

CHAPTER 70.

DOCUMENTARY EVIDENCE.

AN ACT admitting copies of maps, and other documents in the Surveyor General's Office to be used in evidence.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That copies of all maps, official letters, and other documents in the office of the Surveyor General of this State, when certified to by that officer according to law, shall be received by the courts of this State, as *prima facie* evidence of the existence of the originals, and that said copies are copies of the original, notwithstanding such maps, official letters may themselves be copied. Copies of maps etc.
Sur. Gen. of-
fice.
Evidence.

APPROVED January 24th 1855.

I certify the foregoing act was published in the Iowa Capital Reporter Feb. 7, and Republican Feb. 14, 1855.

GEO. W. McCLEARY, Sec'y of State.

CHAPTER 71.

KNOXVILLE CITY.

AN ACT to incorporate the City of Knoxville, Marion county, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the northwest fractional quarter of section No. seven, in township No. seventy-five, north of range No. 19 west of the 5th principal meridian, is hereby incorporated into a City, by the name of "Knoxville." Boundaries.
Incorporated.

§ 2. The said city is made a body corporate, and invested with all the powers and attributes of a municipal corporation. Attributes.

§ 3. The legislative authority of the city is vested in a city council, consisting of a Mayor and board of Aldermen, composed of two from each ward of the city. Council.

Wards. § 4. The said city shall be divided into three wards, as follows, to wit: The first ward, that portion lying south of First Ward. Robinson street; the second ward, that portion lying between Second Ward. Robinson and Main streets; the third ward, that portion lying north of Main street: Provided the said city Council may alter. Council may change, unite or divide the said wards, or any of them, whenever they shall think it for the interest of the city.

Qualification of voters. § 5. Every white male citizen of the United States of the age of twenty-one years, who shall have been a resident of the city six months, and in the ward in which he offers his vote, ten days preceding a city election, is declared a citizen of the said city, and is entitled to vote at all the elections thereof,

Conducted as township elections. § 6. The election of the city, (for officers) shall be conducted in a similar manner to that in which the elections are conducted in the townships, as the nature of the case permits.

Challenge. Oath. § 7. 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.

Eligible. § 8. No person shall be eligible to any elective office mentioned in this Act, unless he be a legal voter of the city, One year's residence. and has been a resident thereof for one year next preceding his election.

Time of election. § 9. That the qualified electors of said city shall, on the first Monday of April, A. D. 1855, and annually on the same day thereafter, elect a Mayor, and at the same time six Aldermen, a Recorder, Assessor, a Treasurer, and Marshal; and Officers to be elected. the Mayor and Aldermen so elected, when assembled together, and duly organized, shall constitute the city council; a City Council. majority of whom shall be necessary to constitute a quorum, Quorum. for the transaction of business. They shall be elected for the Term. term of one year, and until their successors are elected and qualified. The Mayor, Recorder, Assessor, Treasurer and Marshal shall be elected by the legal voters of said city.

No. of Aldermen. § 10. Two Aldermen shall be elected in each ward by the legal voters thereof.

Duty of Mayor § 11. It shall be the duty of the Mayor to see that the

laws and ordinances of the city are executed, and their violation punished; to superintend and direct the official conduct of the subordinate officers, to sign and seal all commissions, licenses and permits granted by the city council, and to perform such duties and exercise such powers as pertain to the office of the mayor of a city, and such as may be granted or imposed by the ordinances of the city consistent with law.

§ 12. He shall be a conservator of the peace within the city and *ex officio* a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the ordinances of the city, and with criminal jurisdiction of offences against the laws of the State, committed within the city, and with civil jurisdiction limited to the city in the same manner as that of justices is or may be limited to their township. He shall not be disqualified from acting in such judicial capacity, by any proceeding, being in the name of, or behalf of the city: *Provided*, that case of the inability of the Mayor of Knoxville to act as a justice or conservator of the peace, or to perform the judicial duties of his office, whether said inability arise from sickness, absence from home or any other cause, any justice of the peace of Knoxville township, may take cognizance and jurisdiction of cases arising under any of the ordinances of said city, such inability being entered of record of the justice acting in such cases.

