

CHAPTER 30.

UNIVERSITY OF IOWA.

AN ACT to provide for the medical department of the Iowa university.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Medical department.** That the college of physicians and surgeons located at Keokuk, Lee county, Iowa, is hereby recognized and established, as the medical department of the Iowa state university.

SEC. 2. **May grant diplomas.** The said medical department shall have power to grant diplomas for the degree of doctor of medicine, to such persons as they deem qualified for such degree, and power to make such regulations, and adopt such rules, as may be necessary for the good of said department.

SEC. 3. **M. D's. permitted to practice.** All persons having obtained such degree of doctor of medicine from said institution, are permitted to practice physic, and surgery and obstetrics, within this state.

Approved January 28th, 1851.

CHAPTER 31.

ACT REPEALED.

AN ACT to repeal an act entitled "an act to change the name of Guttenburgh or Gethenburgh to Prairie Laport," approved January 9th, 1851.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Repeal.** That the act entitled "an act to change the name of Guttenburgh or Guthenburgh to Prairie La Porte," approved the ninth day of January, 1851, be and the same is hereby repealed.

Approved February 1st, 1851.

CHAPTER 32.

MUSCATINE CITY.

AN ACT to incorporate the city of Muscatine.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. **Muscatine created a city.** That the town of Muscatine, (formerly the town of Bloomington,) in the county of Muscatine, is hereby created a city by the name of the "City of Muscatine."

SEC. 2. **Incorporation.** The said city is made a body corporate, and is invested with all the powers and attributes of a municipal corporation.

SEC. 3. Town property, rights, liabilities, etc. transferred to city. All the rights, powers, privileges, duties, liabilities and [60] property of late town of **Muscatine**, are hereby transferred to, and imposed upon, the said city, except as repealed or qualified herein, and the same may be enforced by or against the city as they might have been by or against the town.

SEC. 4. Wards. The said city is hereby divided into three wards as follows: that part of the city which lies south and west of the middle of Chestnut street, is the first ward; that part lying between the middle of Chestnut street and the middle of Walnut street, is the second ward; that part lying north and east of the middle of Walnut street is the third ward; but the city council may create new wards and change the limits of those now or hereafter established.

SEC. 5. Citizenship. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city six months, and of the ward in which he offers to vote ten days next preceding a city election, is declared a citizen of the said city, and is entitled to vote at all elections thereof.

SEC. 7. Voters may be challenged. A person offering to vote may be challenged as in the elections in the townships, and an oath may be administered to him under like circumstances, naming the qualifications herein prescribed.

SEC. 8. Qualifications for office. No person shall be eligible to any elective office mentioned in this act, unless he be a citizen of the city, as above defined, and have [has] been a resident thereof one year next preceding his election.

SEC. 9. City officers—term. The officers of the city shall be a mayor, two aldermen from each ward, a marshal, recorder, treasurer, assessor and wharf-master; for the choice of whom an election shall be holden annually on the first Monday of March, and each of whom will hold his office for the term of one year, (except in the case of aldermen as hereafter provided,) and until their successors are elected and qualified.

SEC. 10. Aldermen. Two aldermen shall be elected in each ward, and such one of the two as receives at the first election the highest number of votes, shall hold his office for the term of two years, and the other one year, and thereafter one shall be elected each year, in each ward, to hold for the term of two [61] years: if there be a tie in the above case, the matter is to be determined by lot.

SEC. 11. Duties of the mayor. It is the duty of the mayor to see that the laws and ordinances of the city are executed, and their violation punished; to superintend and direct the official conduct of the subordinate officers; to keep the seal of the city and to sign and seal all commissions, licenses and permits granted by the city council; and to perform such duties, and exercise such powers as pertain to the office of mayor of a city, and such as may be granted by the ordinances of the city consistent with law.

SEC. 12. Mayor ex-officio a justice of peace—fees. He is by virtue of his office a justice of the peace, and is invested with exclusive original jurisdiction of cases arising under the ordinances of the city; with criminal jurisdiction of offences against the laws of the state committed within the city, and with civil jurisdiction limited to the city, in the same manner as that of justices is or may be limited to their townships: and he will not be disqualified to act in such judicial capacity by any proceeding being in the name of, or in behalf of the city. He will be entitled to demand and receive in civil actions and in actions for the breach of the laws of the state, such fees as are at the time allowed by law to justices of the peace.

