

## CHAPTER 122.

## NEWTON.

AN ACT to incorporate the town of Newton, in Jasper county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the tract of land lying in township eighty-one north, range nineteen west, in the county of Jasper, which is comprised in the original town plat of the town of Newton, together with all additions that have been regularly recorded, or that may hereafter be made and recorded according to law, together with all tracts or parcels of land situated on the north half of the north-east quarter of section thirty-four, and the south-east quarter of the south-west quarter, and the south-west quarter of the south-east quarter of section twenty-seven, township and range aforesaid, be, and the same is hereby constituted a town corporate, and shall be known by the name and title of the town of Newton.

SEC. 2. That the qualified voters for members of the General Assembly, who have resided within the limits of said corporation for twenty days immediately preceding such election, shall meet at some suitable place within such incorporation, on the first Monday in May next, and annually thereafter, and then and there proceed to elect by ballot a mayor, six councilmen, and a recorder, who shall be citizens of said town, who shall hold their offices one year, and until their successors are elected and qualified. The mayor and any three of the councilmen shall be a board for the transaction of business, but a less number may adjourn from time to time: *Provided*, that in the case of the absence of the mayor, the councilmen may choose a mayor pro tem, from their own body; *And provided further*, That when the mayor councilmen, recorder, or any other officer created by ordinance or otherwise, in pursuance of this act, shall remove out of the corporation limits of said town, such offices shall become vacant, and in case of such vacancy, if it be that of mayor, a councilman or recorder, a special election shall be held to fill the same; ten days' notice at least shall

Quorum.

be given of said special election, notice to be given in the same manner of the annual election of said town.

First election.

SEC. 3. At the first election to be held under this act, there shall be chosen by the electors present three judges and a clerk of said election, who shall each take an oath or affirmation faithfully to perform the duties required of them by this act, and at all subsequent elections any two of the councilmen shall be judges and the recorder shall be clerk of said election. At all elections holden under this act the polls shall be opened between the hours of nine and ten o'clock in the forenoon and close at five in the afternoon of the same day, and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall give notice to the persons elected of their election; and it shall be the duty of the recorder, at each annual election, to give at least five days notice thereof, by posting up notices at three of the most public places in said town, or causing the same to be published in some weekly newspaper printed in said town.

Meetings of council.

SEC. 4. The regular meetings of the board of mayor and councilmen shall be held on the fourth Monday of each month, but said board may change the time of such meetings: *Provided*, the same be held regularly once in each month, and the board may provide by ordinance for calling special meetings. The mayor, if present, shall preside, and in his absence, the mayor pro tem. The recorder shall keep a correct record of all the proceedings of said board, and may under his hand and seal, appoint a deputy, for whose acts he shall be responsible.

Corporate powers.

SEC. 5. The mayor and councilmen and inhabitants of said town, shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the town of Newton, and shall be capable in law in their name, to acquire property, real and personal, for the use of said town, and sell and convey the same, may have a common seal, which they may alter at pleasure, may sue and be sued, defend and be defended in any court having competent jurisdiction, and when any suit shall be commenced against said corporation, the first process shall be by

summons, which shall be served by an attested copy to be left with the recorder.

SEC. 6. The officers elected under this act shall each <sup>Oath of Office.</sup> take an oath or affirmation to support the constitution of the United States and the constitution of this State, and faithfully to discharge the duties of their respective offices.

SEC. 7. The mayor and councilmen shall have power to <sup>Ordinances.</sup> make and establish ordinances for the government of said town, and to alter, repeal or re-enact the same, to provide for the election of a treasurer, assessor, marshal and other subordinate officers necessary for the good government and well being of the town, to prescribe their duties and decide their qualifications and period of service, fix their fees and compensation, and require them to take an oath or affirmation faithfully to discharge the duties of their respective offices, and may request of them security for the performance of their official duties. Said mayor and councilmen shall also have power to affix such reasonable fines, forfeitures and penalties as they may deem proper, for violation of the ordinances, and to provide for the disposition of the same; *Provided*, That no ordinance of said corporation shall have any effect, until the same shall have been published in some weekly newspaper, published in said town, or posted up in three of the most public places therein; *And Provided further*, That nothing done under the provisions of this section, shall be incompatible with the laws of this State.

