

and taking to their assistance a surveyor, the necessary chainmen and markers and after having been qualified, shall proceed to the discharge of their duties according to law; provided, that in case any of said commissioners should act as surveyor in laying out any of said roads, they shall be entitled to receive for their services such per diem as is allowed by law to county surveyors and nothing more.

**SEC. 61. Pay.** The commissioners not otherwise herein provided for shall be paid according to law.

**SEC. 62. To take effect.** This act to be in force from and after its publication.

Approved, February 5, 1851.

## CHAPTER 81.

### NEW COUNTIES.

AN ACT supplemental to an act to establish new counties and define their boundaries.

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

**SECTION 1. Guthrie county—boundaries.** That the following shall be the boundaries of the county of Guthrie, to-wit: beginning at the north-west corner of township eighty-one north, of range twenty-nine, west: thence west on the township line dividing townships eighty-one and eighty-two, to the north-west corner of township [195] eighty-one north, range thirty-three, west: thence south to the south-west corner of township seventy-eight, range thirty-three west: thence east on the township lines between townships seventy-seven and seventy-eight, to the south-west corner of township seventy-eight, range twenty-nine west: thence north to the place of beginning.

**SEC. 2. Repeal.** All acts and parts of acts conflicting with this act are hereby repealed.

Approved, February 5, 1851.

## CHAPTER 82.

### MOUNT PLEASANT.

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

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

**SECTION 1. Boundaries—incorporation.** That all that tract of land lying in township seventy-one north, range six west, in the county of Henry, which is comprised of 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. Election—quorum.** That the qualified voters for members of the general assembly, who have resided within the limits of said corporation for twenty days immediately preceding any such election shall meet

at some suitable place within said corporation on the first Monday in April next, and annually thereafter, and then and there proceed to elect by ballot a mayor and four councilmen, and a recorder, who shall hold their offices for one year and until their successors shall be elected and qualified; the mayor 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 [196] the death or absence of the mayor, the councilmen may choose a mayor pro tem. from their own body.

**SEC. 3. Judges of election—polls opened—notice.** 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 two of them shall be judges, and the recorder clerk of election. At all elections holden under this act the polls shall be opened between the hours of 9 and 10 o'clock 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 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 or causing the same to be published in some weekly newspaper printed in said county.

**SEC. 4. Meeting of the board—mayor to preside—record.** The regular meetings of said mayor and councilmen shall be held on the first Monday in each month (except the April meeting which shall be held on the second Monday in April) and the board may provide by ordinance for calling special meetings. At all meetings the mayor if present shall preside (and in his absence the mayor pro tem.) The recorder shall keep a correct record of all the proceedings of the board, and may under his hand and seal appoint a deputy for whose acts he shall be responsible.

**SEC. 5. Corporate powers.** The mayor, councilmen and inhabitants of said town shall be a body corporate and politic with perpetual succession, to be known and distinguished by the name 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 said corporation the first process shall be by summons which [197] shall be served by an attested copy to be left with the recorder.

**SEC. 6. Oath of office.** The officers elected under this act shall each take an oath or affirmation to support the constitution of the United States and the constitution of the state of Iowa, and faithfully to discharge the duties of their respective offices.

**SEC. 7. Ordinances.** The mayor and councilmen shall have power to make and establish ordinances for the government of said town and to alter, repeal or re-enact the same; to provide for the election of a treasurer, assessor, a marshal and other subordinate officers, necessary for the good government and well being of the town, to prescribe their duties, declare their qualifications and period of service, fix their fees and compensation, and require them to take an oath or affirmation faithfully to discharge the duties of their respective offices, and may require of them security for the performance of their official duties. Said mayor and councilmen shall also have power to affix such reasonable fines, penalties and forfeitures as they may deem proper to violations of the ordinances, and to provide for the

disposition of the same; provided also, that no ordinance of said corporation shall have any effect until the same shall have been published in a weekly newspaper, published in said county or (if there be no such newspaper,) by written notices posted up in three of the most public places in said town; and provided further, that nothing done under the provisions of this section shall be incompatible with the laws of this state.