SEC. 13. **Appeals.** Appeals to the district court in the same county shall be allowed from the judgment and decisions of the mayor in the same cases, time and manner as they are at the time allowed by law from those of other justices, and they shall be tried in the same manner.

SEC. 14. **Mayor to preside—casting vote—pro tem.** He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie. In his absence the council may appoint a president for the time being.

SEC. 15. **Duty of recorder.** The recorder is required to keep a true record of all the official proceedings of the council, and such record shall at all times be open to the inspection of any citizen, and he shall perform such other duties as may be required by the council.

SEC. 16. **Marshal—execute process—authority to quell riots, etc.—may appoint deputies—fees.** The marshal is made the conservator of the peace. He is the executive officer of the mayor's court, and shall [62] execute and return all process directed to him by the mayor, and in cases for the violation of the criminal laws of the state and of the ordinances of the city, may execute such process in any part of the county; he is invested with the same authority within the city to quell riots and disturbances, to prevent crimes and to arrest offenders, that the sheriff has within his county. He shall perform such other duties as the council prescribe, and with its approval may appoint one or more deputies, for whose official acts he will be responsible, and whom he may discharge. For the service of legal process he will be entitled to the same fees as a constable and for services required by the council, such compensation as it may allow.

SEC. 17. **Legislative authority.** The legislative authority of the city is vested in a city council, consisting of a mayor and a board of aldermen composed of two from each ward of the city.

SEC. 18. **Meeting of council public.** The council may hold meetings as it sees fit, having stated times fixed, or having provided by ordinances for the manner of calling them. Its meetings shall be public.

SEC. 19. **Quorum—regulations—record.** A majority of the council will be necessary to constitute a quorum. It is the judge of the election and qualification of its own members; it may determine the rules of its own proceedings; it may compel the attendance of its members at its meetings in such manner and by such penalties as it may adopt, and it shall cause a record of its proceedings to be kept.

SEC. 20. **Powers.** The council is invested with the following powers:

First.—**Fire—riots, etc.—health and morals.** To make ordinances, to secure the inhabitants against fire, against violations of the law and the public peace, to suppress riots, drunkenness, gambling and indecent and disorderly conduct, and generally to provide for the safety, good order and prosperity of the city, and the health, morals and convenience of the inhabitants.

Second.—**Fines not to exceed \$100—judgments.** To impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the city or by complaint before the mayor, as in the case of a complaint before a justice of the peace, and the laws of the state in relation to carrying into effect a judgment of a justice of the peace [63] under a complaint, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

Third.—**Fire companies.** To establish and organize fire companies, and to provide them with engines and other fire apparatus.

Fourth—Powder—prohibit wooden buildings. To regulate the keeping and the sale of gun powder within the city; and to provide that no building of wood shall be erected within such parts of the city as may be designated, and to declare such buildings a nuisance and cause their removal.

Fifth—Landing—wharfage, etc.—reservation. To have the control of the landing on the Mississippi river, and build wharves and regulate the landing, wharfage and dockage of boats and all water crafts, goods, lumber and other things landed at, or taken from the same; provided, nothing in this section shall be so construed as to affect the rights of the state or counties, nor to prevent the county of Muscatine from granting ferry charters in said county.

Sixth—Licences—shows, etc.—gaming houses—grocery license—may prohibit—may revoke. To exercise exclusively the power to provide for the license, regulation or prohibition of exhibitions, shows and theatrical performances, billiard tables, ball and ten pin alleys and places where any games of skill or chance are played, but this power extends to no exhibition of a properly literary, scientific or artistical character; and when the laws of the state permit license for the sale of intoxicating liquors, that subject shall be within the exclusive authority of the council, and it may at all times prohibit the retail of the above liquors unless such prohibition would be inconsistent with the laws of the state at the time existing; and it may revoke or suspend any of the licenses above mentioned when it considers that the good order and welfare of the city require it.

Seventh—Cleanliness—and health—stagnant pools. To make all requisite ordinances in relation to the cleanliness and health of the city, and to require the owners of lots on which water becomes stagnant, to drain or fill up the same; and in default thereof after reasonable notice, to cause the same to be done at the expense of the city, and assess the cost on the specific lots, and cause them to be sold by the city collector, as in the case of unpaid taxes; but the owner may redeem the same as in that case.

Eighth—Cartage and drayage—animals. To regulate cartage and drayage within the city, [64] and may license therefor, and may also make a prohibition of animals running at large within the city.