§ 13. Appeals to the district court in the same county shall be allowed from the judgments and decisions of the Mayor, in the same cases, time and manner, as may at any time be allowed by law from those of other justices, and they shall be tried as in other cases, he will be entitled to demand and receive the same fees as are at the time allowed by law to justices of the peace, he shall be the president of the city council, when present, and shall give the casting vote when there is a tie, and in his absence, the council may appoint a president for the time being, from their own body.

§ 14. The council shall be the judge of the qualifications and elections of its own members; it may determine

Conservator.
Ex. offices, J.
P.
Jurisdiction.

Criminal
Civil.

Not disqualified.

Inability to act.

J. P. to act.

Appeals.

Fees.

Preside.

Pro-tem.

Council to be the judge of

Rules. the rules of its own proceedings and shall keep a record thereof, which shall be open to the inspection of every citizen and may compel the attendance of its members in such manner, and by such penalties as it may adopt.

Record.

Marshal. § 15. The marshal shall be a conservator of the peace, and is the executive officer of the mayor's court, and shall execute and return all process directed to him by the mayor, and in cases for the violation of city ordinances, criminal laws of the State, may execute the same in any part of the county, and he shall have the same authority within the city to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the sheriff has within his county; and may in the same case, and under the same penalties require the aid of the citizens, and perform all duties imposed by the council, he may with the approval of the council, appoint one or more deputies, and discharge them, and he shall be responsible for their doings, when acting officially. For the service of legal process, he shall be entitled to the same fees as a constable, and for services required by the council, such compensation as it may allow.

Duty of

Fees.

Deputies.

Fees.

Bonds. § 16. The Treasurer, Recorder, Assessor and Marshal, shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinance not inconsistent with law.

Duties and powers.

Proclamation for elections. § 17. In all elections for city officers, the mayor shall issue a proclamation to the voters of the city, or to the several wards, as the case may require, naming the time and place or places for election, and the officers to be chosen, and cause a copy to be posted up in each ward, at least ten days previous to the day of election. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open till four o'clock in the afternoon. Within two days after the election, the judges of the election shall make their returns to the President of the city council, who shall examine them at their next meeting and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

Polls.

Returns.

Abstract.

Members of council included. § 18. No member of the city council shall be eligible to any office within the gift of the council during the time

for which he is elected; nor shall he be interested directly or indirectly in the profit of any contract or job of work or **Contracts,** services to be performed by the city.

§ 19. Ordinances passed by the city council, shall be **Ordinances,** signed by the mayor, attested by the recorder, and before **Signed and published.** they take effect be published in or more newspapers published in the city, at least ten days, and if there be no such newspaper, they shall be posted up in each ward the same length of time, they shall also be recorded in a book to be **Recorded.** kept for that purpose and signed by the mayor and attested by the recorder.

§ 20. It is the duty of the city recorder to keep a true **Recorders duty,** record of all the official proceedings of the city council, and by such record shall at all times be open to the inspection of any citizen.

§ 21. The Mayor, Aldermen, Marshal, Treasurer, Re- **Oath.** corder and Assessor, 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 duty to the best of their knowledge and ability. Other officers shall **Qualify.** qualify in such manner as may be prescribed by the council. The oath of office may be administered by the Mayor or **Administered** Recorder when he is qualified, and in the transaction of the **by** business of the corporation, those officers and the President **President, &c.** for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

§ 22. The Recorder, Marshal and Assessor shall receive **Fees.** such fees as the city council shall deem right, not exceeding the amount allowed county or township officers for such services.

§ 23. The council may hold its meetings as it sees fit, **Meetings.** having fixed stated times, or provided the manner of calling them by ordinance, and its meetings shall be public.

