

and at the centre, or any other point the people may select within three miles of the geographical centre of said county; and if upon canvassing the votes, it is ascertained that any one point has received a majority of all the votes cast, then that shall be and remain the permanent seat of justice of said county of Decatur; but if no one point shall receive such majority, then the legal voters of said county may vote on the first Monday in May thereafter, for the two points which receive the highest number of votes at the April election; and also for such point, if there be any, that shall have receive a like number of votes with either of the two highest aforesaid, and the point receiving the highest number of votes, shall be and remain the permanent seat of justice of the county of Decatur; provided, that the owner or owners of such town or point, shall within ten days after the result of said election has been declared, make and execute to the county judge of said county, or the authorities that be, a good and sufficient deed for forty acres of land in said town, or at said point, for the use and accommodation of the public buildings of said county.

[89] SEC. 2. **Conduction of election—repeal—take effect.** Said election shall be conducted as other elections under the laws of this state. All acts or parts of acts, coming in conflict with this act, be, and the same are hereby, repealed. This act to take effect from and after its publication in the "Valley Whig," and "Keokuk Dispatch."

Approved, January 22d, 1853.

I hereby certify, that the foregoing act was published in the Keokuk Dispatch, February 8th, and Valley Whig, February 10, 1853.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 54.

DUBUQUE.

AN ACT to amend "an act, to incorporate and establish the city of Dubuque."

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

SECTION 1. **Boundaries.** That the boundaries of the city of Dubuque shall hereafter be as follows: beginning at a point in the middle of the main channel of the Mississippi river, in the south line continued of section thirty-one, township eighty-nine, north of range three, east; thence west, and on the south line of said section, and of sections thirty-six and thirty-five, in the same township, in range two east, to the west line of said section thirty-five; thence north, on the west line of section thirty-five, twenty-six, twenty-three, and fourteen, to the north line of section fourteen; thence east, on the north line of sections fourteen and thirteen, to the range line between ranges two and three, east; thence north along the same, to the north line of section seven of same township, in range three, east; thence east, along the north of said section seven, and on the same continued to the middle of the main channel of the Mississippi river; thence down said river with the middle of said channel, to the place of beginning.

SEC. 2. **Wards—elections—two aldermen—lot—term—five wards—aldermen.** That the city council of the city of Dubuque shall divide the territory hereby brought into said city, into two [90] election districts, and shall provide for holding an election therein, in each of which shall be elected in the

manner, and at the time now provided for the election of city officers, two aldermen, whose qualifications shall be the same as now required in said city, and the city council shall thereafter consist of eleven members. The mayor shall continue to be elected annually, but the aldermen from each ward and district shall immediately after such election, decide by lot, which aldermen, so elected in each ward or district, shall hold for the term of two years, and which for the term of one year, and the aldermen so elected, shall respectively hold for the term so indicated. The said city council shall as soon as practicable after such election, proceed to divide said city into five wards, as public convenience may require, the boundaries of which may in like manner be altered, whenever the city council may deem proper; in each of which wards there shall be elected in each year thereafter, one alderman to hold for the term of two years.

SEC. 3. Assessed—damages—jury—deed. That all lands lying within the territory hereby brought into the city and not laid out into town lots or out-lots, shall not be assessed or taxed otherwise than by the acre, according to its value for agricultural, horticultural, mining, or other purposes; but all improvements thereon may be taxed at full value. And the city shall make adequate compensation to all person or persons injured by reason of the opening, extension, widening, or alteration of any highway, street, or alley in said city, to ascertain which, when such amount cannot be otherwise agreed upon, the said city council shall cause to be summoned six freeholders, and citizens of said city, not directly interested in the case, good and lawful men, who, being first duly sworn for that purpose, shall inquire into, and take in consideration the benefits, as well as the injury which may accrue, and shall estimate and assess the damages which would be sustained by reason of the opening, extending, widening, or altering of any highway, street, or alley, which damages, if any, shall be paid out of the city treasury; and upon the payment of the same, the person or persons, whose property has been so taken, shall deed to the city forever all such property for the purposes for which it is taken.

