

## CHAPTER 78.

## MUSCATINE.

AN ACT to amend the charter of the city of Muscatine, approved, February, 1st, 1851.

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

**SECTION 1. Absence of mayor justice of peace to act—jurisdiction—president pro tempore his duty.** That in case of the absence of the mayor of the city of Muscatine from the city, and in case of his inability to act as a justice, any justice of the peace in the township of Bloomington may take cognizance of cases arising under the ordinances of the city; such absence or inability being made to appear upon the docket of the justice. And in like cases of the absence or inability of the mayor, the president of the council pro tempore shall have authority to sign ordinances and orders on the treasurer, and to administer oaths, and to do all other things pertaining to the office of mayor (except [138] acting as a justice of the peace,) stating, in connection with his signature, the absence or inability of the mayor.

**SEC. 2. Council may appoint—bond.** The council of the said city shall have authority to appoint the marshal and recorder of the city, which officers shall hold their respective offices during the pleasure of the council, and from whom, or any of them, the council may, by general ordinance, require bond.

**SEC. 3. Assessor—assessment—tax.** The said council shall appoint an assessor for the city who shall be sworn to perform the duties of office faithfully and impartially, and whose duty it shall be to make an assessment of the property in the city, subject to taxation, and upon whose assessment the council may lay a tax, not exceeding one per cent. upon the value in any one year.

**SEC. 4. Evidence of publication of ordinances.** An affidavit made by the recorder, marshal, or mayor, or by the printer or publisher of a newspaper in which an ordinance may be published, stating the time and manner of the publication of an ordinance, and sworn to before the mayor, or any justice of the peace in the county of Muscatine, and filed in the recorder's office, or made and signed on the face of the record of ordinances, shall be prima facie evidence of the publication therein stated.

**SEC. 5. Road district—collection—expenditure.** The said city of Muscatine shall hereafter form one road district, and the road tax assessed by the county authorities upon the persons and property in the said city, may be collected by the street commissioner, or such other officer as is now or may be created or appointed by the council to conduct the improvements upon the streets of the city; and such officer is empowered to collect such tax as fully and in the same manner as the road tax is collected in the county generally, and the said tax shall be expended by the proper officer, under the supervision and direction of the council upon the streets and alleys of the city.

**SEC. 6. Repeal.** All parts of the act and charter, of which this is an amendment, and of any other acts conflicting with this act, are hereby repealed.

**SEC. 7. Public act.** This act shall be taken and may be pleaded as a public act.

**SEC. 8. Submission of this act to a vote.** This act shall be submitted to the voters of the city of Muscatine, for acceptance or rejection, on the first Mon- [139] day of March next, in which election the vote shall be taken by ballot, and by the word "amendments," or "no amendments," written upon the ballot. If accepted, the result of the election shall be entered in the records of the city, and this act shall take effect from the said first Monday of March, and the votes cast for recorder and marshal shall be held for naught, and the council shall thereafter appoint those officers.

**SEC. 9. Take effect.** This act shall take effect from and after its publication in the "Democratic Enquirer" and "Muscatine Journal," provided the state shall not incur any expense for publication.

Approved, January 22d, 1853.

## CHAPTER 79.

### SUPREME COURT.

AN ACT regulating the terms of the supreme court.

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

**SECTION 1. Place.** That the terms of the supreme court of this state shall be held at the capital of the state, and at no other place.

**SEC. 2. 1st term—terms.** The first term of said court shall be held on the first Monday in June next, and there shall be a term commencing on the first Monday of June and December of each year thereafter.

**SEC. 3. Clerk's duty to arrange causes—publication.** It shall be the duty of the clerk of the supreme court to arrange the causes pending, or which may probably be pending, in classes so that the causes from the first judicial district shall be first heard and determined, and so on by judicial districts in their numerical order, giving such certain number of days or weeks for the causes of each district, as in his judgment may be proper; and it shall further be his duty so to arrange them, and publish the same in some newspaper published at the seat of government, at least four weeks before the commencement of said court, which notice shall be published once a week, until the sitting of said court.

[140] **SEC. 4. Continue.** Said court shall continue its session until all the causes before it are adjudicated.

**SEC. 5. Clerk must publish list, etc.** The clerk of said court shall, at the end of each term, publish a list of the causes determined, and whether affirmed or reversed; he shall also publish a list of causes continued, and whether at the instance of the parties, or of the court; a list of causes argued and not determined, and how long the same have been under advisement, and whether opinions are filed thereon.

**SEC. 6. Duty of clerks—papers, etc.** It shall be the duty of the clerks of the supreme court, held at Burlington, Ottumwa, Dubuque and Fort Des-moines respectively, to deposit all the records, papers and files belonging and appertaining to their offices, with the clerk of the supreme court, at Iowa City, on or before the first day of April next.

**SEC. 7. Prohibition.** All officers of state are hereby expressly prohibited from auditing, allowing or paying any sum of money for the contingent expenses of said court over and above the amount for that purpose expressly appropriated by the general assembly.