

## CHAPTER 17.

## DUBUQUE.

AN ACT to amend An Act to incorporate and establish the city of Dubuque, approved February 24th, 1847.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That to enable the islands in front of the city of Dubuque to be improved and the streets and alleys in said city to be extended to the navigable waters of the main channel of the Mississippi river. The city council of the city of Dubuque shall have power and authority, whenever it may be necessary for the extension of any street or streets in said city, to bridge any slough or sloughs, or branch of the Mississippi river, within the corporate limits of said city, to construct or cause to be constructed any such bridge or bridges, and so many as they shall deem it to be necessary for the purposes aforesaid, upon and across any slough or sloughs or branches of the Mississippi river, within the corporate limits of said city.

Improvements

Power of council.

Bridge, slough

§ 2. That the city of Dubuque shall constitute one permanent school district, not subject to alteration, by the School Fund Commissioner, and shall be subject to control of the city council of said city, who shall provide for the adequate support and maintenance of common schools in said district; and so much of the Code of Iowa as requires regular meetings of each school district on the first Monday in May and October in each year, and so much thereof as requires the election of trustees in each school district, is hereby declared inapplicable to said district. The city council of said city shall by ordinance provide for the appointment or election, as they may consider most proper, of a board of education in said district, and may invest in such board the necessary power for the proper care and management of the common schools in said district, the employment of teachers, and the supervision of schools, and to provide for the taking and returning to the proper

School district

Schools.

Board of education.

Powers, duties.

**Returns.** officer as required by law, of the number of persons in said district, between the ages of five and twenty-one years, and the performance of such other duties as may seem necessary for the proper discharge of the duty hereby imposed upon said council.

**School houses.** § 3. That the city council of said city shall furnish the necessary school houses for the support of common schools, in the said district, and for that purpose shall levy and collect in the same manner as other moneys for current expenses in said city, such sum of money as may be necessary therefor and for the necessary repair and improvement of the same; but the sum levied in any one year shall not exceed the rate of one fourth of one per centum on the assessment of such year, and the city council are authorized and directed when necessary to borrow in anticipation of such tax, the amount necessary for the purchase of school lots, and the erection of school houses thereon, but not to exceed the sum of ten thousand dollars, and to give the bonds of the city therefor, to be repaid by the tax so levied and collected as aforesaid for the purpose aforesaid.

**Tax.** § 3. That the city council of said city shall furnish the necessary school houses for the support of common schools, in the said district, and for that purpose shall levy and collect in the same manner as other moneys for current expenses in said city, such sum of money as may be necessary therefor and for the necessary repair and improvement of the same; but the sum levied in any one year shall not exceed the rate of one fourth of one per centum on the assessment of such year, and the city council are authorized and directed when necessary to borrow in anticipation of such tax, the amount necessary for the purchase of school lots, and the erection of school houses thereon, but not to exceed the sum of ten thousand dollars, and to give the bonds of the city therefor, to be repaid by the tax so levied and collected as aforesaid for the purpose aforesaid.

**Limited.** § 3. That the city council of said city shall furnish the necessary school houses for the support of common schools, in the said district, and for that purpose shall levy and collect in the same manner as other moneys for current expenses in said city, such sum of money as may be necessary therefor and for the necessary repair and improvement of the same; but the sum levied in any one year shall not exceed the rate of one fourth of one per centum on the assessment of such year, and the city council are authorized and directed when necessary to borrow in anticipation of such tax, the amount necessary for the purchase of school lots, and the erection of school houses thereon, but not to exceed the sum of ten thousand dollars, and to give the bonds of the city therefor, to be repaid by the tax so levied and collected as aforesaid for the purpose aforesaid.

**Borrow money.** § 3. That the city council of said city shall furnish the necessary school houses for the support of common schools, in the said district, and for that purpose shall levy and collect in the same manner as other moneys for current expenses in said city, such sum of money as may be necessary therefor and for the necessary repair and improvement of the same; but the sum levied in any one year shall not exceed the rate of one fourth of one per centum on the assessment of such year, and the city council are authorized and directed when necessary to borrow in anticipation of such tax, the amount necessary for the purchase of school lots, and the erection of school houses thereon, but not to exceed the sum of ten thousand dollars, and to give the bonds of the city therefor, to be repaid by the tax so levied and collected as aforesaid for the purpose aforesaid.

