

SEC. 3. That the county of Jasper shall be accountable to said Treasurer for all damages he may sustain, growing out of the performance of any duties required of him by this act. County responsible.

SEC. 4. This act to take effect and be in force from and after its publication in the Iowa City Republican and the Jasper County Express: *Provided*, the county of Jasper shall pay the expense of such publication.

Approved January 17, 1857.

CHAPTER 41.

GLENWOOD CITY.

AN ACT to incorporate the town of Glenwood, in Mills county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the tract of land lying in township seventy-two (72) north range forty-three (43) west, in the county of Mills, which is comprised in the original town plat of Glenwood, together with all additions that have been regularly recorded, or that may hereafter be made and recorded according to law, with the inhabitants thereof, be and the same is hereby constituted a city and body politic and corporate, with perpetual succession, by the name of Glenwood, and by that name shall have power to sue and Name. be sue, plead and be impleaded, contract and be contracted with, acquire, possess hold and enjoy, whatever real, perso- Powers. nal, or mixed property may be necessary, proper and convenient to carry out the objects of the corporation, sell and convey the same, and shall otherwise possess and enjoy all the powers and attributes and be subject to all the liabilities of a municipal corporation.

SEC. 2. The legislative authority of said city shall be vested in a city council, to be composed of a mayor, and three aldermen from each ward. Legislative.

SEC. 3. The said city shall be divided into two wards, Ward boundaries. as follows, to-wit: That portion lying south of Sharp street ries.

shall constitute the first ward; that portion lying north of Sharp street shall constitute the second ward: *Provided*, that the said city 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 electors. SEC. 4. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the State six months, of the city twenty days, and of the ward in which he offers to vote, ten days next preceding the election, is declared a citizen of said city, and entitled to vote at all elections thereof.

Election. SEC. 5. The elections of the city (for officers) shall be conducted in a manner similar to that in which the elections are conducted in the townships, as the nature of the case permits.

Challenge vote. SEC. 6. 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—office. SEC. 7. No person shall be eligible to any elective office mentioned in this act unless he be a legal voter of the city, and has been a resident thereof for one year next preceding his election.

Time of elect'n. SEC. 8. That the qualified electors of said city shall, on the first Monday of April, A. D., 1857, and annually on the same day thereafter, elect a mayor, and at the same time six aldermen, a recorder, assessor, treasurer and marshal; and the mayor and aldermen so elected, when assembled together and duly organized, shall constitute the city council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. They shall be elected for the term of one year, and until their successors are elected and qualified.

City council. **Manner of elect'g.** SEC. 9. The mayor, recorder, assessor, treasurer and marshal shall be elected by the legal voters of said city, and three aldermen shall be elected in each ward, by the legal voters thereof.

Mayor. SEC. 10. 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 a mayor of a city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

SEC. 11. He shall be a conservator of the peace within ~~Jurisdiction~~, 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 their townships. He shall not be disqualified from acting in such judicial capacity by any proceeding being in the name of the city.

SEC. 12. 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 shall be the presiding officer 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.

SEC. 13. The council shall be the judge of the qualifications and election of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of any citizen, ~~Records~~. and may compel the attendance of its members in such manner and by such penalties as it may adopt.

SEC. 14. 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 processes directed to him by the mayor; and in cases for the violation of the city ordinances and of the 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 cases 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 a constable; and for services required by the council, such compensation as it may allow.

Bond.

SEC. 15. The treasurer, recorder, assessor and marshal, shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinances not inconsistent with law.

Election.

SEC. 16. In all elections for city officers, the mayor shall issue a proclamation to the voters of the city, or of 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 of election. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open till six 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 to be recorded in a book to be kept for that purpose.

Eligibility.

SEC. 17. 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 services to be performed for the city.

Ordinances.

SEC. 18. Ordinances passed by the city council shall be signed by the mayor, attested by the recorder, and before they take effect, be published in one 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 kept for that purpose, and signed by the mayor and attested by the recorder.

Recorder's duty.

SEC. 19. It shall be the duty of the city recorder to keep a true record of all the official proceedings of the city council, and such record shall at all times be open to the inspection of any citizen.

SEC. 20. The mayor, aldermen, marshal, treasurer, recorder 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 in such manner as may be prescribed by the Council. The oath of office may be administered by the mayor or recorder if he is qualified, and in the transaction of the business of the corporation, those officers, and the president for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.

SEC. 21. The recorder, marshal and assessor shall receive fees, such fees as the city council deem right, not exceeding the amount allowed county or township officers for such services.

SEC. 22. The council may hold its meetings as it sees fit, having fixed, stated times; or provide the manner of calling them by ordinance, and its meetings shall be public.

SEC. 23. The council may appoint in such manner as it determines, and during its pleasure, street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it may deem advisable, prescribe their duties, powers and qualifications, and may prescribe for the election of any such officers by the citizens.

SEC. 24. When a vacancy occurs in any of the elective city officers, the council may fill the vacancy by appointment of record until the next election and the qualification of the successor.

