

provided, that no additional copies of the code shall be printed by reason of anything herein contained; and provided further, that if there be not a sufficient number of copies of the code printed, to furnish all the officers aforesaid, those already printed shall be equally distributed among the several organized townships of this state, and road supervisors shall be the last supplied.

SEC. 2. Duty of secretary. The secretary of state shall ascertain as soon as practicable what number of copies of the code and laws of 1850-1 will be required in addition to those remaining in the hands of the county clerks, to comply with the provisions of this act, and he shall forward the same to said clerks, who shall on application deliver them to the several officers in their counties, according to the provisions of section one, and take receipts for the same.

SEC. 3. To successors—or clerk. Persons obtaining laws under the provisions of this act, shall, upon application deliver the same to their successors in office; provided, that in case of death, resignation, or removal, said laws shall be deposited with the township clerk.

SEC. 4. Clerk to refund money. Any justice of the peace, who may have purchased a code from the county clerk, shall have the purchase money refunded, upon returning the same to the clerk in good condition.

SEC. 5. Take effect. This act shall be in force and effect after its passage.

Approved, January 22, 1853.

[132] CHAPTER 77.

KEOKUK.

AN ACT to amend an act, entitled "An act to incorporate the city of Keokuk." passed

Dec. 13th, 1848.

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

SECTION 1. Council may levy special tax—purposes—questions must be submitted. That the city council of said city of Keokuk shall have authority to levy and collect, in addition to the taxes now authorized by law, a special tax of not exceeding one-half of one per cent, per annum, upon the property, real and personal, situated in said city, and subject to taxation for county revenue, for the purpose of improving the streets, alleys, and wharf of said city, and the payment of the annual interest upon the bonds that have been, or hereafter may be issued on account of the improvement of said streets, alleys, or wharf: provided, that the question whether any additional tax shall be levied in pursuance of this section, shall first be submitted by said city council to the legal voters of said city, at any special election, and if a majority of said legal votes be given for said additional tax then the same may be levied and collected, as provided in this section: but sale tax shall not be levied and collected as provided in this section: but said tax shall not be levied for more than one year, unless the question of levying said tax be again submitted to the people.

SEC. 2. How collected. The special tax aforesaid shall be levied and collected at the same time, and in the same manner as the other annual tax levied by said city; and the said city shall have the same rights, powers and remedies to enforce the collection of the same, by the sale of property: or

otherwise, as is or may be provided for in other cases relative to the city revenue.

SEC. 3. How paid—set apart. Said tax shall be payable only in money and when collected, shall, by said city, be set apart and held separate and distinct from the other portions of the city revenue as a fund specially pledged for the payment of the annual interest on the bonds aforesaid, and the improvement of the streets, alleys and wharf of said city; and shall from [133] time to time be so applied by said city council, and for no other purpose whatever.

SEC. 4. Tax on lots—for paving, etc. The city council of said city shall have power to levy and collect a special tax on the lot or lots, or the owner or owners thereof, or any street, lane, avenue or alley, or any part of a street, lane, avenue, or alley, within said city, for the purpose of curbing, paving or grading the side-walks in front of their respective lots, and keeping the said side-walks in repair, and for the purpose of lighting such street, lane, avenue, or alley.

SEC. 5. Tax—paving, planking, etc.—proviso. The city council of said city shall have the power to levy and collect a special tax on the lot or lots, or the owner or owners thereof, on any street, lane, avenue, or alley, or any part thereof, within said city, according to their respective fronts for the purpose of paving, planking, or macadamizing the streets, lanes, avenues or alleys in front of their respective lots: provided, that in case a special tax be levied on the owners of property in said city, in pursuance of said sections four and five, for the purposes therein specified, no tax either general or special, shall thereafter be levied on the same property to make the same kind of improvements on any other street, lane, avenue or alley, or any part thereof, in said city.

SEC. 6. Powers of council—damages—appeal—file papers—decision. The city council of said city shall have power to lay out public squares, or grounds, streets, alleys, lanes, avenues and highways, and to alter, widen, vacate, or extend the same—making the persons injured thereby adequate compensation: to ascertain which, the city council shall cause to be summoned three disinterested freeholders residing in the city, who, being duly sworn for that purpose, shall inquire into and take into consideration the benefits, as well as the injury, which may accrue, and estimate and assess the damages which would be sustained by reason of the opening, altering, widening, vacating, or extending of any street, alley, lane, avenue, highway, public square, or ground; which damages they shall apportion and assess upon the real estate of the persons benefitted, in proportion as nearly as may be, to the benefits resulting to each; all of which they shall return under their hands to the city council of said city, and the as- [134] sessments so made, shall be collected and paid over to the person or persons whose property has been taken for the purposes aforesaid: provided, that any person deeming himself aggrieved by said assessment or apportionment, may, in thirty days from the time when such person shall receive notice in writing by the mayor of such assessment or apportionment, appeal from said assessment or apportionment, to the district court, and said appeal shall be perfected by the injured party giving bond to the satisfaction of the mayor, conditioned for the payment of all costs which may be adjudged against the appellant. It shall be the duty of the mayor to file all proper papers connected with said appeal in the district court, on or before the first day of the next term of said court. Said appeal shall be heard and determined as other appeals are heard and determined in said court; and the court shall certify its decision to the city council, by whom the same shall be carried into effect.

