

most practicable route and three dollars per day, during his necessary attendance at such courts, to be certified to by the presiding judge.

SEC. 2. The secretary of State shall furnish a suitable desk for the keeping of books and papers connected with his office, and he shall be entitled to such stationery as may be required by his office. ^{Books and stationery.}

SEC. 3. That all acts and parts of acts inconsistent herewith are hereby repealed. This act to take effect from and after its publication in the Iowa City Republican and Iowa Capital Reporter. ^{Repeal.}

Approved January 28, 1857.

I hereby certify that the foregoing act was published in the Iowa City Republican Feb. 12, 1857, and in the Capital Reporter, Feb. 20, 1857.

ELIJAH SELLS,
Sec'y of State.

CHAPTER 197.

BURRIS CITY.

AN ACT to incorporate the city of Burris, in Louisa county.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the town of Burris, in the county of Louisa, in this State, which town is situated on the following described land, to wit: All that portion of sections one and two, lying north of the Iowa river, in township seventy-three, range two; also all of sections or fractional sections thirty-six, thirty-five and twenty-six, of township seventy-four north, range two west. ^{Boundaries.}

SEC. 2. The said city is made a body corporate, and is vested with all the powers and attributes of a municipal corporation. ^{Incorporation.}

SEC. 3. The legislative authority of the city is vested in a city council, consisting of a mayor and board of aldermen composed of three from each ward of the city. ^{Legislative authority.}

SEC. 4. The said city shall be divided into three wards, as follows: That portion north of H street shall constitute the first ward; that portion lying north of P street shall

constitute the second ward; that portion lying south of P street shall constitute the third 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.

Citizenship. SEC. 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 of 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.

Conducting elections. SEC. 6. The election of the city officers shall be conducted in a manner similar to that in which elections are conducted in the townships, as the nature of the case permits.

Challenge. SEC. 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.

Eligibility. SEC. 8. No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and have been a resident thereof six months next preceding his election.

City council. SEC. 9. 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 nine 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. The mayor, recorder, assessor, treasurer and marshal shall be elected by the legal voters of said city.

Mayor's duty. SEC. 10. It shall be the duty of the mayor to see that the laws and ordinances of the city are executed, and their violations 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 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 the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of the city ordinances 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 as may be limited to those townships; he shall not be disqualified from acting in such judicial capacity, by any proceedings being in the name or in behalf of the city. Judicial jurisdiction.

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 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 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. Appeal.

SEC. 13. The council shall be the judge of the qualifications and elections 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 every citizen; and may compel the attendance of its members in such manner and under such penalties as it may adopt. Powers of council.

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 citizens and perform all duties imposed by the council. He may, with the approval of the Marshal's duty

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.

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

Proclamation. 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 for such 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 until 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.

Ineligible. SEC. 17. No member of the city council shall be eligible to any office within the gift of the council during the term for which he is elected, nor shall he be interested directly or indirectly in the profits 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 and attested by the recorder, and before they take effect be published in one or more newspapers printed 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 is the duty of the recorder to keep a true record of all the official proceedings of the city council, and such records shall at all times be open to the inspection of any citizen.

Oath of office. 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 may be administered by the mayor or recorder when 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 of office which shall have the same effect as if administered by other officers authorized thereto.

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

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. **Meetings.**

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

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. **Vacancies.**

SEC. 25. 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, and indecent or disorderly conduct, and to punish lewd behavior in public places, and in general 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 for each offence, which may be recovered in a civil action in the name of the city, or by complaint before the mayor, as in civil proceedings before a justice of the peace, and the laws of the State relating to carrying into effect a judgment of a justice of the peace imposing a **Ordinances.**

fine, shall be applied to judgments in the above cases, but the charges thereof must be borne by the city.

