

partments for life insurance, and fire and fire and marine insurance.

Penalties.

SEC. 12. Any person or persons violating the provisions of this act, shall, upon conviction thereof, in any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, or imprisoned in the county jail not more than thirty days, and fed on bread and water only, or both, at the discretion of the court. Violations of the provisions of this act may be prosecuted by information filed by the prosecuting attorney of the proper county, or by indictment of the grand jury.

Company complying.

SEC. 13. Any assurance company complying with the requirements of this act, and securing the certificate of the auditor for any of its agents, shall not be required to furnish the single statement and evidences required hereby, which being filed with the auditor of State, shall be deemed a sufficient compliance for its free transaction of business in the State.

Repeal.

SEC. 14. All acts and parts of acts, which conflict with this law, are hereby repealed.

SEC. 15. This act to take effect from and after its publication according to law.

Approved January 28, 1857.

CHAPTER 150.

ALBIA.

AN ACT to incorporate the city of Albia, Monroe county, Iowa.

Corporate name.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the northwest quarter of section twenty-two, in township number seventy-two, north of range number seventeen (17), west of the fifth principal meridian, together with all additions which heretofore have been or hereafter may be laid out and recorded according to law, be, and is hereby incorporated into a city by the name of Albia.

SEC. 2. The said city is hereby made a body corporate,

and vested with all the powers and attributes of a municipal corporation, and the legislative authority of said city is vested in a city council, consisting of a mayor and a board of councilmen, composed of two councilmen from each ward of the said city.

SEC. 3. The said city shall be divided into two wards, by the alleys running north and south, through the center of the public square of said city, as the wards are now divided: *Provided*, the said city council may change, alter or divide the said wards hereafter, as they may deem proper, for the interest of said city. Legislative authority.

SEC. 4. Every white male citizen of the age of twenty-one years, who shall have been a resident of this State six months, and of the ward in which he offers his vote ten days next preceding a city election, is hereby declared a citizen of said city, and is entitled to vote at any election thereof. Citizenship.

SEC. 5. All elections of the city shall be conducted in a similar manner to that of township elections, as the nature of the case may permit; and any person offering to vote at said elections, may be challenged as in other causes in township elections, and an oath may be administered to him in like manner, naming the qualifications herein prescribed. Conducting elections.

SEC. 6. No person shall be eligible to any elective office mentioned in this act unless he be a legal voter of said city, and has been a resident thereof for six months next preceding his election. Challenge.

SEC. 7. The qualified electors of the said city shall, on the first Monday of May, in the year A. D. 1857, and annually on the same day thereafter, elect a mayor, two councilmen from each ward, one recorder, one assessor, a treasurer and a marshal; and the mayor and councilmen 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. The officers in this section mentioned, shall be elected for the term of one year, and until their successors are duly elected and qualified. The mayor, recorder, treasurer, assessor and marshal shall be elected by the legal voters of said city, and two councilmen shall be elected in each ward by the legal voters thereof. Election of officers.

Mayor's duty. SEC. 8. It shall be the duty of the mayor to see that the laws and ordinances of said city are executed, and that their violation is punished, to direct and superintend the official conduct of the subordinate officers; to sign and seal all commissions, licenses and permits granted by the council, and perform such duties and exercise such powers as pertains to the office of mayors of cities, and all such other duties as may be granted or imposed by the ordinances of the city, consistent with the laws of the State of Iowa.

Judicial powers. SEC. 9. 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 this State, committed within the city, and with civil jurisdiction as that of justices of the peace is or may be limited to their townships. He shall not be disqualified from acting in such judicial capacity, by any proceeding being in the name of or in behalf of the city: *Provided*, That in case of the inability or absence of the mayor, to act as such in the performance of the judicial duties of his office, any justice of the peace in Troy township is hereby authorized and required to take cognizance and jurisdiction of all causes arising under the ordinances of said city, such inability being entered of record of the justice of the peace acting in such cases.

Not disqualified.

Proviso.

Appeals. SEC. 10. 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 as from other justices of the peace, and shall be determined in the same manner. The mayor aforesaid will be entitled to demand and receive the same

Fees. fees as are at the time allowed by law to justices of the peace; 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 recorder shall fill his place.

Preside.

Powers of the council. SEC. 11. The council shall be the judge of the qualifications and election of its own officers. It may from time to time make 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.

SEC. 12. 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 violation of the city ordinances and 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 misdemeanors and to arrest offenders, that the sheriff has within his county, and may in the same cases and under the same penalty, require the aid of the citizens, and perform all the duties imposed on him by the city council; and in case of the absence or inability of the said marshal to act as such, in the discharge of his respective duties, any constable of the township, or sheriff of the county, may perform any or all the duties of marshal. The marshal shall receive for his services the same fees as allowed by law to constables for similar services; and for such services as may be required to be performed by the council or its ordinances, for which no fees are allowed by law, such reasonable compensation as the council may allow or regulate by ordinance.

SEC. 13. 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 the laws of this State.

SEC. 14. In all elections for city officers, the mayor shall give at least ten days notice to be posted up in each ward, of the time and place of holding such election and the officers to be elected.

