

crat, the Republican, and the Staats Zeitung, newspapers, at the expense of said city. The tickets which shall be polled at such elections shall contain either the words, "For the amended charter," or "Against the amended charter." And if a majority of all the legal votes at such election shall be in favor of the amended charter, then this act shall be in force from and after its publication in the North-West and Express and Herald newspapers, without expense to the State. If a majority of such electors shall vote against the amended charter, then this act shall not be in force until after the next session of the General Assembly of the State of Iowa.

Approved January 28, 1857.

I certify that the foregoing was published in the North-West, February 24, 1857.

ELIJAH SELLS,  
Secretary of State.

## CHAPTER 211.

### CITY OF CAMANCHE.

AN ACT to incorporate the city of Camanche.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That all that portion of the State of Iowa, included within the following limits, to wit: Commencing at the centre of ninth avenue and Eighth street, as laid down and platted by the Camanche land company; thence running along the centre of Eighth street to the intersection of the centre line of said street, and the section line between section twenty-eight (28) and twenty-nine (29), township eighty-one (81), range six east of the fifth principal meridian; thence thirty-nine hundred and sixty feet; thence south to the middle of the main channel of the Mississippi river; thence up and along the middle of said main channel to the centre line of ninth avenue; proceed thence along said centre line to the intersection of said eighth street and ninth avenue to the place of beginning, be, and the same is hereby declared a city, and the inhabitants thereof are cre-

ated a body corporate and politic, by the name and style of Camanche, and by that name shall have perpetual succession, and shall have and use a common seal which they may alter and change at pleasure.

Wards.

SEC. 2. The said city is hereby divided into two wards, as follows: That part of the city which lies north and east of the centre of Chicago street, shall be the first ward; and that part lying south and west of Chicago street shall be the second ward: *Provided*, that the 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.

Submit charter

SEC. 3. On the passage of this act, the county judge 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, the township trustees conducting said election as in other cases. The return of said election shall be made to the county judge, and in the event that a majority of all the votes

If adopted.

polled are in favor of said charter, then it shall be the duty of said judge to order and provide for an election in each ward in said city, to be held at such places as he may think proper, for the election of the officers as provided in section seven, which election shall be held on the first Monday, in April, A. D. 1857, and shall be conducted in all respects as now provided by law, and returns made to the county judge, whose duty it shall be to notify the persons elected to the respective offices named in section seventh of this charter, who shall enter upon their duties as prescribed by this act, or by ordinance of the city council.

Citizens.

SEC. 4. All legal voters are declared citizens of said city, and are entitled to vote at all elections thereof.

Challenge.

SEC. 5. All persons offering to vote may be challenged as in township and State elections.

Who eligible.

SEC. 6. No person shall be eligible to the office of mayor unless he be a citizen of the city and resident thereof six months preceding his election, nor shall any person be eligible to any other office mentioned in this act unless he be a citizen of the city, and have been a resident thereof six months preceding his election.

Aldermen.

SEC. 7. The officers of the city shall be a mayor, two

aldermen from each ward, one marshal and recorder, one treasurer, one assessor, and one wharf-master, for the choice of whom an election shall be holden annually, on the first Monday in April, and each of whom shall hold his office for the term of one year, (except in the case of aldermen) as hereinafter provided, and until their successor is elected and qualified.

SEC. 8. Two aldermen shall be elected in each ward, Aldermen. and such one of the two as receives at the first election the highest number of votes, shall hold his office for the term of two years, and the other one year; and thereafter one shall be elected each year in each ward, to hold his office for the term of two years. If there be a tie vote in the above case, the matter shall be determined by lot.

SEC. 9. It shall be the duty of the mayor to see that all Mayor's duty. 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, 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. 10. He shall be a conservator of the peace within Judicial jurisdiction. the city, and ex-officio a justice of the peace, and is invested with exclusive original jurisdiction for the violation of ordinances of the city, and with criminal jurisdiction of offences against the laws of the State, committed within the city, and 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 in behalf of the city: *Provided*, That in case of inability Provided. of the mayor of Camanche 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 Camanche township may take cognisance and jurisdiction arising under any of the ordinances of said city, such inability being entered of record of the justice acting in such cases; he shall be entitled to demand [and] receive in civil

actions, and in actions for the breach of the laws of the State, such fees as are at the time allowed by law justices of the peace.

**Appeals.**

SEC. 11. Appeals to the district court in the same county shall be allowed from the judgment and decision of the mayor, in the same cases, time, and manner as they are at the time allowed by law, from those of other justices, and they shall be tried in the same manner.

**Preside.**

SEC. 12. He shall be the presiding officer of the city council when present, and shall give the casting vote when there is a tie; in his absence the council may appoint one of their own number president for the time being, who shall have authority to sign ordinances, and orders on the treasury, and to administer oaths, and to do all other things pertaining to the office of mayor, except as a justice of the peace, stating in connection with the signature, in the absence or inability of the mayor.

