

SEC. 2. **Office need not be held at the seat of government—Exception.** That so much of an act, entitled “An act to create the office of state printer, to provide for his election, to define his duties, and to establish the prices of public printing, approved December 29th, 1849,” as requires the state printer to hold his office at the seat of government, is hereby repealed; provided, said office shall remain at the seat of government during the sitting of the general assembly.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved February 4th, 1851.

CHAPTER. 50.

GUTTENBERG.

AN ACT to incorporate the town of Guttenberg.

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

SECTION 1. **Boundaries—incorporation.** That so much of fractional township ninety-two, north of range two west, and of ninety-two north, of range three west, of the fifth principal meridian, in the county of Clayton, as is comprised within the limits of the town plats, of Guttenberg and Guthenberg, and the additions made thereto, as recorded in the recorder's office of the county of [101] Clayton, together with all additions that may hereafter be recorded thereto, by consent of the owner or owners of such additions, and a majority of the qualified voters of said town, be, and the same is hereby created a town corporate, and shall hereafter be known by the name of Guttenberg.

SEC. 2. **Election—mayor, recorder and five trustees—term.** That the qualified voters for members of the general assembly, residing within the limits of said corporation, shall meet at some convenient place within the same, on the first Saturday of April next, and on the first Saturday of April, annually thereafter, at such place in said town, as the town council shall direct, and then, and there, proceed to elect, by ballot, a mayor, recorder and five trustees, who shall have the qualification of electors, and reside within the limits of the corporation, and the mayor, recorder, and trustees so elected, shall hold their offices one year, and until their successors are elected and qualified; provided, that failure to elect on said day, shall not forfeit the charter, but an election may be had on any succeeding day, by due notice being posted and subscribed by any two citizens of said town.

SEC. 3. **Judges and clerks of election—oath.** That at the first election to be held under this act three judges and a clerk shall be chosen *viva voce* by the electors present, and at all subsequent elections the mayor, or any two of the trustees, shall sit as judges, and the recorder, or in his absence some one of the council pro tempore, shall sit as clerk; and at all such elections the polls shall be opened between the hours of twelve and one in the afternoon, and closed at the hour of four in the afternoon, and at the close of the polls, the votes shall be counted and a statement thereof proclaimed at the door of the house in which the election shall be held; and the persons elected, shall within ten days after their election take and subscribe an oath to support the constitution and laws of the United States, and of the state of Iowa.

which oath shall be administered by some person duly authorized by law to administer oaths, and when so administered and subscribed shall be deposited with the recorder of said town.

**SEC. 4. Incorporation.** The mayor, recorder and trustees of said town, shall be a body politic, and corporate, with perpetual succession, to be known by the name of the town of Guttenberg, and shall [102] be capable in law to acquire property, real and personal, for the use of said town, and sell and convey the same, may have a common seal, and may alter the same at pleasure; may sue and be sued, plead and be impleaded, answer and be answered, in any court of law or equity in this state, and when any suit shall be commenced against said corporation the first process shall be summons, a certified copy of which shall be left with the recorder, and in his absence, with the mayor, at least ten days previous to the return day thereof.

**SEC. 5. Ordinances—fill vacancies—subordinate officers—fines.** That the mayor, recorder and trustees or a majority thereof, of whom the mayor or recorder shall always be one, shall have authority to make, ordain and publish, all by-laws and ordinances not inconsistent with the constitution of the United States or of this state, as they shall deem necessary and proper for the promotion of morality, as well as for the good regulation, interest, safety, health, cleanliness and conveniences, of said town, and the citizens thereof; they shall have power to fill all vacancies that may happen, by death or otherwise, of any of the officers herein named. They shall also have power to appoint a treasurer, marshal, and such other subordinate officers as they may deem needful, to prescribe their duties and require surety for their performances, to remove them at pleasure; and to establish the fees of all officers in the corporation not established by this act. They shall have power to impose fines for the breach of their ordinances, but no fine shall be imposed on any person for any one breach of any one ordinance of more than ten dollars, which fine may be recovered with costs before a justice of the peace by action of debt in the name of the corporation; all fines collected in pursuance of this act shall by the officer collecting the same, be paid over to the treasurer of the corporation.

**SEC. 6. Recorder's duty.** It shall be the duty of the recorder, to keep a true record of the by-laws and ordinances, and of the proceedings of the council; which record shall be at all times kept open for the inspection of the electors of said town, and the recorder shall preside at all meetings in the absence of the mayor.

**SEC. 7. Streets, alleys, sidewalks—nuisances—lots may be sold or leased—Pelzer's mill exempt.** The said corporation shall have power to regulate and improve all streets, alleys, sidewalks, drains or sewers, to [103] sink and keep in repair public wells, remove nuisances, and regulate markets, improve the public landing, they may lease or rent a given number of lots upon said public landing for warehouse purposes not exceeding one in front of each block of town lots along said landing. They may lease, rent or sell, any lot or out lot, belonging to said town, the proceeds arising from the rent or sale of which shall be appropriated to the use, benefit and improvement of said town; providing, that said corporation shall have no power or right to exercise any control over or right to the flouring mill claim on Miners creek, within the limits of said corporation, owned by Bernard H. Pelzer and brother, embracing four acres of land.