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**School funds.** § 4. That the city council shall have power, by their order on the School Fund Commissioner of the county of Dubuque, to receive from him for the use of said district all moneys apportioned to said district from the school fund, and in addition thereto shall in each year, levy and collect in the same manner as other moneys for current expenses, such further sum, but not to exceed in any one year the rate of two mills on each dollar of the assessment of such year, as may be necessary, with the sum received from the school fund, adequately to provide for the payment of necessary teachers' wages and incidental expenses in maintaining common schools in said city, during the current year.

**Tax for support of teachers.** § 4. That the city council shall have power, by their order on the School Fund Commissioner of the county of Dubuque, to receive from him for the use of said district all moneys apportioned to said district from the school fund, and in addition thereto shall in each year, levy and collect in the same manner as other moneys for current expenses, such further sum, but not to exceed in any one year the rate of two mills on each dollar of the assessment of such year, as may be necessary, with the sum received from the school fund, adequately to provide for the payment of necessary teachers' wages and incidental expenses in maintaining common schools in said city, during the current year.

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**Disbursement of school funds.** § 5. That all moneys received by the city council from the School Fund Commissioner, or collected in pursuance of any tax by this Act authorized, shall be paid into the city treasury, and a separate account thereof shall be kept by the Treasurer and Recorder; and no moneys shall be drawn therefrom only to be appropriated to the special purpose for which the same was received or collected; and shall only be

paid on order in which said purpose is stated; and the city council shall provide for the publication, at least once in each year, for the information of all persons, of a full statement of all receipts and expenditures for school purposes during the current year, and which shall show the number of schools kept, the number of teachers employed, the wages paid, the whole number of persons in attendance, and the time such schools have been held during the current year. <sup>Publication statement</sup>

§ 6. That the city council of said city shall have power, whenever they deem such improvement necessary, to levy and collect a special tax on the lot or lots, or the owner or owners thereof, on any alley, street, or highway, or any part of any street, alley, or highway within the city of Dubuque, for the purpose of curbing, paving, or grading the side-walk in front of such lot or lots respectively; and also for the purpose of repairing the same, or for the purpose of lighting such street, alley, or highway, or for the purpose of paving or McAdamizing the street, alley, or highway in front of such lot; and so much of the Act hereby amended as requires the consent or petition of two-thirds of the owners, for any such improvement, is hereby repealed: Provided, that in case any special tax is so levied on any lot or lots, or the owners thereof, for the purposes aforesaid, such lot or lots, or the owner or owners thereof in respect thereto, shall not be liable to any other tax, general or special, for making any improvement of the same kind, on any other street, alley, or highway, or any part thereof, in said city. <sup>Special tax.</sup> <sup>Paving and grading.</sup> <sup>Lighting.</sup> <sup>Repeal.</sup> <sup>Provide.</sup>

§ 7. That whenever any damage shall be assessed to any person by reason of the opening, extending, widening, or altering of any street, alley, or highway in said city, the jury who shall assess the same shall also apportion and assess such damages upon the lands and real estate of the persons benefited, adjoining or in the immediate vicinity of such street, alley, or highway, 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; and the apportionment and assessment so made, shall be collected and paid over to the person or persons whose property has been taken for the purposes aforesaid, and so much of the <sup>To be paid by those benefited.</sup> <sup>ed.</sup>

**Repeal.** act incorporating said city, or of any act amendatory thereto as requires such damages to be paid out of the city treasury, is hereby repealed: Provided, that any person or persons, feeling himself or themselves aggrieved by any assessment for opening, extending, widening or altering any street, alley, or highway in said city, or by any such apportionment, may, at any time within twenty days after the return thereof to the city council, appeal therefrom to the district court of Dubuque county, by giving notice thereof to the Mayor, and giving bond, with surety, to the satisfaction of the Mayor, conditional for the payment of all costs which may be adjudged against the appellant thereon, and the recorder shall thereupon return to the clerk of said court, all papers connected with said appeal, on or before the first day of the next term thereof; and the said court shall hear and determine said appeal as other appeals are heard and determined in said court, and shall certify its decision to the city council, who shall carry the same into effect.