Ninth—Schools. To provide for the establishment and support of schools in the city, when there has been a legal vote of the citizens in favor thereof, and to provide for the government of the same.

Tenth—Audit claims—public money. To audit all claims against the city, to provide for the keeping the public money of the city and the manner of drawing the same from the treasury; and all officers of the city are accountable to the council in such manner as it directs; and it is the duty of the council to publish annually a particular statement of the receipts and expenditures of the city, and of all debts owing to and from the same.

Eleventh—Streets, alleys, etc. To establish the grade of the streets, alleys and wharves, and to change that of wharves at pleasure, and that of a street or alley, upon the petition of two-thirds the value of the real property on both sides the street where the change is desired.

Twelfth—Call meetings. To prescribe the manner of calling the meetings of the citizens, except for the election of officers.

Thirteenth—Street commissioner—clerk of market—surveyor, etc. To appoint in such manner as it determines and during pleasure, one or more street commissioners, a clerk of the market, city surveyor, health officers and such other officers as it deems advisable, and may prescribe their duties, powers and qualifications, and may provide for the election of any of those officers by the citizens.

Fourteenth—Pavements—owners may be required to pave—lots to be sold. To cause the streets and alleys of the city to be paved, and the pavement to be repaired; and to that end it may require the owners of the lots adjacent to which it is to be done, to pave or repair one half in width of the street contiguous to their respective lots; and in case of neglect after a reasonable time named in the order, the same may be done by the city, and the expense may be assessed on such lots, which shall have the effect of a tax levied thereon, and they may be sold therefor, as for a tax, subject to the same right of redemption.

Fifteenth—Borrow money. To borrow money for any object in its discretion; if at a regularly notified meeting under a notice stating distinctly the nature and object of the loan, and the [65] amount thereof as nearly as practicable, the citizens determine in favor of the loan by a majority of two thirds of the votes given at the election.

Sixteenth—Fill vacancies. To fill vacancies occurring in any of the city offices by appointment of record, to hold in the case of elective officers until the next regular election and the qualification of the successor.

SEC. 21. Ordinances to be published or posted—recorded. Ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect, be published in one or more newspapers printed in the city at least ten days, or be posted in each ward for fifteen days; they shall be recorded in a book to be kept for that purpose, and signed by the mayor and attested by the recorder.

SEC. 22. Elections how conducted. The elections of the officers shall be conducted in a manner as similar to that in which the elections are conducted in the townships, as the nature of the case permits.

SEC. 23. Challenge. A person offering to vote may be challenged as in the election in the townships, and an oath may be administered to him under like circumstances, naming the qualifications herein prescribed.

SEC. 24. Qualification for office. No person shall be eligible to any elective office mentioned in this act, unless he be a voter of the city and have been a resident thereof one year next preceding his election.

SEC. 25. Members of council ineligible. No member of the city council shall be eligible to any office in the gift of the council during the term for which he is elected, nor shall he be interested directly or indirectly in the profits of any contract or job for work or service to be performed for the city.

SEC. 26. Proclamations. For all elections for city officers the mayor is directed to issue a proclamation to the voters of the city or of the several wards as the case may be, naming the time and place or places of the election and the officers to be chosen, and cause a copy to be posted up in each ward at least ten days before the election, or instead thereof he may cause a copy to be published in a newspaper printed in the city the same length of time.

SEC. 27. Polls—returns—recorded. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open till four [66] o'clock in the afternoon; within two days after the election the judges of the election shall make their returns to the city council, which shall examine them, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

SEC. 28. Oath of office—who may administer. The mayor, aldermen, marshal, treasurer, recorder and assessor, shall take an oath to support the constitution of the United States, and of the state of Iowa, and faithfully and impartially to perform their duties to the best of their knowledge and

ability, the oath of office may be administered by the mayor or recorder when he is qualified, and in the transaction of the business of the corporation, those officers and the president for the time being may administer oaths, which shall be of the same effect as if administered by other officers authorized thereto.

SEC. 29. **Bond.** Such of the officers as the council determine shall give bond in such penal sum and with such conditions as may be prescribed, and to be approved as required.

SEC. 30. **Duties—fees—penalties.** The duties of all the officers, (in addition to the duties herein prescribed,) shall be such as are provided by ordinance, and they will be entitled to such compensation for their services and subject to such penalties and forfeitures for violation of duty (except as herein provided,) as the ordinances may prescribe.