§ 24. The council may appoint in such manner as it determines, and during its pleasure, street commissioners, a **Public:** clerk of the market, city surveyor, health officers, and such **Street commissioners.** other officers as it deems advisable, and prescribe their duties, **Clerk of market.** powers and qualifications, and may prescribe for the election **Surveyor.** of any such officers by the citizens. **Health officer &c.** **Prescribe duties and election:**

Vacancy. § 25. When a vacancy occurs in any of the elective city offices, the council may fill the vacancy by appointment of record until the next election, and the qualification of the successor.

Power of the council.
Make ordinances vs offences.
Safety and prosperity.
Health, morals and comfort.
Fine.
Limit.
Recovered.

§ 26. The city council is invested with authority to make ordinances to secure the inhabitants against fire, against violations of the law and the public peace, to suppress riots, gambling and drunkenness, or indecent or disorderly conduct, to punish lewd behavior in public places, and generally to provide for the safety and prosperity and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars, which may be recovered by civil action in the name of the city, or by complaint before the Mayor as in criminal proceedings before a Justice of the Peace, and the laws of the State relating to the carrying into effect a judgment of a Justice of the Peace imposing a fine, shall be applied to judgments in the case; but the charges thereof must be born by the city.

Fire companies.
Engines.

§ 27. The council is authorized to establish and organize fire companies, and to provide them with fire engines and other apparatus.

Powder.

§ 28. The council may regulate the keeping and sale of gunpowder within the city.

Licenses.
Exhibitions and gambling.

§ 29. The council have exclusive authority to provide for the license, regulation and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball and ten pin alleys, and places where games of skill or chance are played; but the above authority extends to no exhibition of a purely literary or scientific character, and prohibit the retail of intoxicating liquors, unless such prohibition would be inconsistent with the laws of the State, at the time existing; and the said council is authorized to revoke or suspend any of the above licenses when it deems the good order and the welfare of the city require it.

Exemption.
Prohibit the sale of liquor.

Revoke licenses.

§ 30. The council may make all necessary ordinances in relation to the cleanliness and health of the city, and may require the owners of lots on which water becomes stagnant, to drain or fill up the same, and in default thereof, after rea-

Stagnant water.

sonable notice. may cause the same to be done at the expense ^{Assess on lots} of the city, and assess the costs thereof on the specific lots, and cause them to be sold by the collector of the city as in ^{Sale.} the case of taxes, and the owner may redeem from such sale ^{Redeem.} as in case of a sale for tax.

§ 31. It may regulate the system of cartage and drayage ^{License drays.} within the city, and may issue license therefor; and may prohibit hogs from running at large within the city, and may ^{Hogs.} prohibit other animals from running at large from the first ^{Other animals.} day of November to the first day of April.

§ 32. The council shall provide, by ordinance, for the ^{City money.} keeping of the public money of the city, and the manner of disbursing the same, and shall audit all claims against the ^{Disbursement.} city, and all officers of the city are accountable to the council ^{Audit.} in such manner as it directs. It shall publish annually a ^{Publish state.} particular statement of the receipts and expenditures of the ^{ment.} city, and of all debts owing to and from the same.

§ 33. It has the exclusive authority to establish the ^{Establish and} grades of wharves, streets and alleys of the city, and may ^{change grades} change the same upon the petition of two-thirds the value ^{of wharves,} of the real property on both sides of the street where it is ^{&c.} desired to change.

§ 34. Imprisonment for the violation of any ordinance ^{Imprisonment} shall not exceed fifteen days, and the county jail shall be the ^{not exceed 15} place of imprisonment, but at the expense of the city. ^{days.}

§ 35. The city council is authorized to levy and collect ^{Taxes.} taxes, not exceeding one-half of one per cent. on all the property within the city which is liable for State and county taxes, including improvements on such property; and it may exempt such improvements when it is so determined by ^{Exempt im-} a vote of a majority of all the voters of the city; but when ^{provements} such an exemption takes place, the rate of tax on all personal ^{vote.} property shall not exceed that above named, and the rate on ^{Rate.} realty shall not exceed one and one-half of one per cent. ^{on} the valuation. The council may also levy a tax on dogs, or may ^{Tax dogs or} prohibit their running at large in the city; provided, that ^{confine them.} the tax thus levied and collected, when improvements are included, shall not exceed one-fourth of one per cent.; and ^{Not exceed} when improvements are exempt, as above named, one-fourth

of one per cent. on personal property, and one per cent. on real property, until otherwise determined by the qualified electors of the city at an annual election, or a special election held for that purpose; provided, that all property, both real and personal, owned, or which may be hereafter acquired by said city in its corporate capacity, shall be exempt from taxation for State, county or other purposes.

