," and by that name they and their successors shall have perpetual succession, and shall be capable of suing and being sued, impleading and be impleaded, answering and being answered, defending and being defended against, in all manner of actions, suits, and complaints, in any of the courts in this territory; that they and their successors shall have a common seal, and have power to alter, or change the same at pleasure.

SEC. 2. Charter to be accepted by a vote of two-thirds members present—officers. That said corporation shall meet on the first Monday in April, A. D. 1842, at the office of the clerk of the district court, of Henry county, and after they shall have agreed to accept this charter, by a vote of two-thirds of the members present, which vote and acceptance shall be recorded in a book to be kept by the secretary thereof, they shall proceed to elect from their number, to act as the fiscal board of the said incorporation, a president, secretary, treasurer, and six trustees, who shall hold their offices until the first Monday in September next, following said election, and until their successors are elected.