SEC. 25. The city council is invested with authority to make ordinances to secure the inhabitants against fire, against the 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, prosperity and good order of the city, and the health, morals, comfort and conveniences 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 justices of the peace, and laws of the State relating to carrying into effect a judgment of a justice of the peace imposing a fine, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

Fire companies. SEC. 26. The council is authorized to establish and organize fire companies, and to provide them with fire engines and other apparatus.

Gunpowder. SEC. 27. The council may regulate the keeping and sale of gunpowder within the city.

Licenses. SEC. 28. The council have the 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 when the laws of the State permit license for the sale of intoxicating liquors, that subject shall be within the exclusive authority of the council, and it may at all times prohibit the retail of the above liquors, unless such prohibition would be inconsistent with the law of the State at the time existing ; and it may revoke or suspend any of the licenses above mentioned, when it considers that the good order and welfare of the city require it.

Health of city. SEC. 29. 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 reasonable notice, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lot or lots, and cause them to be sold by the collector of the city as in the case of taxes, and the owners may redeem from such sale as in case of a sale for taxes.

Cartage, drayage & animals. SEC. 30. It may regulate the system of cartage and drayage within the city, and may prohibit hogs from running at large within the city, and may prohibit other animals from running at large from the first day of November to the first day of April.

SEC. 31. The council shall provide by ordinance for the Public monies. keeping of the public monies of the city, and the manner of disbursing the same, and shall audit all claims against the city, and all officers of the city are accountable to the council in such manner as it directs. It shall publish annually a particular statement of the receipts and expenditures of the city, and of all debts owing to or from the same.

SEC. 32. It has the exclusive authority to establish the Grade of str'ts. grades of streets and alleys of the city, and may change the same upon the petition of two-thirds the value of the real property on both sides of the street when it is desired to changed.

SEC. 33. Imprisonment for the violation of any ordi- Imprisonment. nance, shall not exceed thirty days, and the county jail shall be the place of imprisonment, but at the expense of the city.

SEC. 34. The city council is authorized to levy and col- Levy and col-lect taxes. lect taxes not exceeding one half of one per cent. on all 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 a vote of a majority of all the voters of the city, but when such exemption takes place, the rate of tax on personal property 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 prohibit their running at large in the city: *Provided*, that the tax thus levied and collected when improvements are included, shall not exceed one-fourth of one per cent., and 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 and an annual election or a special election held for that purpose.

SEC. 35. The marshal, or in case of his absence or disa- Collector. bility, 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 Give notice. and levy of the tax, and the rate thereof, in general terms, without the names or description of the 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.

- Correct assessment.** SEC. 36. 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.
- Powers of marshal.** SEC. 37. The marshal may distrain upon personal property liable to taxation, and sell the same for payment if not paid in reasonable time after demanded, as constables may sell personal property on execution.
- Taxes—a lien.** SEC. 38. Taxes on real property shall be a lien thereon, and it may be sold therefor when the taxes remain unpaid for six months after publishing, or posting the notice of the tax.
- Tax sales.** SEC. 39. Such sale must be at auction, and there must be thirty days notice prior 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.
- Tax deed.** SEC. 40. The marshal 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.
- In relation to roads.** SEC. 41. The council have the control of the streets and alleys and public grounds of Glenwood City, and may cause sidewalks to be paved in the same, and to this end it may require the owners of lots to pave or repair the same contiguous 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 expense of the same assessed on contiguous lots, which shall have the effect of a tax levied thereon, and the same may be sold therefor, as for a tax, subject to the same right of redemption. All road tax which may hereafter be paid upon any property in Glenwood City, in lieu of labor, shall be paid to the proper authorities of said city for the improvement of the streets thereof; any person being a resident of said city, subject by the laws of this State to do work on roads and highways, shall be required to do and perform, or cause the same to be done, under the direction of the proper authorities, upon the streets of said city or public roads and highways leading thereto, as said authorities may

direct. The city council shall supercede the road supervisors in all jurisdiction within the corporate limits, and perform all of their duties.

SEC. 42. The city council is hereby invested with full control and authority over the common schools in said city, and shall receive and disburse all the school tax levied upon property within said city, or received from the school fund for distribution therein, within the limits of said city. Schools and school funds.

SEC. 43. The council are authorized to borrow money for Borrow money any object in its discretion, if at a regular notified meeting under notice stating distinctly the nature and object of the loan and the amount thereof as nearly as practicable, the voters of the city determine in favor of the loan by a majority vote of two-thirds of all the votes given at the election, and said loan can in no case be diverted from the specified object.

Approved Jan. 17, 1857.

CHAPTER 42.

CITY OF WINTERSETT.

AN ACT to incorporate the city of Wintersett, in Madison county, Iowa.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the south-east quarter and the south half of the north-east quarter of section 36 in township 76, north of range 28 west, and the south-west quarter and the south half of the north-west quarter of section 31, in township 76 north of range 27 west; also the north half of the north-west quarter of section 6, township 75, north of range 27; also the north half of the north-east quarter of section 1, in township 75 north of range 28 west, all in the county of Madison, and State of Iowa, be, and the same, together with the inhabitants thereof, is hereby constituted a city and body politic by the name of Wintersett, and by that name shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, acquire, hold