SEC. 31. **Taxes.** The city council is further authorized to levy and collect taxes not exceeding one half of one per cent. on the value of all property within the city which is liable for state and county taxes, including improvements on real property: the council may also levy a tax on dogs or may prohibit their being kept in the city.

SEC. 32. **Assessment.** The latest county assessment roll shall form the basis of the assessment, but the city assessor may add thereto any property omitted, assessing the same himself.

SEC. 33. **Collector—notice.** The marshall or such person as in case of his absence or disability the council may appoint of record, shall be the collector of taxes, and before proceeding to collect the same, shall give thirty days notice of the assessment and levy of the tax, and the rate thereof in general terms without names or the description of the property, in a newspaper printed in [67] the city, if there be one, and if none then by two written notices posted in public places in each ward.

SEC. 34. **Appeal.** During the thirty days any person aggrieved by his assessment or taxation may appear before the council, which may correct the same if found erroneous.

SEC. 35. **Warrant.** The mayor shall affix his warrant to the tax list, in general terms, requiring the collector to collect the taxes therein according to law, and such warrant and list shall be a justification to the collector.

SEC. 36. **Distrain.** When any person's tax is not paid within a reasonable time after demand, the collector may distrain upon personal property liable to taxation, and sell the same as the county collector may sell in like cases.

SEC. 37. **Taxes a lien on real property.** Taxes on real property shall be a lien thereon and it may be sold therefor (if no personal property be found,) when the taxes remain unpaid for four months after the publication of the notice of the tax, but demand of the tax must be made a reasonable time before sale if the supposed owner be found in the city.

SEC. 38. **Sale public auction—manner of bidding.** Such sales must be at public auction and there must be thirty days notice prior thereto given as above provided for notifying the assessment and tax, and in such sale he who bids to pay the amount due for the least quantity of the land will be the highest bidder, and the manner of ascertaining the portion purchased shall be as directed in the state revenue law now or hereafter existing.

SEC. 39. **Deed—redemption.** The collector shall execute and deliver to the purchaser a deed running in the name of the state, which shall have the same force and effect as the deed of the treasurer of the county on sales for county and state taxes under the law existing at the time. The lands

may be redeemed within one year from the day of sale by the payment of the purchase money and ten per cent. thereon with any other taxes paid by the purchaser, which payment may be made to the purchaser, his agent or the treasurer of the city.

SEC. 40. Vote to be taken—for or against the charter—by ballot. On the passage of this act, the president and trustees of the town of Muscatine, are required to cause a vote to be taken on the acceptance of this charter in the manner in which the elections of the town are now called and holden, in [68] which the vote shall be "for the charter," or "against the charter," and shall be taken by the ballot, and if the vote be in favor of its acceptance such results shall be declared, and be entered on the record of the present town, and thenceforth the same is accepted.

SEC. 41. Existing authorities continue—election. The existing authorities of the town of Muscatine will continue until an election is holden for the choice of city officers and the organization of the city, and the town authorities shall cause an election to be holden on the first Monday of March, A. D. 1851, for the election of city officers; but if this act does not take effect at a day sufficiently early for the above proceedings to take place as early as the day above named, then the question above provided for may be taken after the said first Monday of March, but the officers there chosen will hold as if elected on the above named day, and the succeeding annual elections shall be holden as in this act before provided.

SEC. 42. Public act. This act shall be taken and may be pleaded as a public act.

SEC. 43. Repeal—repeal not to affect. An act entitled "An act to incorporate the town of Bloomington," approved January 23rd, 1839; an act entitled "An act to amend an act entitled an act for the incorporation of the town of Bloomington," approved February 18th, 1842, and an act entitled "An act to amend an act entitled an act to incorporate the town of Bloomington, approved January 23rd, 1839," approved January 14, 1846, and an act titled "An act to amend an act entitled an act for the incorporation of the of the town of Bloomington," approved January 23rd, 1839, approved January 12th, 1849," are hereby repealed; but the rights and privileges, duties, liabilities and obligations of individuals, created or arising under the acts so repealed, are not to be affected by their repeal.

SEC. 44. Take effect. This act shall take effect from and after the passage thereof.

Approved February 1st, 1851.

[69] CHAPTER 33.

SHEEP AND SWINE.

AN ACT to restrain swine and sheep from running at large in Scott, Cedar and Jones Counties.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Poll opened—vote swine and sheep at large or not. That at the next April election in each of the counties of Scott, Cedar and Jones, a poll shall be opened in each township, of each of said counties, and a vote taken to determine whether swine and sheep or either of them shall run at