**Payment.** § 8. That it shall be the duty of all persons on whom, and the owners of all lands on which any special tax shall be levied, or any apportionment or assessment for damages, in pursuance of the two last preceding sections, shall be made to pay the same, within thirty days after notice thereof by the marshal of said city, except in cases where appeal is taken, and in such cases within thirty days after such appeal is determined; and such special tax apportionment or assessment is hereby declared a lien upon the land from the

**Lien.** time of the levy apportionment or assessment aforesaid; and in case of any neglect to pay the same within the time so limited, the city council shall deliver to the city collector a certified copy of such special tax, apportionment, or assessment, who shall, thereupon, forthwith proceed to collect the same by distress and sale of personal property, and in

**Collection.** default thereof, by levy and sale of the land and real estate on which the said special tax, apportionment or assessment is made; in the same manner as for the nonpayment of taxes for current expenses; and on such sale shall give deeds therefor to the purchaser or purchasers on receiving the consideration of sale, and which sale and deeds shall have the

**Deeds.**

same force and effect as sales and deeds for nonpayment of taxes for current expenses in said city.

§ 9. That the city council of the city of Dubuque, shall have power to sell and convey any real estate, or land belonging to said city, without the previous consent of a majority of the electors of said city; and so much of the act hereby amended as makes such consent necessary, is hereby repealed. And the said city council shall have power and authority to erect, purchase, hold and regulate, hospitals, jails, work-houses, markets, and other public buildings, and to provide for supplying said city with water, by the construction of aqueducts, reservoirs, and other necessary conveniences for the same, and to hold and acquire the lands necessary, or any necessary privileges therefor, and for that purpose, may take, and enter upon private property, or any necessary privilege thereon, and may hold the same, making compensation to the owners of any private property so taken, which, unless the same can be agreed upon with the parties interested, shall be ascertained as follows: An application shall be made to the District Court of Dubuque county by petition, duly filed with the clerk thereof, addressed to said court, and setting forth the facts of the case, and praying for judgment, that the damages may be ascertained, and that the lands or privileges therein mentioned, may be condemned and vested in said city for the purposes mentioned, and the said court shall have power to make all necessary rules and orders, to bring all proper persons and parties before said court, as in cases at law, in order to make a final decree and judgment in and concerning the premises; and the said court shall proceed by the examination of witnesses in open court in the cause to make a final decree and judgment, or, on the application of said city, or any party, may cause the amount or right to any damages, to be assessed by a jury in said court without formal pleadings, and shall render a decree or judgment accordingly; and the damages so decreed or adjudged, shall be levied and paid by said city to the person or persons thereto entitled.

Council may sell and convey.

Without consent.

Hospitals, Jails, &c.

Water Reservoirs, &c.

Private property.

Damages. Petition Dist. Court.

Consideration

Decree.

Payment.

Repeal.

§ 10. That all portions of the Act to which this is amendatory, or of any act amendatory thereto, inconsistent with the provisions of this Act, are hereby repealed.

Take effect

§ 11. This act shall be in force and take effect, from and after its publication in the Dubuque Tribune.

APPROVED, January 13th, 1855.

## CHAPTER 18.

### CHARTER OF THE CITY OF LE CLAIRE.

AN ACT to incorporate the city of Le Claire.

Incorporation.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the inhabitants of the Town of Le Claire, in the county of Scott, and State of Iowa, be, and they are hereby constituted a body politic and corporate, by the name and style of the City of Le Claire, and by that name shall have perpetual succession, and may have and use a common seal which they may change at pleasure.

Boundaries.

§ 2. All that District of country embraced within the following limits, and such additions as hereinafter provided, shall be the limits of the boundaries of said city; to-wit: beginning at a point in the middle of the main channel of the Mississippi river, where a line drawn due east from the southeast corner of the Le Claire reserve would intersect the middle of said main channel, running then due west until that line intersects the western boundary line of the present Town of Le Claire, thence due north, by and along said western boundary line, until the same extended intersects the extended east and western boundary line, between the Rich estate and the original town of Parkhurst, thence due east on said east and west boundary line, to the middle of said main channel of the Mississippi river, and thence down and along the middle of said main channel to the place of beginning; are hereby declared to be within the boundaries of said city of Le Claire.

Additions.

§ 3. All tracts of land laid off in town lots, and duly recorded as required by law for the recording of town plats, adjoining said city of Le Claire, or whenever any tract of