**Recorder's duty.**

SEC. 13. The recorder is required to keep a true record of all the official proceedings of the council, and such records shall at all times be open to the inspection of any citizen, and he shall perform such other duties as may be required by the council.

**Marshal's duty.**

SEC. 14. The marshal is made a conservator of the peace; he is the executive officer of the mayor's court, and shall execute and return all proceedings directed to him by the mayor, and in cases for the violation of the criminal laws of the State, and of the ordinances of the city, may execute such process in any part of the county; he is invested with the same authority within the city, to quell riots and disturbances, to prevent crimes, and to arrest offenders, that the sheriff has in his county; he shall perform such other duties as the council prescribe, and, with its approval, may appoint one or more deputies, for whose official acts he shall be responsible, and whom he may discharge; 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.

**Authority.**

SEC. 15. The legislative authority of the city is vested in a city council, consisting of the mayor and a board of aldermen, composed of two from each ward of the city.

**Meetings.**

SEC. 16. The council may hold meetings as it sees fit,

having stated times fixed, or having provided by ordinances for the manner of calling them.

SEC. 17. A majority of the council shall be necessary Quorum. to form a quorum; it shall be the judge of the election and qualifications of its own members; it shall determine the rules of its own proceedings; it may compel the attendance of its members at its meetings in such manner and by such penalties as it may adopt, and it shall cause a record of all its proceedings to be kept.

SEC. 18. First. The council is invested with the follow- Protection. ing powers: To make ordinances to secure the inhabitants against fire, against violation of the law and public peace; to suppress riots, drunkenness, gambling, and indecent and disorderly conduct, and generally to provide for the safety, good order and prosperity of the city, and the health, morals and convenience of the inhabitants.

Second. To impose penalties for the violation of its or- Penalties. dinances, 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 case of complaint before a justice of the peace, and the laws of the State in relation to carrying into effect a judgment of a justice of the peace, under complaint, shall be applied to judgments in the above cases, that the charges thereof be paid by the city.

Third. To establish and organize fire companies, and to Fire company. provide them with engines and other apparatus.

Fourth. To regulate the keeping of gunpowder within Powder-wood buildings. the city, and to provide that no building of wood shall be erected in such parts of the city as may be designated, and to declare such buildings a nuisance and cause their removal.

Fifth. To remove obstructions from, and have entire control Wharves. of the landing of the Mississippi river, and to build wharves and regulate the landing, wharfage and dockage of boats and all other water crafts, goods, lumber, and other things, landed at or taken from the same: *Provided*, That nothing in this section shall be so construed as to effect the right of the State or counties, or to prevent the county of Clinton from granting ferry charters in said county.

Sixth. To exercise exclusively the power to provide for Licenses. the license, regulation or prohibition of exhibitions, shows,

and theatrical performances, billiard tables, balls and ten-pin alleys, and places where any games of skill or chance are played; but this power extends to no exhibition of a purely literary, scientific or artistical character, and when the laws of the State permit license for the sale of intoxicating liquor, 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 laws of the State at the time existing, and it may revoke or suspend any of the licenses above mentioned, when it deems the good order and welfare of the city requires it.

Health.

SEC. 19. First. The city council shall have power to make all requisite ordinances in relation to the cleanliness and health of the city.

Cartage.

Second. To regulate cartage and drayage within the city, and may license therefor, and may also make prohibition of all animals running at large within the city.

Streets.

Third. That the city council shall have power whenever they deem it expedient for the public interest of said city, to open and extend streets and alleys, to alter the width, course or grade of any of the streets and alleys of said city, and to vacate the same.

Damages.

Fourth. That if any property holden in said city shall be injured by any such alteration, such person may make application to the board or council for the assessment of damages, whereupon such applicant shall give ten days' notice in some newspaper published in said city, in case the claimant be a resident of said city, or twenty days, in case such claimant be a non-resident, stating the time and place of meeting, and the object of the same, and at the time specified in said notice, said councilmen shall proceed to view and assess the damages, if any, done by reason of such alteration, taking into consideration the advantages and disadvantages of such alterations and improvements, and shall within five days thereafter make an award and return the same to the county judge of Clinton county, who shall enter judgment thereon (if approved) and such judgment shall be final.

School dist.