**SEC. 8. Fire department—licenses.** Said corporation shall have power to establish and organize a fire department; to procure an engine, hose, hooks, ladders and other implements of use in the arrest and extinguishment of fire; they shall have power to license, and regulate or prohibit, all shows,

and public exhibitions, grant licenses for retailing ardent spirits within the limits of said corporation, and to appropriate the proceeds of such licenses for the benefit of the town; provided however, that the powers hereby granted shall not be so construed as to conflict with the general laws of this state regulating the sale of ardent spirits.

**SEC. 9. Tax—assessor—duplicate.** That the town council shall have power, to assess for corporation purposes, an annual tax on all property in said town made subject to taxation by the laws of this state for state and county purposes, not exceeding in any one year one per centum on the value thereof; which value shall be ascertained by an assessor appointed by the town council for that purpose, a duplicate of which shall be made out and signed by the recorder, and delivered to the collector; they shall have power to equalize any injudicious assessment thus made on complaint of the person aggrieved.

**SEC. 10. Marshal to collect—demand—distress and sale—real estate.** That the town marshal shall be the collector of any tax assessed, and he is hereby authorized and required by distress and sale of property as constables on execution, to collect and pay over said tax to the treasurer within three months after the time of receiving the duplicate thereof and the treasurer's receipt shall be his voucher. The town mar- [104] shall make personal demand of every resident charged with tax, and shall give ten days notice by advertisement in three of the most public places in said corporation of any tax; and if the tax on any lot or piece of land on which no personal property can be found shall remain unpaid three months after the expiration of the time by this act allowed the collector for the collection of the tax, when the town marshal shall give notice in the nearest newspaper, stating the amount of such tax, and the number of the lot on which it is due, and that the same will be sold to discharge such tax, unless the payment thereof be made within three months from the date of such advertisement, and if such tax be not paid within that time, the town marshal after giving twenty days notice of the time and place of sale at three of the most public places in said town, shall proceed to sell at public auction, so much of said lot or piece of land as will discharge said tax.

**SEC. 11. Redemption.** That if the owner of such lot or piece of land shall appear, at any time within two years after such sale, and pay to the recorder of said town, for the use of such purchaser, the purchase money, with twenty per centum interest thereon, together with the value and ten per centum on such value of all improvements on such lot or piece of land made by such purchaser, then he shall be entitled to the right of redemption. Providing, that nothing in the two preceding sections shall affect the right of others, in law or equity, to the benefit of the right of redemption when they shall arrive at full age.

**SEC. 12. Publish receipts and expenditures.** Twenty days before each annual election, the town council shall put up, in some conspicuous place within said town, an accurate account of the monies received and expended by said corporation since the last annual election, with the sources from which they were derived, and the objects on which they were expended, which shall be certified by the recorder.

**SEC. 13. Ordinances published—notice of election.** That the by-laws and ordinances of said corporation shall be published in a newspaper in the county, or posted up in some public place in said town, fifteen days before the taking effect thereof. And the certificate of the recorder upon the town record shall be sufficient evidence of the same hav- [105] ing been done, and every annual election herein authorized shall be preceded by five days notice thereof, put up in three public places in said town.

**SEC. 14. Road district—supervisor.** That the streets and alleys of said town shall constitute one road district, including the several roads leading from said town for the distance of two miles along said roads from the corporation limits, and the town council shall have the exclusive right of appointing the supervisor for said district, who in every respect shall be governed in his acts by such laws as prescribe the duties of supervisors of highways.

**SEC. 15. Special meetings.** That the mayor or a majority of the councilors, may call a meeting of the town council, whenever in his or their opinion the same may be necessary. The mayor and trustees shall receive no compensation, unless the same shall be authorized by a vote of the inhabitants of said town, at some annual election of the mayor and officers thereof; providing, that nothing herein contained shall prevent the mayor and trustees of said town from allowing a reasonable salary to the recorder thereof.

**SEC. 16. This act submitted to the citizens.** This act shall be submitted to the legal voters of the said town of Guttenberg, on the third Monday of March next, who shall determine by a majority of the votes then cast, whether they will accept of reject this act of incorporation.

**SEC. 17. Take effect.** This act shall take effect from and after its publication in one or more of the Dubuque newspapers, which publication shall be free of cost to the state of Iowa.

Approved February 5th, 1851.

## CHAPTER 51.

### STATE LOAN.

AN ACT to provide for a loan from the school fund.

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

**SECTION 1. Governor to issue bond—term of loan.** That the governor is hereby authorized and required to issue a bond in behalf of the state to the superintendent [106] of public instruction, on behalf of the school fund, for the the sum of \$2,353.70, of the five per cent fund for the year 1848, two thousand eighty-eight dollars and one cent of which has been expended in running the boundary line between Iowa and Missouri in accordance with the decision of the supreme court of the United States, for a term not exceeding five years from and after the first day of January 1851, with interest at the rate of ten per cent per annum, payable annually on the first day of January.

**SEC. 2. Faith of state pledged.** The faith of the state is hereby irrevocably pledged to provide adequate means to pay the interest on said bond as the same becomes due, and the principal at the end of five years, and for this purpose so much of the revenue arising from all taxable lands and other property in this state as may be necessary, shall be and the same is hereby set apart and pledged for that purpose.

**SEC. 3. Supt. to cancel evidence of debt.** It shall be the duty of the superintendent of public instruction, so soon as the said bond shall have been executed and filed in his office, to cancel and annul the evidence of debt now in his hands for the aforesaid sum, against His Excellency Ansel Briggs, and others.