**SEC. 8. Receipts and expenditures.** The mayor 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. Tax.** The mayor and councilmen shall have power to levy by ordinance a tax on all real and personal estate within the limits of said corporation, not exceeding one-half of one per centum in any one year, but such ordinance shall have no force or effect, until the same be submitted to the legal voters of said town at an election specified and called for that purpose by the same ordinance, (of which two weeks notice shall be given by publication of the ordinance as provided in section 7,) and receive a majority of the votes cast at said election.

**SEC. 10. Manner of conducting election.** The election provided for in the preceding section shall be conducted so far as practicable in the same manner as the regular elections and the vote shall be taken "for the tax" or "against the tax."

**SEC. 11. Lanes and walks—private property—nuisances.** The mayor and councilmen shall have power by ordinance to regulate and improve the lanes and alleys and determine the 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 and duly sworn, previous notice thereof being given to the owner. They shall also have 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. 12. Road district—overseer—duties.** The streets, lanes and alleys of said town shall constitute one road district, the overseer of which shall be appointed by the mayor and councilmen and shall hold his office for one year. Said overseer shall perform the same duties as are or may be imposed by the laws of this state upon the overseer or supervisor of roads and highways, but shall make his report to the mayor and councilmen and the road tax and labor of said district shall be laid out and expended within said district under the direction of the mayor and councilmen.

**SEC. 13. Fees.** The fees of the officers shall be fixed by ordinance, but the mayor and councilmen shall receive no compensation unless the same shall be voted by the electors of the corporation.

**SEC. 14. Tax—duplicates.** It shall be the duty of the mayor and councilmen on or before the first day of May in each year to cause to be made 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 said town, which duplicate shall be signed by the mayor and recorder and delivered to the marshal whose duty it shall be to collect the same within such time and such manner as the ordinances shall direct.

[199] **SEC. 15. Collection of taxes and sale of real estate—redemption—deed.** The said marshal shall have power to sell personal estate and for want thereof to sell real estate for the nonpayment of taxes within said corporation, giving the purchaser of such real estate a certificate of such sale setting forth a brief description of the property so sold, the time of sale,

and the amount of the purchase money, which certificate shall be assignable by endorsement thereon, but no real estate shall be sold for the non-payment of taxes, unless the assessment of such tax or taxes and the time of such sale shall have been duly notified by publication for at least four consecutive weeks in the manner provided for publication of ordinances in section 7. Said taxes shall be deemed to be due on the first day of September in each year. Any real estate sold under this section may be redeemed at any time within two years from the date of the sale thereof by paying the amount for which the same was sold with twenty-five per cent per annum interest upon the same, which payment may be made to the recorder as the agent for the purchaser. If any real estate so sold remain unredeemed at the expiration of two years from the date of the sale, the marshal shall upon the payment of his legal fees, make, execute and deliver to the purchaser his assignee or legal representative a deed for such real estate. The mayor and councilmen may within thirty days after the assessment of taxes make such change therein as may be applied for by any one who may deem the valuation of his property unjust.

**SEC. 16. To take effect.** This act to take effect and be in force from and after its passage, and to be published but not at the expense of the state in the Iowa Observer.

Approved, February 5th, 1851.

[200] CHAPTER 83.

JOSEPH W. FOSTER.

AN ACT to legalize the appointment of Joseph W. Foster.

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

**SECTION 1. Appointment and acts legalized.** That the appointment of Joseph W. Foster, as school fund commissioner of Fayette county, and his acts as such, are hereby recognized and made valid and binding in law.

**SEC. 2. Take effect.** This act shall take effect from and after its passage.

Approved, February 5, 1851.

CHAPTER 84.

APPORTIONMENT.

AN ACT to re-apportion the state, and define the boundaries of senatorial and representative districts therein.

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

**SECTION 1. Lee county.** That the county of Lee shall have three (3) senators and six (6) representatives.

**SEC. 2. Des Moines.** That the county of Des Moines shall have two (2) senators and four (4) representatives.

**SEC. 3. Van Buren.** That the county of Van Buren shall have two (2) senators and four (4) representatives.