

[73] CHAPTER 54.

BURLINGTON CITY CHARTER.

AN ACT to incorporate and establish the city of Burlington, and for revising and repealing all laws and parts of laws heretofore enacted on that subject.

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

[74] SECTION 1. **Boundaries described and contents declared a city—inhabitants a body politic—name, city of Burlington—all corporate powers.** That all that part of the territory included in the following defined limits, to-wit: Beginning on the west bank of the Mississippi river, in the county of Des Moines, at a point where the southern boundary line of the official survey of the town of Burlington, made by authority of the United States, strikes said river; thence with the said southern boundary line to the southwestern corner of said survey; thence with the western boundary of said survey to the northwestern corner of said survey; thence with the northwestern boundary line of said survey to where the same strikes the Mississippi river; thence due east to the middle of the main channel of said river; thence down the middle of the main channel thereof to a point in said main channel due east from the place of beginning, and thence due west to the place of beginning shall be and hereby is declared to be a city, and the inhabitants thereof are created a body corporate and politic with perpetual succession by the name and style of the city of Burlington; and as such by that name shall be capable in law of contracting and being contracted with, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places and in all matters whatsoever, and also of purchasing, using, occupying, enjoying and conveying real, personal and mixed estate, and may have and use a corporate seal, and change, alter and renew the same at pleasure, and shall be competent to have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation, and for the better ordering and governing said city, the exercise of the corporate powers of the same, hereby and herein granted, and the administration of its fiscal, prudential and municipal concerns, with the conduct, direction and government thereof, shall be vested in a mayor and board of aldermen, consisting of two members from each ward, to be denominated the city council, together with such other officers as are hereinafter mentioned and provided for.

[75] SEC. 2. **City invested with all powers, property, etc., as heretofore held—no suit at law to abate by the change.** That the said city of Burlington, shall be, and hereby, is invested as the lawful owner and proprietor with all the real, personal and mixed estate, and all the rights and privileges thereof, together with all the property, funds and revenues, and all moneys, debts, accounts and demands due and owing, or in any wise belonging to said city; or which by, or under the authority of any former act or acts, have been acquired, vested in or is, or may be, owing or belonging to the city of Burlington; and the same are hereby transferred to the corporate body created and established by this act; and all suits pending and judgments recovered by, in favor of, or against said city of Burlington, together with all rights, interests, claims and demands in favor of, or against said city of Burlington together with all rights, interests, claims and demands in favor of, and against the same, may be continued, prosecuted, defended and collected in the same manner as though this act had never been passed.

SEC. 3. Mayor to be elected annually, 1st Monday, February—he must be a resident of 3 years—each ward to elect 2 aldermen, residents of two years—mayor and aldermen to constitute city council—majority a quorum—council, to be judges of election returns and qualifications of their members, may compel members to attend, under penalty—alderman's term 1 year—shall elect pro tem. president. That the qualified electors of said city shall on the first Monday in February, annually, elect a mayor who shall have resided in said city, three years; and the qualified electors of each ward in said city, shall at the same time elect two aldermen, who shall have resided in said city two years, and shall be residents and inhabitants of the ward in which they shall be elected; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of the whole number of whom, shall be necessary to constitute a quorum for the transaction of business; they shall be the judges of the election returns, and qualifications of their own members, and shall continue in office for the term of one year, and until their successors shall be chosen and qualified. They shall determine the rules of their proceedings, and keep a journal thereof, which shall be open to the inspection and examination of every citizen; and may compel the attendance of absent members in such manner and under such penalties as they shall think fit to prescribe. And they shall meet in some convenient place, in said city on the second Monday in February, and after taking the oath of office before some officer qualified to administer oaths, they shall elect from their own body, a president *pro tempore*.

SEC. 4. People to elect treasurer annually, he to exercise lawful powers not specified herein; city marshal to be annually elected, and perform duties not specified herein—recorder to be annually elected, to keep record of, and duties required by, council. That there shall be elected by the qualified voters of said city, on the first Monday of February, annually, a treasurer who shall hold his office for the term of one year, and until his successor shall be chosen and qualified. He shall perform such duties and exercise such powers not herein and by this act specified, as may be lawfully required of him by the ordinances of said city. There shall also be elected by the qualified voters of said city on the first Monday of February, annually [76] a city marshal, who shall hold his office one year, and until his successor be chosen and qualified; who shall perform such duties and exercise such powers not herein specified as may be lawfully required of him by the ordinances of said city. There shall also be elected by the qualified electors of said city on the first Monday of February, annually, a city recorder, who shall hold his office for one year, and until his successor be chosen and qualified; whose duty it shall be to keep a regular and correct journal of the proceedings of the council, and perform such other duties as may be lawfully required of him by the ordinances of said city.