The polls shall be opened between the hours of eight o'clock and ten o'clock A. M., and continue open till four o'clock P. M.

Within two days after the election, the judges thereof shall make their return to the president of the city council, who shall examine the same at their next meeting, and cause an abstract of the votes to be recorded in a book to be kept for that purpose.

SEC. 15. No member of the council shall be eligible to any office within the gift of the same during the time for which he was elected; nor shall he be directly or indirectly

interested in the profit of any contract or job of work or other services to be performed by the city.

Ordinances. SEC. 16. All ordinances passed by the city council shall be signed by the mayor and attested by the recorder, and before they take effect, be published in some newspaper published in the said city of Albia 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. 17. 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.

Qualification. SEC. 18. The mayor, councilmen, marshal, treasurer, recorder and assessor, shall each take an oath to support the Constitution of the United States and the Constitution of the State of Iowa, and to faithfully and impartially discharge their duty to the best of their knowledge and ability. Other officers may be qualified in such manner as may be prescribed by the city council. The mayor, and in his absence, the recorder, is authorized to administer oaths, which shall have the same effect as if administered by other officers authorized by law.

Fees. SEC. 19. The mayor and councilmen shall receive such fees for their services as a council as they may deem reasonable, and as may be established by an ordinance. The recorder and assessor shall receive such fees as the city council shall deem right, not exceeding the amount allowed county or township officers for such services.

Meetings of council. SEC. 20. The council may hold its meetings as it sees fit, having fixed stated times, or provide the manner of calling them by ordinance, which meeting shall be public.

Vacancies. SEC. 21. When a vacancy occurs in any of the elective city officers, the council may fill such vacancy by appointment until the next election of the successor.

Power of council. SEC. 22. The city council is vested with power to make ordinances to secure the inhabitants of said city against fire, against violation of the laws and the public peace, to suppress riots, gambling and drunkenness, and indecent or disorderly conduct, to punish lewd behavior in public places,

and to provide generally for the safety, prosperity and good order of the city, and for the health, morals, comfort and convenience of the inhabitants thereof; and to impose penalties for the violations of its ordinances by imprisonment, and in fines not exceeding one hundred dollars, which said fines 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 this State relating to the carrying into effect judgments of justices of the peace imposing a fine, shall be applied to judgments in the case; but the charge thereof must be borne by the city.

SEC. 23. The city council have exclusive authority to provide for the license, regulation and prohibition of all circuses, menageries, theatrical performances, and other exhibitions or shows for pay, *provided*, that above authority shall not extend to the regulation, prohibition or taxation of any exhibition of a purely philosophical or scientific character; and to prohibit the sale of intoxicating liquors, unless such prohibition would be inconsistent with the laws of this State at the time existing; and the said city council is also authorized to revoke, repeal or suspend any of the above license when it deems the good order and the welfare of the city require it to be done.

SEC. 24. The city council may make all necessary ordinances in relation to the cleanliness and health of the city; and may require the owners of lots upon which waters become stagnant, to drain or fill up the same, and in default thereof, after reasonable notice, to wit, ten days, may cause the same to be done at the expense of the city, and assess the costs thereof on the specific lots, and cause them to be sold by the marshal of the city, as in cases of taxes, *provided*, that the owner thereof may be allowed to redeem the same as in case of a tax sale.

SEC. 25. The city council may also prohibit hogs from running at large in the city, or may levy a tax on hogs and dogs that run at large in the city, not to exceed one dollar on the head.

SEC. 26. The imprisonment for the violation of any ordinance shall be in the county jail, and shall not exceed fifteen days; which said imprisonment shall be at the ex-

pense of the city, unless collected from the person so committed.

Rec'ts and disbursements.

SEC. 27. The council shall provide by ordinance for the keeping of the public money of the city, and the manner of disbursing the same; shall audit all claims against the city; and all officers of the city are accountable to the city council in such manner as it shall direct; it shall publish annually a particular statement of the receipts and expenditures of the city, and of all debts owing to and from the same.

Taxes.

SEC. 28. The city council is authorized to levy and collect 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 real property; *Provided*, that where improvements are included, the tax shall not exceed the one-fourth of one per cent. on such real property; *and provided further*, that all property owned by the city, and kept for the public use of the same, shall be exempt from taxation for State and county purposes; *and provided further*, that said tax may be diminished or increased by the vote of a majority of the electors of said city, at any regular or special election of said city, ten days notice being given for that purpose.

Rate.

Vote.

Collection.

SEC. 29. The marshal shall be the collector of taxes, or in case of his absence or inability to act, such person as the council may appoint for that purpose, and before proceeding to collect the same, shall give thirty days' notice of the assessment and levy of the said tax, and the rate thereof in general terms, without the names or description of property, by posting up a written notice in each ward, or in some newspaper printed in the city aforesaid; and during the said thirty days, any person that may feel themselves aggrieved by said assessment or taxation, may appear before the council, which said council may correct the same if found erroneous.

Distress & sale

SEC. 30. The marshal may distrain upon personal property liable to taxation, for any taxes due, and sell the same for the payment thereof, if not paid in a reasonable time after demand, in the same manner and time as constables may sell personal property on execution.