SEC. 8. The mayor and councilmen shall, at the expiration of each six months, cause to be made out and published, a correct statement of the receipts and expenditures of the preceding six months: <sup>Receipts and disbursements.</sup>

SEC. 9. That the mayor of said town, who shall be elected by the provisions of this act, shall be, and is hereby invested with all powers now granted by law to Justices of the Peace within this State, for the purpose of hearing, trying and determining all offences committed against the ordinances of said town, and shall have jurisdiction, within said corporation, over all subjects, civil and criminal, as is now or hereafter may be conferred by law on Justices of the Peace in this State, and the same right of appeal from the <sup>Judicial powers.</sup>

judgment of said mayor, in civil cases, shall be allowed, as is now or may hereafter be authorized by law, from the judgement of Justices of the Peace within this State, and said mayor shall also be a conservator of the peace within the limits of said town. That the said mayor shall, as near as may be, conform to, and be governed by the several acts in relation to Justices of the Peace, now in force; that the said mayor shall be allowed such fees for his services, as Justices of the Peace are now, or that may hereafter be allowed by law to Justices of the Peace for like services.

**Wards.**

SEC. 10. The mayor and councilmen first elected under the provisions of this act shall, before the expiration of their term, divide said town into three wards, apportioning the inhabitants as equally as practicable between said wards, and thereafter there shall be elected two councilmen from each ward. The number of said wards may from time to time be increased, and the boundaries thereof changed.

**Taxes.**

SEC. 11. The mayor and councilmen shall have power to levy by ordinance a tax on all real and personal estate, within the limits of said corporation, not exceeding one-half of one per centum in any one year; but such ordinance shall have no force or effect until the same be submitted to the legal voters of said town, at an election specified and called for that purpose by the same ordinance, of which two weeks notice shall be given by publication of the ordinance, as provided in section seven, and receive a majority of the votes cast at said election.

**Conducting elections.**

SEC. 12. The election provided for in the preceding section shall be conducted, so far as practicable, in the same manner as the regular elections, and the vote shall be taken for the tax or against the tax.

**Streets and alleys.**

SEC. 13. The mayor and councilmen shall have power by ordinance, to regulate and improve the streets and alleys, and determine the width of sidewalks; *Provided*, that no property shall be taken from any individual until such individual shall be paid the value thereof, to be ascertained by six disinterested freeholders, to be summoned by the marshal for that purpose and duly sworn, previous notice thereof being given to the owner. They shall also have power to remove all nuisances and obstructions from the streets

and commons, and all other places within said town and provide for the removal of the same.

SEC. 14. The streets and alleys of said town, together <sup>Road District.</sup> with the highways within one half mile of the outer boundaries of the same, shall constitute one road district, the overseer of which shall be appointed by the mayor and councilmen, and shall hold his office for one year, unless sooner removed by said mayor and councilmen; said overseer shall perform the same duties as are, or may be imposed, by the laws of the State upon overseers or supervisors of roads and highways, but shall make his report to the mayor and councilmen; and the road tax and labor of said district shall be laid out and expended within said district under the direction of the mayor and councilmen.

SEC. 15. The fees and salaries of officers shall be fixed <sup>Fees and salaries.</sup> by ordinance, and shall be such as the board of mayor and councilmen may deem proper; but may be changed as circumstances may require.