SEC. 5. Mayor to give 10 days' notice of election, by proclamation; election from 8 or 10 a. m., to 4 p. m., returns to be made to the mayor within two days, except those for mayor which go to the president pro tem.; mayor and pro tem. president to open returns; persons having most votes elected—if no choice, mayor to order new election; persons elected to be notified by marshal, and qualified in ten days, or office be vacant; council to appoint judges and clerks of election. That in all elections for city officers, it shall be the duty of the mayor to issue a proclamation to the qualified voters of said city, or to those of the respective wards, as the case may require, setting forth the time of such elections, the place or places where the same shall be held, the officer or officers to be chosen, and cause such proclamation to be posted up in three of the most public places in said city at least ten days previous to such election. And every such election shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock

in the afternoon; and shall in all things be conducted agreeably to the laws regulating township elections for the time being. And it shall be the duty of the judges of such elections in the several wards, within two days thereafter, to make and direct the returns thereof to the mayor of the said city, at his office, in the same manner that election returns are required to be made by the township trustees for the time being: provided, that in all elections for mayor, the returns thereof shall be made and directed to the president, *pro tempore* of the city council. And the mayor and president *pro tempore* of the city council, as the case may be, shall within five days after any such election, open the returns which have been made to him as aforesaid, and shall make an abstract of all the votes, and file the same with the city recorder, who shall make a record thereof in a book to be kept by him for that purpose; and the person or persons having the highest number of votes shall be declared duly elected; but if from any cause, the qualified voters of said city, or of any of the respective wards, as the case may be, should fail to effect any election at the time and in the manner herein provided, the mayor shall forthwith issue his proclamation for a second or other election which in all things shall be notified, conducted, regulated and the returns thereof made, as in and by this act is prescribed; and the person or persons who shall be chosen at any such second or other election, shall hold his or their office until the next stated period for the [77] choice of a successor or successors. And it shall be the duty of the mayor or president *pro tempore* of the city council, immediately to notify such person or persons as may be elected as aforesaid, of his or their election, by causing a written notice thereof to be served upon him or them by the city marshal. And every person so chosen or elected as aforesaid, shall within ten days after his election, cause himself to be qualified to enter upon the duties of his office, and in default thereof, the office to which he shall have been elected, shall be deemed and considered in law to be vacant. And it shall be the duty of the city council to prescribe the time and manner, and provide the place or places of holding all elections in said city, for city officers, and of making the returns thereof, not herein otherwise directed and prescribed. And the said city council shall appoint judges and clerks for all city elections.

SEC. 6. Inhabitants 21 years of age to vote—suspected or challenged voter to be sworn. That each and every white male inhabitant above the age of twenty-one years, who shall have been a resident in said city six months immediately preceding any election for the election of city officers, shall be deemed a qualified voter of said city; and shall be entitled to vote in the ward in which he resides, for mayor, aldermen, treasurer, and such other officer or officers as are in and by this act directed to be chosen by the qualified voters of said city, or of the respective wards therein, and all others, which by public ordinance may be required to be chosen or elected. And when any person shall present himself to give his vote, and either of the judges shall suspect that such person does not possess the requisite qualification of an elector, or if his vote shall be challenged by any elector who has previously given his vote at such election, the judges of each election shall tender to such person an oath or affirmation in the following form to-wit: I, (A. B.) do solemnly swear (or affirm, as the case may be,) that I have been a resident of this city six months immediately preceding this election—am a resident of this ward, and to the best of my knowledge and belief, have attained the age of twenty-one years, and that I have not voted at this election.

SEC. 7. Councilmen not to accept any city office or be interested in any contract during his term. That no member of the city council shall be eligible to any office within the gift of the city council, during the year for which he may have been elected; nor shall any member of the city council be interested directly or indirectly, in the profit of any contract or job for work or services to be performed for the city.

