

Chartered Towns

Municipal government in Iowa began with an act of the Legislative Assembly of the Territory of Wisconsin on December 6, 1836. This measure provided that whenever "the white male inhabitants" of a town of three hundred inhabitants wish to become incorporated "for the better regulation of their police", it should be lawful, upon ten days notice, for such persons as had resided there for six months, "to assemble themselves together in public meeting" and "proceed to decide by vote, *viva voce*, whether they will be incorporated or not." If a count of the vote showed that two-thirds of those voting were in favor of incorporation, a meeting was called at a later date for the election of five "trustees" for the town. These trustees selected a president from their own group, and the president and trustees were "considered in law and equity a body corporate and politic" for the conduct and management of municipal affairs.

In accordance with this law the people of Dubuque and Burlington signified a "wish to be incorporated", and that wish was carried into effect. Elections of trustees were held in the spring of 1837. At that time these were the only towns in

the Iowa district large enough to be entitled to a municipal form of government.

Meanwhile, Congress authorized the towns of Fort Madison, Burlington, Bellevue, Dubuque, and Peru to be surveyed. The proceeds from the sale of lots was to be paid to the town trustees. Inasmuch as Bellevue and Peru had less than 300 inhabitants, the Territorial incorporation act was amended on January 12, 1838, to allow those two towns to organize and elect trustees.

Fort Madison was laid out in 1835. But this being the site of a federal fort, questions of validity of title were raised and the town was resurveyed. The first sale of lots under the government survey was made in 1838. Unlike Dubuque and Burlington, Fort Madison apparently was not organized as a village under the legislative act of 1836 — its local affairs being administered by county and township officers.

Population in these early river towns grew rapidly, however, and perplexing questions soon arose relative to the control of docks, ferries, shipping, vending, traffic, and a multitude of other interests which it was necessary to govern and control by municipal authorities. Accordingly, the need for a new and more flexible form of municipal government was apparent.

An obvious and very easy way of obtaining an

effective municipal organization was to ask the legislature for a special charter which would meet the needs of the particular community. In accordance with the early American practice, legislatures were accustomed to grant such charters when requested, and to embody in them such provisions as might be requested by the local community. The usual method of securing a special charter in Iowa was for the inhabitants of a town to petition the legislature in writing. In some instances, a delegation from the locality was sent to the capital for the purpose of presenting a charter which had been previously drafted by a committee of citizens. The proposed charter was, of course, introduced by a member of the legislature from the county in which the city or town was located. Such charters were usually passed with little discussion and without opposition.

The charters of Burlington and Fort Madison, granted on the same day, January 19, 1838, were similar in general outline, yet considerably different in detail. Each charter provided for an annual election of officers by the qualified voters. They varied, however, as to the time of holding elections, the number of officers, and the qualifications of voters. The Burlington charter provided that "for the preservation of peace and good order, and the promoting of the prosperity and quiet" of the

city, "the free white citizens" of twenty-one years of age, should on the first Monday of February of each year, elect a mayor and eight aldermen, a recorder, treasurer, and engineer. And strangely enough, it provided that these officers should "be commissioned by the governor of the territory". The Fort Madison charter, on the other hand, provided that, on the first Monday of May each year, "the free male inhabitants" of the city, should elect "a president, recorder and five trustees", any five of whom should constitute a board for the transaction of business.

Each charter authorized the council to levy and collect taxes. The Fort Madison charter provided, however, that all poll taxes should be applied to the repair of streets, "and to no other purpose". It also provided that taxation should not exceed, in any one year, the sum of twenty-five cents on each one hundred dollars worth of property taxed, unless upon petition of a majority of the property holders of the city.

The Fort Madison charter formed the model for subsequent special charter legislation. The fundamental laws of Bloomington (Muscatine), Salem, Farmington, Iowa City, and Mount Pleasant were patterned closely upon this model. Both the Burlington and Fort Madison charters were repealed within a few years and superseded by

more elaborate ones. Nevertheless, the form and practices which they established were closely followed in the general charter law when the legislature was no longer allowed to pass such special statutes.

At the end of a century only four municipalities in Iowa are still operating under special charters — Davenport, Muscatine, Wapello, and Camanche. The charters of Burlington and Fort Madison, however, had a tremendous influence upon the character and development of municipal government in Iowa.

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