SEC. 20. That the city of Camanche shall constitute one permanent school district, not subject to alteration by the

school fund commissioner, and shall be subject to the control of the city council of said city, who shall provide for the adequate support and maintenance of common schools in said district, and so much of the code of Iowa as require regular meetings of each school district on the first Monday of May and October of each year, and so much thereof as requires the election of trustees in each school district, is hereby declared inapplicable to said district. The city council of said city shall by ordinance provide for the appointment or election, as they may consider most proper, of a board of education in said district, and shall invest in said board the necessary power for the proper care and management of the common schools in said district, the employment of teachers and the supervision of schools, and provide for the taking and returning to the proper officers, as required by law, of the number of persons in said district between the ages of five and twenty-one years, and the performance of such other duties as may seem necessary for the proper discharge of the duty hereby imposed upon said council.

SEC. 21. That the city council of said city shall furnish School houses. all necessary additional school houses for the support of common schools in the said district, and for that purpose shall levy and collect, in the same manner as other moneys for current expenses in said city, such sum of money as may be necessary therefor, and for the necessary repair and improvement of the same; but the sum levied in any one year shall not exceed the rate of one-half of one per cent. on the assessment of such year, and the city council are authorized and directed, when necessary, to borrow in anticipation of such tax, the amount necessary for the purchase of school lots and the erection of school houses thereon, but not to exceed the sum of ten thousand dollars, and to give the bonds of the city therefor, to be repaid by the tax so levied and collected as aforesaid for the purpose aforesaid.

SEC. 22. That the city council shall have power, by Draw school fund. their order on the school fund commissioner of the county of Clinton, to receive from him, for the use of said district, all monies appropriated to said district from the school fund; and in addition thereto, shall in each year levy and collect,

in the same manner as other monies for current expenses, such further sum, but not to exceed in any one year the rate of five mills on each dollar for the assessment of such year, as may be, with the fund received from the school fund, adequately to provide for the payment of necessary teachers' wages and incidental expenses in maintaining common schools in said city, arising the current year.

School fund.

SEC. 23. That all monies received by the city council from the said school fund commissioner, or collected in pursuance of any tax by this act authorized, shall be paid into the city treasury, and a separate account thereof shall be kept by the treasurer and recorder, and no monies shall be drawn therefrom only to be appropriated to the special purpose for which the same was received or collected, and shall only be paid on order in which said purpose is stated; and the city council shall provide for the publication, at least once in each year, for the information of all persons, of a full statement of all receipts and expenditures for school purposes, during the current year, and which shall show the number of schools kept, the number of teachers employed, the wages paid, the whole number of persons in attendance, and the time such schools have been held during the current year.

Road dist.

SEC 24. The city of Camanche is hereby constituted a special road district, and the city council shall have power, in addition to the taxes otherwise authorized to levy road taxes not exceeding the amount allowed to be levied by the county court, and may provide for the payment and collection of the same, in the same manner as other taxes for current expenses; they may also provide for the manner in which all such taxes shall be expended on the streets and highways in said city, and all persons and property rightfully taxed within said city, in accordance with this section, are thereby exempt from all taxes for roads to the county.

Supervisor.

SEC. 25. The city council, or such officers as they may appoint, shall have exclusive jurisdiction and control of said special road district.

City tax.

SEC. 26. The city council is authorized to levy and collect taxes not exceeding one-half of one per cent., in any one year, on the value of all property within the city, which is liable for State and county taxes, including improvements



on real property, to carry into effect the provision of this act; the council may also levy a tax on dogs; the latest assessment rolls shall form the basis of assessment, but the city assessor may add thereto any property omitted, assessing the same himself:

SEC. 27. The city council shall make out a duplicate of <sup>Duplicate.</sup> taxes in proportion to the valuation of each individual in said city, on or before the first day of May, in each year, to be signed by the mayor, and countersigned by the recorder, which duplicate shall be delivered to the collector of said city, whose duty it shall be to proceed to collect the same within each time and in such manner as the ordinances of said city shall require, and to pay over the amount of such taxes, so collected, upon the order of the city council, signed and countersigned in the same manner as provided for such duplicate, provided that the said council shall have power, on the complaint of any person aggrieved, to correct or amend any illegal or erroneous assessment before making out and delivering such duplicate to the collector.

SEC. 28. The collector shall have power to sell personal <sup>Tax sale.</sup> property, and for want thereof, to sell real estate, for the non-payment of taxes within said city, giving the purchaser a certificate of such sale, setting forth a brief description of the property sold, and at what time he will be entitled to a deed, which certificate shall be assignable by endorsement thereon, but no real estate shall be sold for the non-payment of such taxes, unless the assessment of such tax or taxes shall have been duly notified by publication for at least six consecutive weeks, prior to such sale, in some newspaper published in said city, or by notice posted for the same length of time in some public place in each ward thereof.