SEC. 8. Mayor to put in force the laws, to sign all laws, etc.; see them published, preside in council and have casting vote. That it shall be the duty of the mayor to be vigilant and active at all times, in causing the laws and ordinances of said city to be put in force and duly executed. He shall keep the seal of said city, and [78] all of the records, papers and official documents thereunto belonging. He shall sign all by-laws and ordinances adopted and passed by the city council; and see that the same are published at least six days before they go into effect. He shall preside, when present, at the meetings of the city council and be denominated president of the same; and, when there is a tie, shall give the casting vote. He shall do and perform such other duties as the city council may prescribe and determine, not inconsistent with the provisions of this charter and the dignity of his office.

SEC. 9. Officers to take oath and give bond when required. That the treasurer, marshal, recorder, and all other officers under the government of said city shall, before entering upon the duties of their respective offices, take an oath or affirmation to support the constitution of the United States, and the organic law of this territory, and faithfully and impartially to perform the several duties of the offices to which they may be respectively elected or appointed, and when required shall give such bond to said city with good and sufficient security in such sum or sums, and with such conditions thereto, as the city council may from time to time direct, and in all cases not herein before provided for, shall respectively be allowed and receive such fees and compensation for their services, and be liable to such fines, penalties and forfeitures for negligence, carelessness, misconduct in office, and positive violation of duty, as the said city council shall order and determine.

SEC. 10. Council to provide places for meeting open to the public. That the city council shall provide the times and places of holding their meetings not herein otherwise provided for, which shall at all times be open for the public, they shall provide by ordinance for the election by the qualified voters of said city, of such other city officers whose election is not herein otherwise provided for, as shall be necessary for the good government of said city, and the due exercise of its corporate powers, and which shall have been provided for by ordinance, and all city officers whose term of service is not prescribed and whose powers and duties are not defined in and by this act, shall perform such duties, exercise such powers, and continue in office for such term of time, not exceeding one year, as shall be prescribed by ordinance.

SEC. 11. Council to fill vacancies; president pro tem. to act in mayor's absence. That whenever the office of mayor, councilmen, treasurer, marshal, recorder or other officer in and by this act specified or provided for, shall become vacant by death, resignation, removal from the city or otherwise, it shall be the duty of the council as soon as may be, to appoint some suitable person having the requisite qualifications, to fill such vacancy, and the person so appointed shall continue in office during the remainder of the term for which his pred-[79]-ecessor was elected or appointed, and in case of sickness or temporary absence of the mayor, the duties of his office, during such sickness or temporary absence, shall be discharged by the president pro tem., who shall be obeyed and respected accordingly.

SEC. 12. Council to publish ordinances; to punish offences against inhabitants; if contrary to law of territory, void. That the said city council shall have power, and it is hereby made their duty, to make and publish from time to time all such ordinances as shall be necessary to secure said city, and the inhabitants thereof, against injuries by fire, thieves, robbers, burglars and all other persons violating the public peace, for the suppression of riots and gambling, and indecent and disorderly conduct, for the punishment of all lewd and lascivious behavior in the streets, and other public places of said city; they shall have power from time to time, to make and publish all such

laws and ordinances as to them shall seem necessary to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of said city, and the inhabitants thereof; to impose fines, forfeitures and penalties on all persons offending against the laws and ordinances of said city, and provide for the prosecution, recovery and collection thereof; and shall have power to regulate by ordinance the keeping and sale of gunpowder within the city: provided, that all laws or ordinances passed by said city council, conflicting in any wise with the statute laws of this territory, shall be null and void, and of no effect.

SEC. 13. Council to organize fire companies and provide apparatus; to construct landings, fix wharfage, etc. That the said city council shall have power to establish and organize all fire companies and provide them with proper engines and such other instruments as shall be necessary to extinguish fire, and preserve the property of the inhabitants of said city from conflagration, and they shall have power to establish and construct landing places, wharves, docks and basins in said city, at or on any of the city property, and fix the rates of landing, wharfage, and dockage of all steam boats, boats, rafts and other water crafts and of all goods, wares, merchandise, produce and other articles that may be moored at, landed on or taken from any landing, wharf, dock or basin belonging to said city.

SEC. 14. On application of three-fourths of owners on any square, council to prescribe manner of building. That for the purpose of more effectually securing said city from the destructive ravages of fire, the said city council, shall have power and authority, and for such purpose they are hereby empowered and authorized, on the application of three-fourths of the whole number of owners or proprietors of any square or fractional square in said city to prohibit in the most effectual manner, the erection of any building or the addition to any building before erected more than ten feet high in any such square or fractional square, except the outer walls thereof, shall be composed entirely of brick or stone and mortar, and to provide [80] for the most prompt removal of any building or addition to any building which may be erected contrary to the true intent and meaning of this section.