Taxes a lien.

SEC. 31. Taxes on real property shall be a lien thereon,

and such property may be sold therefor when the taxes remain unpaid for six months after posting the notice of the tax.

SEC. 32. Such sale must be at auction at the office of the **Public sale.** mayor in said city, between the hours prescribed by law for the sale of real property on execution, thirty days' previous notice being given as above provided for notifying the assessment and tax. In such case he who bids the amount of tax and costs on the same for the least amount of said real estate, will be the highest bidder, and the manner of ascertaining the portion bid for, shall be as in the State revenue law.

SEC. 33. The marshal shall execute and deliver to the **Deed.** purchaser, in the name of the city of Albia, a deed, which shall have the same force and effect as a deed from the treasurer of the county, in like circumstances, on sales for county and State tax.

SEC. 34. The city council shall have the control of the **Pavements.** streets and alleys and public grounds of Albia, and may cause side-walks to be paved or planked in the same; and to this end may require the owners of lots to pave or repair the same adjoining their respective lots; and if, after reasonable notice given for that purpose, the said owners shall neglect to comply with said order, the same may be done by the city, and the expense thereof assessed to the owners of said adjoining lots, which said assessment shall have the same effect as a tax levied thereon; and said lots may be sold therefor as in cases of other tax sales, and subject to the same redemption.

SEC. 35. All road tax which may hereafter be paid up- **Poll tax.** on any property within the city of Albia, in lieu of labor, shall be paid to the proper authorities of said city, for the improvement of the streets and alleys thereof, and any person being a resident of said city, subject by the law of the State to do work upon roads and highways, shall be required to do and perform, or cause the same to be done and per- **Work on road.** formed under the directions of the proper authorities upon the streets and alleys of said city, or public roads and highways leading thereto within a half mile of the corporate limits of said city, as said authorities may direct. The city

council shall supercede the road supervisors in all jurisdiction within the corporate limits, and perform all their duties, and shall be required to perform labor in, and keep in repair, all the public roads and highways leading thereto within one half mile of said city.

Town ordinances.

SEC. 36. All ordinances passed by the common council of the town of Albia, under the town charter, shall be and continue in full effect until amended or repealed by the city council of said city; and all officers now elected under the articles of incorporation of the aforesaid town, shall hold their respective offices until their successors are elected and qualified under this act; and shall, after the taking effect of this act, be exclusively governed by its provisions.

Officers continued.

Public act.

SEC. 37. In all cases arising under the provisions of this act, wherein the city of Albia is a party, this act can be pleaded as a public statute.

Submit charter

SEC. 38. This act shall not take effect until the same shall have been sanctioned by a majority of the legal voters of said city of Albia, to be taken at an election to be held on the first Monday of April next; and it is made the duty of the county judge of Monroe county, to order said election, notice of which shall be published at least three weeks in some newspaper published in said city, or written notices be posted up in three of the most public places therein, before said day of election, naming the place where such election shall be had, which shall be within the limits of said city. Said election shall be held in accordance with section two hundred and thirty-four (234) of the code of Iowa. Those in favor of the adoption of this act of incorporation, shall have written or printed on their tickets, "For incorporation;" those opposed, shall have written on their tickets, "Against incorporation." The judges and clerks of said election shall make return of one of the poll books to the county judge in the same manner as returns are made in case of township elections. Said county judge shall proceed to canvass the same as required in township elections, and declare the result by publication in some newspaper published in said city, or by posting up a written copy on the door of his office.

SEC. 39. This act to take effect from and after its publi-

action in the Iowa City Republican and Albia Independent Press, without expense to the State.

Approved January 28, 1857.

I certify the foregoing act was published in the Iowa City Republican, March 12, 1857.

ELIJAH SELLS,
Secretary of State.

CHAPTER 151.

BURIAL GROUND.

AN ACT to authorize the selling of a tract of land now used as a burial ground in the town of Delhi, Delaware county, and to provide for the removal of the dead therefrom, and for the purchase and improvement of another place of burial.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the county treasurer of Delaware county, is hereby authorized and empowered to sell at private sale or at public vendue, as in his discretion he shall deem best, and in such parcels as he shall deem advisable, and for cash in hand, out-lot No. one (1) one in the town of Delhi, in said county, and to receive all monies arising from said sale, which monies shall constitute a fund to be devoted to the purpose of carrying into effect the requirements of this act, and to no other purpose whatever; and said treasurer is required safely to keep the same until they shall be drawn from his hands in the manner hereafter required.

SEC. 2. The said treasurer shall proceed to make such sale as soon as the same can conveniently be done, without sacrifice, after the passage of this act; but no delay on his part, from whatever cause the said delay may arise, shall render invalid any sale made by him pursuant to the first section of this act.

SEC. 3. The county judge of said county shall be, and he is hereby appointed a commissioner, whose duty it shall be, and he is hereby authorized and required, as soon after the treasurer of said county shall have sold the aforesaid lot as as may be, to select and purchase, or procure, or receive by donation, and lay out in such manner as he shall deem ex-