SEC. 7. Wharf and wharves. The said city council of Keokuk shall have the power to establish and regulate a wharf or wharves in said city, and more particularly to use the whole of Water street for said purpose, and to fix the rates of landing and wharfage of all boats, rafts, water crafts, goods, wares, merchandise, produce and other articles that may be moored at, landed, or taken from any landing, wharf or wharves that have been or may be hereafter established by said city, and in case private property is taken for public use, under the power herein conferred, then the damages and benefits shall be assessed, collected, and paid over in the manner provided in the section in reference to streets, alleys, etc.

SEC. 8. Collection. The assessments of taxes made by virtue of the authority contained in the four preceding sections of this act, shall be enforced and collected as may be provided by ordinance of the city council of the city.

SEC. 9. Tax a lien. All taxes and assessments, general or special, levied or assessed by the city council under this act, or the act to which this is an amendment, shall be a lien upon the real estate upon which the same may be imposed, voted, or assessed, for one year from and after the assessment has been confirmed by the city council, and upon personal property [135] from and after the delivery of the warrant for the collection thereof, until paid, and no sale or transfer shall affect the lien: provided, that in case the collection of any assessment shall be delayed by judicial proceedings, the same shall continue a lien (unless set aside) upon such real estate, for the period of one year from after the final disposition of such judicial proceedings.

SEC. 10. Regulations—quarantine—licenses—appoint officers—inspectors—weighing and measuring—inspection of flour, etc.—markets. The city council of said city shall have power to make regulations to prevent the introduction of paupers, or of contagious diseases, into the city, also to make quarantine laws and enforce the same within the city and not to exceed four miles beyond the city bounds; also to license, tax, and regulate agents or agencies of foreign insurance companies, hawkers or peddlers, and pawnbrokers; also to appoint deputy marshals, watchmen, policemen, and prescribe their duties and powers; also to regulate the measuring and inspecting of lumber, shingles, timber; and all building materials, and appoint one or more inspectors of the same; also to regulate the weighing and the place and manner of selling hay; also to regulate the measuring of wood, and the weighing of coal, and the place and manner of selling the same; also to regulate the inspection of flour, meal, beef, pork, and other provisions; also to establish and regulate markets and other public buildings, and to provide for their erection and location; also to regulate, license, or prohibit butchers, and to revoke their licenses for malconduct in the course of trade, and to regulate, license and restrain, the sale of fresh meats and vegetables in the city.

SEC. 11. Marshal—fees—election—bond. The city marshal of said city shall, by virtue of his office, be a constable of Jackson township, with power to serve process, and do all acts that constables may lawfully do, and shall receive the same fees as are allowed to other constables by law—and hereafter the said marshal shall be elected by the voters resident within the incorporated limits of the city of Keokuk, who are qualified to vote for mayor of said city, at the time, and in the same manner, that the mayor of said city is elected, and he shall hold his office for the same length of time said mayor holds his office, and shall, before entering upon the discharge of his office, in [136] addition to the bond required of him by the ordinances of said city, execute another bond, and file the same in like manner as con-

stables are required by law to do, and he shall moreover take the same oath to discharge the duties of this office, and in the same manner, that constables are required to take.

SEC. 12. Mayor's jurisdiction—imprisonment—fine. In addition to the jurisdiction of the mayor of the city of Keokuk already established in criminal cases, the said mayor shall have power to hear, try, and determine, all public offences where the punishment by law does not exceed five hundred dollars fine, or imprisonment in the county jail one year, or where the punishment is by both such fine and imprisonment.

SEC. 13. Mode of proceeding. All proceedings before the mayor of the city of Keokuk by virtue of the authority conferred in the preceding section shall be conducted in the same manner, and by the same rules and regulations as are or may be prescribed by the laws of the state of Iowa in criminal cases before justices of the peace; and persons charged with public offences before the said mayor, shall have the same rights and remedies as they are entitled to by law in criminal proceedings before justices of the peace.

SEC. 14. Deeds. All deeds made to purchasers of lots sold for taxes or assessments by order of the city council, in pursuance of this act, or the act to which this is amendatory, shall be conclusive evidence in all controversies and suits in relations to the right of the purchaser, his or her heirs or assigns, to hold or recover the premises, except it be shown that no tax or assessment was levied on the lot or lots, or that the same was paid before the sale, or that the lot or lots were redeemed, in pursuance of the provisions of the charter, or ordinances of said city, before the execution of the deed or deeds.

SEC. 15. Extension of boundaries. The boundary of the city of Keokuk shall extend to the middle of the main channel of the Mississippi river in front of said city. And whenever any tract of land adjoining said city shall have been laid out into lots (as an addition to said city) and duly recorded, as required by law, the same shall be annexed to, and form a part of the city of Keokuk.

SEC. 16. Exemption. The property within the limits of the city of Keokuk shall be exempt from taxation by the county of Lee for road [137] purposes, so long as any tax herein authorized for the purpose of grading and improving the streets of said city, equal in amount to the tax levied by the county for road purposes, shall be actually levied, collected, and expended upon said streets.

SEC. 17. Repeal—proviso. The provisos of section 26 and 31 of the act to which this is an amendment, and all such portions of said act as are repugnant to the provisions of this act, are hereby repealed: provided, as to the said thirty-first section, that no debt above the amount authorized by the said thirty-first section shall be incurred by said council, unless the question of contracting the same shall be first submitted to the people of said city, in the same manner as provided in the first section of this act.

SEC. 18. Take effect. This act shall take effect and be in force from and after its passage.

Approved, January 22, 1852.