- Fire company.** SEC. 26. The council is authorized to establish and organize fire companies, and provide them with fire engines, hose, and other apparatus.
- Gunpowder.** SEC. 27. The council may regulate the keeping and sale of gunpowder within the city.
- Licenses.** SEC. 28. The council shall have the exclusive authority to provide for the license and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball alleys and other bowling saloons, ten-pin or other 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. When the laws of the State permit or require license for the sale of intoxicating liquors, that matter shall be within the exclusive authority of said council, and it may at all times prohibit the retail sale of such liquors, unless such prohibition would be inconsistent with the laws of the State; and no license shall be granted for less than one hundred dollars each for that purpose.
- Nuisances.** SEC. 29. The council may make all necessary ordinances in relation to the cleanliness and health of the city, and may require the owner 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 lots, and cause them to be sold by the city collector as in case of taxes, and the owner may redeem from such sale as in case of sale for tax.
- Drayage.** SEC. 30. Said council may regulate the system [of] cartage, drayage, hacks and omnibuses within the city, and may issue license therefor, and may prohibit hogs and other animals from running at large within the limits of said city.
- Public money.** SEC. 31. The council shall provide by ordinance for the keeping of public money of the city, and the manner of disbursing the same, and shall cause all claims against the city to be audited, and all city officers are accountable to said city council in such manner as it directs. Said council shall publish annually a particular statement of re-

ceipts and expenditures of the city, and of all debts owing to and by the same.

SEC. 32. Said council shall have exclusive authority to ^{Grades.} establish the grades of all streets and alleys in the city, and may change the same upon the petition of the owners of two-thirds in value of the real property on both sides of the street where it is desired to be changed.

SEC. 33. Imprisonment for the violation of any ordinance shall not exceed fifteen days, and the county jail shall be the place of imprisonment, but at the expense of the city. ^{Imprisonment.}

SEC. 34. The city council is authorized to levy and collect ^{Taxes.} 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 improvement when it is so determined by a vote of all the voters of the city, but when such exemption takes place, the rate of tax on personal property shall not exceed that above named, and the rate on realty shall not exceed one and one half per cent. on the valuation. Said council may also tax and prohibit dogs from running at large over the city: *Provided*, That the tax thus levied and collected, when the improvements are included shall not exceed one-fourth of one per cent., and when improvements are exempt as above named, one-fourth per cent. on personal property, and one per cent. on real property, until otherwise determined by the qualified votes of the city, at an annual election or a special election held for that purpose.

SEC. 35. The marshal shall be collector, or in case of ^{Collector.} his absence or disability, such person as the council may appoint in his stead, shall be 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 name or description of the property, in a newspaper printed in the city, if there be one; if not then by three months' notice in the most public places in each ward.

SEC. 36. During the the thirty days, any person ^{Correct errors} aggrieved by the assessment or taxation, may appear before the council, which may correct the same if found erroneous.

- Sale of personal property.** 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 demand, as constables may sell personal property on execution.
- Real property.** 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 posting the notices of the tax.
- Pub. auction.** 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 on the State revenue laws.
- Deeds.** 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.
- Powers of council.** SEC. 41. The council have the control of the streets, and alleys and public grounds of the city of Burris, 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 the contiguous lots, which shall have the same effect of a tax levied thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption.
- Borrow money.** SEC. 42. The council are authorized to borrow money for any object in its discretion, if at a regular notified meeting under a notice stating distinctly the nature and object of the loan and the amount thereof, as nearly as practicable: the voters of the city may determine in favor of the loan, by a majority of the votes given at the election, and such loan can in no case be diverted from its specified object.
- Road tax.** SEC. 43. All road tax which may hereafter be paid up on any property in the city of Burris in lieu of labor, shall be paid to the proper authorities of said city for the improvement of the streets thereof.
- SEC. 44. Any person being a resident of the city, sub-

ject by laws of this State to do work upon roads and high-ways, shall be required to do and perform or cause to be done under the direction [of] 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 supervisor in all jurisdiction within the corporate limits, and perform all their duties. ^{Work on roads}

SEC. 45. On the passage of this act the county judge of Louisa county shall order an election for the purpose of submitting this charter to the citizens of said city, which election shall take place on the first Monday in March A.D. 1857, and shall be conducted in all respects as now provided by law, and returns thereof made to the county judge of said Co.; and in the event that a majority of all the votes cast are in favor of said charter, then it shall be the duty of said judge to order an election in each ward, as he may think proper, for the election of mayor, recorder, treasurer, marshal, assessor, and three aldermen from each ward, which election shall be held on the first Monday in April, 1857, and conducted in all respects as now provided by law, and returns thereof made to the county judge, whose duty it shall be to notify the persons elected to the respective offices named in this section, who shall enter upon their duties by taking the oath of office prescribed in this act. ^{Submission of charter.}

SEC. 46. This act to take effect from and after its publication in the Wapello Intelligencer and Burris Commercial: *Provided*, said publication be done without any expense to the State.

Approved Jan. 28, 1857.