SEC. 15. Councils to regulate all taverns, exhibitions, etc., etc.; to grant licenses to the same; to revoke licenses if necessary; existing ferries not to be disturbed. That the city council shall have power, and it is hereby made their duty to regulate by good and wholesome laws and ordinances for that purpose all taverns, ale and porter shops and houses, and places of significant and habitual resorts for tipping and intemperance where spiritous liquors are sold or used by a less quantity than a quart, and all other houses of public entertainment in said city—all theatrical exhibitions, and public shows and all exhibitions of whatever name or nature, to which admission is obtained on the payment of money or any other reward, and all ferries across the Mississippi river, from said city to the opposite shore, and to impose reasonable fines and penalties for the violation of any such laws and ordinances. And the said city council shall have full and exclusive power to grant or refuse license to tavern keepers, inn holders, retailers of spiritous liquors by less quantity than a quart, keepers of ale and porter houses, and shops and all other houses of public entertainment. Showmen, keepers and managers of theatrical exhibitions, and other exhibitions for money or other reward, auctioneers for the sale of horses and other domestic animals at public auction in the streets, lanes, alleys and commons of said city, and keepers of ferries from said city across the Mississippi to the opposite shore; and in granting any such license, it shall be lawful for said city council to exact, demand and receive such sum or sums of money as they shall think fit and expedient; to annex thereto such reasonable terms and conditions in regard to time and place and other circumstances under which such license shall be acted

upon, as in their opinion the peace, quiet and good order of society and said city may require, and for the violation of such reasonable terms and conditions as aforesaid, the city council shall have power to revoke or suspend any such license, whenever the good order and welfare of said city may require it, in such manner as shall be provided for by ordinance: provided, that no power herein granted to the said city council shall be so construed as to impair, interfere with, or in any way affect any right or rights, now existing by virtue of any acts heretofore passed by the legislative authority of this territory, establishing ferries across the Mississippi river, opposite the town of Burlington, in Des Moines county.

SEC. 16. Council to remove all nuisances; proprietors to fill up lands occasionally overflowed; they failing, council to do so, and assess costs on lot; cost to be collected by sale of lot if necessary—proprietors may redeem in one year. That the city council shall have power, and they are hereby, authorized to require and compel the abatement and removal of all nuisances within the limits of said city, under such regulations as shall be prescribed by ordinance; to cause all grounds therein where [81] water shall at any time become stagnant to be raised, filled up, or drained, and to cause all putrid substances, whether animal or vegetable to be removed; and to effect these objects, the said city council may from time to time, give order to the proprietor or proprietors or to his or their agents, and to the non-resident proprietors who have no agents therein, notice by publication in one or more of the newspapers printed in said city, for the period of two weeks, of all or any grounds subject at any time to be covered with stagnant waters, to fill up, raise, or drain such grounds at their own expense; and the said city council shall designate how high such grounds shall be filled up and raised, or in what manner they shall be drained, and fix some reasonable time for filling up, raising, or draining the same; and if such proprietor or proprietors, or agents, shall refuse or neglect to fill up, raise, or drain such grounds in such manner and within such time as the said city council shall have designated and fixed, they shall cause the same to be done at the expense of the city, and assess the amount of the expenses thereof on the lot or lots of grounds so filled up, raised, or drained as aforesaid, and place the assessment so made as aforesaid, in the hands of the city collector, who shall proceed to collect the same by the sale of such lot or lots, if not otherwise paid in such manner and under such restrictions and regulations as may be prescribed by ordinance: provided, the proprietor or proprietors shall have the privilege and right to redeem such lot or lots within one year after such sale, by paying to the purchaser or purchasers the amount by them paid, together with ten per cent. interest on the same.

SEC. 17. Council to appoint supervisors, etc., and collect \$1 from each liable person, as road tax: may prohibit animals from running at large; may license carts, etc., and livery stables, brokers and loan offices. That said city council shall have the exclusive power of appointing supervisors and other officers of the streets and of the highways within the said city, and of collecting in money or labor, any sum not exceeding one dollar annually, as a road tax, from each and every person liable, by law, to pay such tax, or to labor on the highways; they shall have the power whenever the public convenience or safety shall require it, to prohibit hogs, cattle, horses and other description of animals from running at large in the streets, lanes, alleys, commons and other public places in said city; they shall have power to license and regulate all carts, wagons and drays, and every description of two and four wheeled carriages which may be kept in said city for hire; and all livery stables, brokers and loan offices.

