

SEC. 11. **Debt prohibited.** The board of overseers shall in no case create any indebtedness against the asylum or against the state, exceeding the amount appropriated by the general assembly for the maintenance of said asylum.

SEC. 12. **Appropriation.** To meet the ordinary and contingent expenses of the asylum, including rent, musical instruments, books, stationery, fuel, provisions, salaries, and furniture, to the first day of January, A. D. 1855, there be, and hereby is appropriated from the state treasury the sum of two thousand dollars.

SEC. 13. **No fees.** No remuneration shall be made to the overseers for their services.

SEC. 14. **Repeal.** All that part of chapter seventy-three of the code of the state, which relates to the blind, is hereby repealed.

SEC. 15. **Take effect.** This act shall take effect from and after its publication in the Iowa Republican and Iowa Capital Reporter.

Approved, January 18th, 1853.

I certify that the foregoing act was published in the Iowa Republican and Iowa Capital Reporter, on the 2d day of February, 1853.

GEO. W. McCLEARY,  
Secretary of State.

## CHAPTER 27.

### INCORPORATION.

AN ACT to incorporate the town of Fort Des Moines, in Polk county.

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

SECTION 1. **Boundaries—declared a town corporate and politic.** That all that portion of the state of Iowa, included within the following limits, to-wit: beginning at the junction of the Desmoines and Raccoon rivers at the centre of the channel thereof; in the county of Polk; thence [50] up the channel of the Des Moines river to the point where the half mile line of section No. four, township seventy-eight north, of range twenty-four west, according to the United States survey, crosses said river, thence west along said half mile line to the north-west corner of the south-west quarter of said section; thence south along the section line between sections four and five and eight and nine to the centre of Raccoon river; thence down the centre of said river to the place of beginning, be and the same is hereby declared a town corporate by the name of Fort Des Moines, and the inhabitants thereof are created a body corporate and politic by the name and style of "The Town of Fort Des Moines," and by that name shall have perpetual succession, and shall have and use a common seal which they may alter and change at pleasure.

SEC. 2. When any tract of land adjoining the town of Fort Des Moines shall have been, or hereafter shall be laid out into town lots and duly recorded as required by law, the same may, by a majority of voters at any regularly notified meeting, be annexed to said town and form a part thereof.

SEC. 3. **Powers.** The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, both real, personal and mixed, for the use of said town, and to improve and protect, or sell, lease, convey or dispose of the same.

**SEC. 4. Council.** There shall be a town council, to consist of a mayor and eight councilmen, who shall be elected as hereinafter prescribed.

**SEC. 5. Qualification of electors.** Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the town for six months, and in the ward in which he offers to vote, (provided that the wards are established,) for ten days next preceding the town election, is declared a citizen of said town, and entitled to vote at all elections thereof.

**SEC. 6. Challenge, oath, etc.** A person offering to vote may be challenged, as in other elections in the townships, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

[51] **SEC. 7. Eligible to office.** No person shall be eligible to the office of mayor or councilman, unless he be a citizen of the town as above defined, and shall have been a resident thereof for one year next preceding his election.

**SEC. 8. Election.** On the first Monday of November in each year, there shall be an election held for mayor and councilmen of said town, each of whom shall hold his office for the term of one year, and until his successor is elected and qualified.

**SEC. 9. Duties of mayor—justice—jurisdiction—fees—appeals.** The mayor shall be the presiding officer of the town 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. It is his duty to see that the laws and ordinances passed by the council are executed, and their violation punished; to keep the common seal; and to do and perform all other duties the common council may prescribe that are not inconsistent with law. He is, by virtue of his office, invested with all the powers of a justice of the peace for the purpose of hearing, trying, and determining all offences committed against the ordinances of said town, and shall receive the same fees that a justice of the peace would be entitled to in similar cases. Appeals may be taken from the decision of said mayor as in cases of justice of the peace. He shall also have power to administer oaths, and take acknowledgments of all instruments, and certify to the same under the seal of said town, and the same shall be valid in law.

**SEC. 10. Quorum and powers of council.** A majority of the council shall constitute a quorum. The council shall be the judge of the qualification and election 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 may cause a record of its proceedings to be kept.

**SEC. 11. Wards.** The council is invested with power to divide the town into wards, and to change the same from time to time as it may be deemed advisable, and each ward shall be entitled to two councilmen.

**SEC. 12. Members of council not to contract.** No member of the council shall be eligible to any office in the gift of the council during the time for which he [52] 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 town.

**SEC. 13. Meeting of the council.** The council shall hold a meeting within one week after their election, at which time, when so convened, they shall proceed to elect an assessor, recorder, treasurer, marshal, street commissioner, and such other subordinate officers as a majority of said council may deem necessary, and prescribe by ordinance their duties, terms of office, and compensation, and require from them such bond as they may deem necessary.

SEC. 14. **Ordinances—publication.** Ordinances passed by the council shall be signed by the mayor, and attested by the recorder, and before they take effect, shall be posted up in three or more public places in said town at least ten days; and if said town is laid off into wards, then one notice shall be posted up in each ward, or published once in one or more newspapers published in said town, as the council may direct; they shall also be recorded in a book kept for that purpose, and attested by the mayor and recorder.