SEC. 16. It shall be the duty of the mayor and council- <sup>Tax duplicate.</sup> men, to cause to be made out each year, within twenty days after the county list of taxes shall be made out, <sup>duplicate</sup> of taxes, charging each individual therein the amount of tax in proportion to the real and personal estate of such individual within said town; which duplicate shall be signed by the mayor and recorder, and delivered to the marshal, whose duty it shall be to collect the same, within such time, and in such manner as the ordinance shall direct.

SEC. 17. The marshal shall have power to sell personal <sup>Sale of property for taxes.</sup> property, and for want thereof to sell real estate, for the non-payment of taxes within said corporation, giving the purchaser of such real estate a certificate of such sale, setting forth a brief description of the property so sold, the time of sale, and the amount of such purchase money, which certificate shall be assignable by endorsement thereon, but no real estate shall be sold for the non-payment of taxes, unless the assessment of such tax or taxes, and the time of such sale, shall have been duly notified by publication for at least four consecutive weeks, in the manner provided for publication of ordinances in section seven. Said taxes shall be deemed to be due on the first Monday of September in each

year. Any real estate sold under this section may be redeemed at any time within two years from the date of the sale thereof, by paying the amount for which the same was sold, with twenty-five per cent. interest per annum upon the same, which payment may be made to the recorder, as the agent for the purchaser, or to the legal holder of the certificate of sale. If any real estate so sold remain unredeemed at the expiration of two years from the date of sale, the marshal, upon the payment of his legal fees, shall make, execute and deliver to the purchaser, his assignee or legal representatives, a deed for such real estate. The mayor and councilmen may, within thirty days after the assessment of taxes, make such change therein as may be applied for by any one who may deem the valuation of his property unjust.

**Amendments.**

SEC. 18. The Board of mayor and councilmen may propose amendments to this act of incorporation, which shall be submitted to the legal voters at the annual election, and if a majority of the votes cast for or against the amendment be for it, the amendment shall thereafter become a part of this act of incorporation: *Provided*, That such amendment be published in the manner provided for in section seven of this act: *And provided further*, such amendment be not inconsistent with the constitution and laws of this State.

**Submission  
Charter.**

SEC. 19. The county judge of the county of Jasper is hereby authorized to issue an order for an election to be held in said town of Newton, on the first Monday of April next for the adoption or rejection of this act of incorporation, and the election board of the township of Newton in said county, shall on said day, open a separate poll for the reception of such votes; said election to be held in accordance with the laws governing county elections, those in favor of the adoption of this act, shall write on their tickets "for incorporation"; those opposed to the adoption of this act, shall write on their tickets "against incorporation." Only the resident voters of said town shall be eligible to vote at said election.

**Take effect**

SEC. 20. If a majority of said votes are in favor of incorporation, then this act to be in force; *Provided*, It shall first have been published in the Iowa City Republican, and

Jasper County Express, without expense to the State. If a majority of such votes are opposed to incorporation, then this act to be null and void.

Approved January 26, 1857.

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CHAPTER 123.

CITY OF MUSCATINE.

AN ACT amendatory to the act incorporating the city of Muscatine.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all taxes hereafter levied and collected in the city of Muscatine for the purpose of improving the streets and alleys thereof, shall be expended in the different wards in proportion to the amount of tax levied and collected in such ward respectively. Revenue—how expended.

SEC. 2. For the purpose of putting the above provision into execution, it shall be the duty of the city assessor to return to the city council, at the same time that he returns his assessment of property in said city, the total amount of taxable property in each ward separately, which shall form the basis for making the apportionment of moneys to be expended in the respective wards. Assessor.

SEC. 3. After paying all the current expenses and debts of said city, due for the fiscal year, the excess of taxes collected in said city, to be expended by the city authorities upon the streets and alleys, shall be divided and applied pro-rata in the different wards thereof. Current expenses.

SEC. 4. All acts and parts of acts conflicting herewith are hereby repealed. Repeal.

SEC. 5. This act to take effect and be in force from and after its publication in the Muscatine Journal and Democratic Enquirer, without expense to the State.

Approved January 26, 1857.