SEC. 18. Money to be placed in treasury, and not paid except by order of council. That all moneys raised, recovered, received or collected by means

of any tax, license, penalty, fines, forfeiture or otherwise, under the authority of this act, or which may belong to said city, shall be paid into the city treasury, and shall not be drawn therefrom except [82] by order or under the authority of the city council. And it shall be the duty of the city council to liquidate and settle all claims and demands against said city; and to require all officers, agents or other persons entrusted with the disbursement or expenditure of the public money, to account to them therefor, at such time and in such manner as they may direct; and they shall annually publish for the information of the citizens, a particular statement of the receipts and expenditures of all public moneys belonging to said city, and also of all debts due and owing to and from the same. And the said city council shall have power to pass all such laws and ordinances as may be necessary and proper to carry into effect the powers herein, and by this act, granted.

SEC. 19. Before laws of council are binding they must be approved and published. That every law or ordinance of said city before it shall be of any force or validity, or in any manner binding on the inhabitants thereof, or others, shall be signed by the mayor and published in one or more newspapers of said city at least six days.

SEC. 20. Defines the meaning of the term 'owner.' That for the purpose of opening or improving any street, lane, alley, market space, public landing or common, or other purposes, the term owner or owners used in this act, is hereby declared to mean any person or persons who may own any lease upon lands for any term not less than ninety-nine years, renewable forever, or any freehold estate, either for life or otherwise, upon any ground to be affected by petition; and such tax shall be a lien upon the real estate upon which it may be assessed, from the time of filing such petition, until it shall be fully paid and satisfied.

SEC. 21. Council to regulate grades. That said city council shall have exclusive power to establish and regulate the grades of the wharves, streets and banks along the Mississippi river, within the corporate limits of said city.

SEC. 22. Justices to issue process for corporation, try offenders; may summon jury; convicted persons liable for costs; if cleared, corporation to pay; may commit to Des Moines county jail. That the justices of the peace in said city shall have full power and authority, and it is hereby made their duty at such times as the same, by the city authorities, shall be required of them, or any of them, to issue all needful process for the apprehension of offenders against the by-laws, ordinances and regulations of said city; and to hold a court for the trial of all offenders within the said city, and the same to fine, imprison or discharge, as the by-laws, ordinances and regulations of said city and the facts of the case may require. And for that purpose, they and each of them are authorized and required to cause to come before them, when necessary, a jury of six citizens of said city who shall be qualified voters of said city. And all such offenders, on conviction, shall be liable for the costs of prosecution, and judgment shall go accordingly; and in case of acquittal, the same shall be paid by the corporation, having first been allowed by the city council. And all process in behalf of said city shall [83] run in the name of the United States for the use and benefit of said city, and shall otherwise conform to the requisitions and provisions that may be made by the mayor and aldermen in common council, and shall be served, executed and returned by the marshal of said city; and until other provisions be made by said city authorities it shall be lawful for said justices or any of them, to commit all offenders against said by-laws, ordinances and regulations, on conviction, to the jail of Des Moines county. And in case where a portion or all the punishment shall be imprisonment, the keeper of said jail is hereby required to receive such persons on the proper warrant of such justices or

justice of the peace, into his custody in said jail, in the same manner as in ordinary cases. And all expenses of such imprisonment, in cases where the same cannot be collected from the persons so convicted and imprisoned, shall be paid out of the treasury of the corporation; the fees of the justices and jurors, in such cases, shall be the same as are allowed by the statutes of this territory.

SEC. 23. No person to be deprived of liberty or fined more than \$20, unless tried by jury. That all trials for the violation of the by-laws, ordinances and regulations of said city shall be in a summary manner, and that no person shall, for any offense, be deprived of his or her liberty, or fined in any sum greater than twenty dollars, unless convicted by a jury of six citizens of said city, qualified to vote as aforesaid.

SEC. 24. Council to have charge of all property, but cannot sell without people's consent. That the said city council shall have the custody, care, superintendence, management and control of all real, personal and mixed estate, and other corporate property belonging to said city; and all the real, personal and mixed estate, money, funds and revenues which from time to time, may be owned by, or of right belong to said city; with full power to purchase, hold, possess use and occupy; and to sell and convey the same, for the use and benefit of said city and the inhabitants thereof: provided, that the city council shall not have power to sell any real estate belonging to the said city of Burlington, unless the qualified voters thereof, in pursuance of ten days previous notice given by order of the city council, published in two or more of the newspapers printed in said city, setting forth the time, place, and purpose of voting, shall by a majority of written or printed ballots given, express their consent thereto.