SEC. 15. **Recorder's duty.** It is the duty of the recorder to keep a true record of all the official proceedings of the council, which records shall be at all times open to public inspection, and he shall perform all such other duties as may be required of him by ordinance.

SEC. 16. **Official oath.** The councilmen, and other officers of said town, before entering upon the duties of their office 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 abilities. The oath of office may be administered by any person competent to administer oaths.

SEC. 17. **Fees.** No member of the council shall receive any compensation for his services, unless the majority of the voters at the annual election shall vote an appropriation therefor.

SEC. 18. **Meetings.** The council shall hold its meetings at such times, as it deems proper, having fixed stated times, and its meetings shall be public.

SEC. 19. **By-laws and ordinances—taxes—improve sidewalks, drains, wharf, etc.—fires—cattle, etc.—disorderly conduct—ferry—pave.** The town council is invested with authority to make and establish such by-laws and ordinances as are necessary [53] and proper for the good regulation, safety, and health of the town and the citizens thereof; to levy and collect taxes on all property within the limits of the corporation, which by the laws of the state is (are) not for all purposes exempt, which tax must not exceed one per cent. per annum on the assessed value thereof, and its collection may be enforced by such measures as may be deemed expedient; provided these measures be not more stringent and summary than those used for the collection of state and county taxes; to establish grades, and regulate and improve the sidewalks, alleys, and streets, and to change the grade thereof, making compensation to any person injured thereby; to provide drains, sewers, public wells, wharves and landing places, and keep them in repair, to regulate markets, but not in such a manner as to prevent any person from selling the produce of his own farm in such manner and quantity as he may deem proper; to license, regulate, and prohibit all shows or public exhibitions, if the laws of the state are not thereby interfered with; to license porters, draymen and others who transport freight from one part of the town to another, and to limit their compensation; to provide for the prevention and extinguishment of fires, and to organize and establish fire companies, to regulate the fixing of all chimneys and the flues thereof, which are now or may be hereafter put up; to prohibit hogs, cattle, horses, and all other animals from running at large within said town; to provide against gambling, disorderly and indecent houses and conduct and to make all other ordinary, proper and suitable police regulations, and impose penalties for the violation of such regulations, which penalties may be collected by civil action in the name of the town; and also to establish and keep up free ferries across the Des Moines and Raccoon rivers, to require the property-holders of any street or part of street to pave the same, or the sidewalks thereof, each in front of his own property, whenever the owners of two-thirds of the lots in such street or part of a street petition therefor; to borrow money for any object in its discretion, if at a regularly called meeting under a notice stating the nature and object of the loan and

the amount thereof as near as practicable, the citizens determine in favor of a loan [54] by a majority of two-thirds of the votes given at the election; and the said common council have power to fill all vacancies which may occur in the office of councilmen or others, until the next election and the qualification of the successor.

SEC. 20. **Notice.** Ten days notice of all town elections and meetings under this act shall be given by posting the same in three public places in town, or publishing the same in one or more of the public newspapers published in said town, as the council may direct.

SEC. 21. **Exemptions.** The inhabitants of the town of Fort Des Moines are hereby exempted from working on any road beyond the limits of the town, and the said town is hereby constituted a road district, with powers conferred on any one or more street commissioners the council may appoint, as are now conferred upon the supervisor of roads or highways, and the said council shall have the same power to provide for work on streets, alleys, and public grounds, that are within the corporate limits of said town, as are now by law or hereafter may be conferred upon the county judge or such other tribunal as the state may provide, with such authority, and they shall provide for the collection and appropriation of such work by ordinance.

SEC. 22. **Take effect.** This act shall take effect from and after its publication in the "Iowa Star," a newspaper published in "Fort Des Moines," in this state, provided that no expense for the publication of said law be incurred by the state.

Approved, January 18, 1853.

Published in the Iowa Star, February 3d, 1853.

GEO. W. McCLEARY,  
Secretary of State.

## [55] CHAPTER 28.

### APPROPRIATIONS.

AN ACT making appropriations for the support of the state government, for the fiscal years of 1853 and 1854, and for the pay of mileage and per diem of the members of the fourth general assembly and its officers.

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

SECTION 1. **Appropriation—for 1853-54.** That the following sums of money be and the same are hereby appropriated to defray the expenses of the state government for the fiscal years of 1853 and 1854, and for the pay and mileage of the fourth general assembly and its officers, to be paid out of any monies in the treasury not otherwise appropriated.

SEC. 2. **Governor.** For the salary of the governor of state two thousand dollars, and for contingent expenses of governor's office six hundred dollars.

SEC. 3. **Secretary of state.** For the salary of secretary of state, one thousand dollars, and for contingent expenses of secretary's office, (including clerk hire,) six hundred dollars.

SEC. 4. **Auditor.** For the salary of auditor of state, twelve hundred dollars, for contingent expenses of auditor's office (including clerk hire) six hundred dollars.

SEC. 5. **Treasurer.** For salary of treasurer of state, eight hundred dollars, and for contingent expenses of treasurer's office, four hundred dollars.