[91] **SEC. 4. City created a road district—road tax—how applied—exemption.** The city of Dubuque is hereby constituted a special road district, and the city council shall have power in addition to the taxes otherwise authorized, to levy road taxes, not exceeding the amount allowed to be levied by the county court, and may provide for the payment and collection of the same in a manner similar to that provided for the collection of county road taxes, or in the manner other city taxes are collected. They may also provide for the manner in which all such taxes shall be expended on the streets and highways in such city; and all persons and property right-fully taxed within said city in accordance with this section, are thereby exempt from all taxes to that extent for roads to the county.

SEC. 5. Council to supervise. The county supervisor of roads, or the township supervisor of Julien township, in said county, is not required to expend labor upon, or to exercise any control or supervision over the roads or streets in said city, but the duties and responsibilities imposed by law on such officer generally, shall as to the highways and streets in said city, devolve upon the city council, or upon such officer as they may appoint to take charge of the same.

SEC. 6. Council may levy a tax—vote—limitation. That, to defray the current expenses of said city, the city council may levy, in any year, in the manner now provided by law, a tax not to exceed one-half of one per cent. upon the assessed value of all property taxed: provided, that if in any year the city council shall deem it necessary for the same purpose, to levy a tax beyond the amount thus limited, they may submit the question of such ad-

ditional amount to the legal voters of said city at a special election in the manner provided in the twenty-seventh section of the act hereby amended; and if a majority of such votes shall thus express their wishes in favor thereof, then such city council may levy such additional amount, and provide for the collection thereof: provided, such additional sum shall not, with the sum already levied for the same purpose in any one year, exceed the sum of one per cent. upon the assessed value of the property taxed within said city: and provided, such tax shall only be levied for one year, by reason of any vote thereon, unless the question is again submitted and again carried by a majority of votes thereon.

[92] **SEC. 7. Compensation of council.** That each member of the city council of said city, shall receive a compensation for his services as such, to be fixed by ordinance, to be paid out of the city treasury; but such compensation shall not exceed one dollar per day, nor shall any one member of said council receive a compensation for his services as such, to exceed fifty-two dollars in any one year.

SEC. 8. Council may appoint officers. That the city council shall have power to appoint all officers or deputies, which may be necessary in their opinion for the municipal government of said city, whose election is not provided for by the act to which this is amendatory, by name, and who shall each, before entering upon their respective duties, take the necessary oath and give such reasonable bonds as the said council may require.

SEC. 9. Indebtedness—notice—present orders—orders not presented repudiated. That to ascertain the outstanding indebtedness of said city, the city council may publish a notice in one or more of the public newspapers published in said city, for four weeks, notifying and requiring all persons having any outstanding order and orders on the treasury, which have not been duly registered and countersigned by the treasurer, to present the same to the city treasurer for registering within ninety days from the first publication of such notice; and it shall be the duty of such treasurer to register and countersign the same, noting the date, amount, and to whom issued, with the name of the person holding or presenting the same, in a book to be by him kept, and to report the same to the city council. And all orders not so presented nor registered shall not thereafter be paid or received in payment by the treasurer, or by any officer in payment of any dues to the city: provided, that any order or orders duly issued or unpaid, but not so presented or registered, may be presented to the city council as other unpaid accounts against said city, and may be allowed or otherwise disposed of, as the said council may seem [deem] just.

SEC. 10. Schools. That it shall be the duty of the city council, and they are hereby authorized and required, to provide for the establishment and support of public schools within said city, and to pass all ordinances, and levy and collect all necessary taxes proper for such purposes, and for the good government [93] of the same; provided, that no tax shall be levied and collected in any one year beyond one fourth of one per cent. upon the assessed value of all property, taxed for the purposes in this section stated.

SEC. 11. Exemption. That all real estate owned by the city in its corporate capacity, shall be exempt from taxation for state, county or city purposes.

SEC. 12. Take effect—repeal. That this act shall take effect from and after its publication in the Miners' Express and Dubuque Herald, published in the city of Dubuque, and any thing contained in the act to which this is amendatory, and which is inconsistent with the foregoing provisions of this act, is hereby repealed; provided, the publication shall be at the expense of the city of Dubuque.

Approved, January 22d, 1853.