SEC. 25. Council to levy taxes on city property not to exceed one quarter per cent; may tax dogs, &c.; open streets and tax for costs of same. That to defray the current expenses of said city, the city council shall have power to levy and collect taxes on the real and personal property therein: provided, the amount of taxes levied shall not, in any one year, exceed twenty-five cents on each one hundred dollars worth of property taxed. They shall also have power, whenever in their opinion the interest of said city shall require it, to levy and collect taxes on dogs or other domestic animals not included in the list of taxable property for territorial and county purposes; which said taxes shall be collected, by the city collector and paid into the treasury in such a manner and under such restrictions and regulations, as may be prescribed by ordinance. The city council shall have power to cause to be opened, paved, repaved or improved, any street, lane, alley, markets, space, or public landing, on petition of not less than two-thirds of the number of owners of any square or parts of a square of said city, bounding or abutting on such street, lane, alley, market space or public landing so to be opened, paved, repaved or improved, and to levy and collect a special tax for defraying the costs and expenses of the same, by an equal assessment on the feet front bounding and abutting as aforesaid.

SEC. 26. All north of Columbia street to be ward No. 1—south thereof and north of Jefferson, ward No. 2—south thereof, ward No. 3—council may alter boundaries or add other wards. The said city shall be divided into wards as follows, viz.: all that part of the city north of Columbia street and abutting upon the same, shall constitute one ward, and shall be known and designated as, ward, number one—all that part of the city south of Columbia and north of Jefferson streets, shall constitute one ward, and be known and designated as ward, number two—and all that part of the city south of Jefferson street, and abutting upon the same, shall constitute one ward, and be known and designated as ward, number three, until such boundaries may be altered or the number of wards may be increased by the city council who

are hereby authorized and empowered to make alterations in the boundaries, or to establish additional wards, as the public convenience may require.

SEC. 27. Council may borrow money if two-thirds of citizens agree. That whenever in the opinion of the city council, it is expedient to borrow money for any public purpose, the question shall be submitted to the citizens of Burlington—the nature and the object of the loan shall be stated, and a day fixed for the electors of the said city to express their wishes; the like notice shall be given as in cases of an election; the loan shall not be made unless two-thirds of all the votes polled at such election shall be given in the affirmative.

SEC. 28. Charter to be submitted to the people for adoption. That before this act shall take effect and be in force, a vote shall be taken upon the adoption of the same, by the qualified voters residing within the limits of said city, at such time and place, and under such regulations as the present mayor and aldermen of said city may prescribe and determine: provided, that a majority of the whole vote cast shall be deemed necessary to adopt and carry into effect this act: provided further, that each and every person authorized to vote for city officers under the charter now in force in said city shall be entitled to vote for or against this charter.

SEC. 29. Charter declared a public act. That this act shall be taken and received in all courts and [85] by all judges, magistrates and other public officers, as a public act; and all printed copies of the same which shall be printed by or under the authority of the council and house of representatives, shall be admitted as good evidence thereof, without any other proof whatsoever.

SEC. 30. That the act entitled “An act to incorporate the city of Burlington;” approved January 19th, 1838, and all other laws and parts of laws heretofore passed, and coming within the purview of this act be, and the same are hereby repealed.

Approved, June 10th, 1845.

CHAPTER 55.

IOWA COUNTY.

AN ACT for the organization of the county of Iowa.

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

SECTION 1. Organized county after first of July next—constitutes it the second judicial district. That the county of Iowa be, and it is, hereby organized, from and after the first day of July next; and the inhabitants of said county shall be entitled to all the rights and privileges to which by law, the inhabitants of other organized counties of this territory are entitled, and the said county shall constitute the second judicial district of this territory.

SEC. 2. Clerk of district court or sheriff of Johnson county, after 10th July, to order election for county officers—to appoint election judges—ten days notice of election. That for the purpose of organizing said county, it is hereby made the duty of the clerk of the district court of said county, and in case there should be no such clerk appointed and qualified, or for any other cause such office should become vacant on or before the 10th day of July next, then it shall be the duty of the sheriff of Johnson county, [86]