

time and manner of holding such election to be specified by the city council.

Approved January 27, 1857.

CHAPTER 239.

RAILROAD TAX.

AN ACT to authorize the city of Keokuk to levy a direct tax, not exceeding \$150,000, for the benefit of the Keokuk and Fort Des Moines Railroad Company.

Question submitted.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the mayor or mayor pro tem, of the city of Keokuk, is hereby authorized, (and if requested by the city council, he shall be bound) to order an election of the legal voters of said city, at which shall be submitted the following proposition, viz: "Will the city of Keokuk levy a direct tax of one hundred and fifty thousand dollars, for the benefit of the Keokuk and Fort Des Moines Railroad Company, (or less, as the said company may request) principal, and interest on same sum, at rate of not to exceed ten per cent per annum, to be collected, one third, (and interest on whole sum named) in one year, one-third, (and interest on two-thirds) in two years, and one third (and interest on same) in three years from the date of the issue of bonds, to be issued in pursuance of the provisions of this act." The votes shall be printed respectively "For the levy of the tax," and "Against the levy of the tax."

Issue bonds.

SEC. 2. In case the majority of the votes cast at said election shall be in favor of the tax, then the mayor or mayor pro tem of said city shall be and is hereby authorized to issue the bonds of said city of Keokuk for the amount so voted, payable one third in one year, one-third in two years and one-third in three years, with interest coupons payable annually, at rate of not over ten per cent. per annum.

Stock certificate.

SEC. 3. Said railroad company shall be bound to issue to each individual for the amount of tax he or she may have paid in pursuance of the provisions of this act, either certificates of stock of said company, or scrip for stock in same, which scrip, when presented in sums of even half

dreds of dollars, shall be redeemed by the issue of certificates of stock of said company.

Sec. 4. The amount of the tax and interest shall be a *Lien*. lien on the taxable property of said city, and shall be collected in time to meet the said bonds and interest, and shall be held by the authorities of said city separate and apart from said funds, as a special fund, sacred for the liquidation of said bonds and interest thereon.

Sec. 5. This act shall take effect from and after its publication in the Gate City and Times, newspapers of said city, without cost to the State.

Approved Jan. 29, 1857.

CHAPTER 240.

ORIGINAL NOTICES.

AN ACT to regulate the service of original notices, in courts of record, in certain cases.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That where the person on whom the service of an original notice is to be made, cannot be found within the State, and the fact appears by affidavit to the satisfaction of the court, or a district judge, or of the county judge of the county where the trial is to be had, and it in like manner appears that a cause of action exist against the defendant in respect to whom the service is to be made, or that he is a proper party to an action relating to real property in this State, such court or judge may grant an order that the service be made by the publication of such original notice in either of the following cases:

First. Where defendant is a foreign corporation, has property within the State, or the cause of action arose therein.

Second. Where the defendant, being a resident of this State, has departed therefrom with intent to defraud his creditors or to avoid the service of process or keep himself concealed therein with the like intent.