Annulled.

Exempt.

Collector.

§ 36. The Marshal, or in case of his absence or disability, such person as the council may appoint in his stead, shall be the collector of taxes, and before proceeding to collect the same, shall give thirty days notice of the assessment and levy of the tax, and the rate thereof, in general terms, without the names or description of property, in a newspaper printed in the city, if there be one, and if not, then by three months notice in the most public places in each ward.

Notice of collection.

Appeal to council.

§ 37. During the thirty days, any person aggrieved by this assessment or taxation, may appear before the council, which may correct the same if found erroneous.

Correction.

Property may be distrained and sold.

§ 38. The Marshal may distrain upon personal property liable to taxation, and sell the same for the payment, if not paid in reasonable time after demand, as constables may sell personal property on execution.

Lien on real estate may be sold.

§ 39. Taxes on real property shall be a lien thereon, and it may be sold therefor when the taxes remain unpaid for six months after posting the notice of the tax.

Auction.

Notice. No Highest bidder.

§ 40. Such sale must be at auction, and there must be thirty days notice previous to the sale given as above provided for, notifying the assessment and tax. In such sale he who bids to pay the amount due for the least quantity of land, will be the highest bidder, and the manner of ascertaining the portion bid for shall be as in the State revenue law.

Deeds.

§ 41. The Marshall shall execute and deliver to the purchaser a deed, running in the name of the State, which shall have the same force and effect as the deed of the Treasurer of the county in like circumstances, on sales for county and State taxes.

Control.

§ 42. The council have the control of the streets, and alleys, and public grounds of Knoxville, and may cause side-

walks to be paved in the same, and to this end it may re-^{Pavements.}
 quire the owners of lots to pave or repair the same, contigu-
 ous to their respective lots, and in case of neglect after
 reasonable time named in the order, the same may be
 done by the city, and the expenses of the same assessed on ^{Expense.}
 the contiguous lots, which shall have the effect of a tax levied ^{Assessed on}
 thereon; and the same may be sold therefor as for a tax, ^{lots.} May be sold.
 subject to the right of redemption. All road tax which may ^{Road tax.}
 hereafter be paid upon any property in Knoxville in lieu of
 labor, shall be paid to the property authorities of said city,
 for the improvement of the streets thereof. Any person be-
 ing a resident of said city, subject by the law of this State
 to do work upon roads and highways, shall be required to do ^{Working on}
 and perform, or cause the same to be done, under direction of ^{roads.}
 the proper authorities, upon the streets of said city or public ^{Streets.}
 roads and highways leading thereto, as said authorities may
 direct. The city council shall supercede the road supervisors ^{Supervising.}
 in all jurisdiction within the corporate limits, and perform
 all their duties, and shall be required to perform labor on, ^{Roads and}
 and keep in repair, all the public roads and highways lead- ^{highways.}
 ing thereto, within one mile of said city.

§ 43. This act shall take effect from and after its passage. ^{Take effect.}

APPROVED January 24th, 1855.

CHAPTER 72.

SEAT OF GOVERNMENT.

AN ACT to re-locate the seat of Government.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That five commissioners, a majority of whom ^{Commissioners} are hereby empowered to act, shall be appointed by the Governor to re-locate the Seat of Government of this State; *Provided,* that the site selected by them shall be within two ^{Site.} miles of the junction of the Des Moines and Racoon rivers in Polk county; and provided further, that the Governor, be-