SEC. 29. All real estate sold under or by virtue of section 28, may be redeemed by the owner thereof, by paying the amount of the taxes for which the same was sold, at any time within one year from the date of the sale thereof, together with the costs of advertising and sale, and fifty per cent interest upon the whole amount of such taxes and costs: but if any real estate so sold remain unredeemed to the expiration of one year from the date of the sale thereof, the collector of said city shall, upon the payment of a fee of one dollar to him by the purchaser of such real estate, at such

sale, his assignee or legal representative, make, execute, and deliver a deed of such real estate to the said purchaser, his assignee or legal representative.

**Auditing.**

SEC. 30. The council shall audit all claims against the city, provide for the keeping of the public money of the city, and the manner of drawing the same from the treasury, and all officers of the city shall be accountable to the council in such manner as it directs; it shall be the duty of the council to publish annually a particular statement of the receipts and expenditures of the city, and all debts owing to and from the same.

**Meetings.**

SEC. 31. The council shall prescribe the manner of calling the meetings of the citizens, except for the election of the officers

**Additional officers.**

SEC. 32. The council shall have power to appoint, in such manner as they may determine, any and all additional officers necessary to carry into effect any and all of the provisions of this bill, and prescribe their respective duties, powers, qualification and compensations.

**Paving grading &c.**

SEC. 33. The council shall have power to levy and collect a special tax on the lot or lots, or the owner or owners thereof, on alley, street or highway, or any part of any street, alley or highway, within the city of Camanche, for the purpose of curbing, grading or paving the side-walk in front of such lot or lots respectively; and also for the purpose of repairing the same, or for the purpose of lighting such street, alley or highway, or for the purpose of paving or macadamizing the street, alley or highway, in front of such lot: *Provided*, That in case any special tax is so levied on any lot or lots or the owner thereof, for the purpose aforesaid, such lot or lots, or the owner or owners thereof, in respect thereto, shall not be liable to any other tax, general or special, for making any improvement of the same kind on any other street, alley, or highway, or any part thereof, in said city.

**Borrow money**

SEC. 34. The council shall have power to borrow money for any object in its discretion, if at any regular notified meeting under a notice stating directly the nature and object of the loan, and the amount thereof, as nearly as practicable, if the citizens determine in favor of the loan by a majority of the votes given at such election, held for that

purpose, and such loan can, in no case, be diverted from the specified object.

SEC. 35. Ordinances passed by the city council shall be signed by the mayor, and attested by the city recorder, and before they take effect be published in one or more newspapers printed in the city, at least ten days; they shall also be recorded in a book kept for the purpose and signed by the mayor and attested by the recorder. **Ordinances.**

SEC. 36. The city council shall have power to fill all vacancies occurring in their board or other offices, by death, resignation, or otherwise. **Vacancies.**

SEC. 37. 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 ability. Other officers shall qualify in such manner as shall be prescribed by the council. The oath of office 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, which shall have the same effect as if administered by other officers authorized thereto. **Official oath.**

SEC. 38. Such of the officers as the council may determine, shall give bond in such penal sum, and with such conditions as may be prescribed, and to be approved as required. **Bonds.**

SEC. 39. The duties of all the officers, in addition to the duties herein prescribed, shall be such as are provided by ordinance, and they will be entitled to such compensation for their services and subject to such penalties and forfeitures, for violation of duty, as the ordinance may prescribe. **Duty of officers**

SEC. 40. The marshal shall be the city collector. **Collector.**

SEC. 41. No member of the city council shall be eligible to any office in 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, of service, to be performed by the city. **Ineligible.**

SEC. 42. For all elections for city officers, the mayor is directed to issue a proclamation to the voters of the city, or of the several wards, as the case may be, naming the time **Proclamation.**

and place or places of the election, and the officers to be chosen, and cause a copy to be posted up in each ward, at least ten days before the election, or instead thereof he may cause a copy to be published in a newspaper published in the city, the same length of time.

**Open polls.**

SEC. 43. The polls shall be opened, (the council having appointed judges and clerks,) between the hours of eight and ten 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 city council, which shall examine them and cause an abstract of the votes to be recorded in a book kept for the purpose.

**Powers of corporation.**

SEC. 44. The inhabitants of said city, by the name and style aforesaid, shall be capable in law and equity of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts of law and equity, in all matters whatsoever; of purchasing, using, occupying, enjoying and conveying real, personal and mixed estate in said city; of purchasing, receiving and holding property, real, personal and mixed, beyond the limits of said city, for burial grounds, or for other purposes, for the use of the inhabitants of said city, and shall be competent to have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations incumbent upon and appertaining to a municipal corporation.

**Public act.**

SEC. 45. That this act shall be taken and received in all courts and by all judges, magistrates and other public officers as a public act, and all printed copies of the same which shall be printed by and under the authority of the Senate and House of Representatives, shall be admitted as good authority thereof, without any other proof whatever.

SEC. 46. This act shall take effect and be in force from and after its publication in the Iowa Register, published in Camanche.

Approved January 28, 1857.