

SEC. 28. That said city shall have power to subscribe to the capital stock of any rail road company and may pay the same with bonds of the city, and shall be empowered and required to levy and collect all the necessary taxes, to pay the principal and interest of said bonds; *Provided*, such subscription shall be authorized by a majority vote of the legal voters of said city, cast at an election ordered for that purpose.

Stock in rail
road compa-
nies.

SEC. 29. This act to take effect and be in force from and after its publication in the Mt. Pleasant Observer, and Home Journal, but not at the expense of the State.

APPROVED, July 15th 1856.

I certify that the foregoing act was published in the Mount Pleasant Observer on the 24th July, and in the Home Journal, 30th July, A. D. 1856.

GEO. W. McCLEARY,
Secretary of State.

CHAPTER 16.

CHARTER OF THE CITY OF CEDAR RAPIDS.

AN ACT amendatory of the act incorporating the town of Cedar Rapids.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That all that part of township eighty-three (83) north, of range seven (7) west, of the fifth principal meridian, in Linn county, in the State of Iowa, which is included in the limits of the present town of Cedar Rapids, shall be and is hereby declared to be a city, and the inhabitants thereof are created a body corporate and politic, with perpetual succession by the name of the city of Cedar Rapids, and as such shall by that name be capable in law of contracting, and being contracted with, suing and be sued; also of purchasing, using and conveying real and personal property, and may have and use a corporate seal, and change the same at pleasure, and shall have, exercise and enjoy all the rights, privileges, powers and immunities appertaining to, and be subject to all the duties and obligations encum-

Boundaries.

Corporation.

Powers.

bent upon, a municipal incorporation. And for the better ordering and governing said city, the exercise of the corporate powers of the same herein and hereby granted, shall be vested in a Mayor and six Aldermen, to be denominated the City Council, together with such other officers as are herein mentioned and provided for.

Council.

Invested with
all property.

SEC. 2. That the said city of Cedar Rapids shall be and is hereby invested as the lawful owner and proprietor with all the property, funds and revenue, and all moneys, debts, accounts and demands due and owing or in any wise belonging to the town of Cedar Rapids, or which may have been acquired by or vested in the "Mayor and Council of the town of Cedar Rapids," and the same are hereby transferred to the Corporation created by this act; and all suits pending, or judgments recovered by, in favor of, or against, said town of Cedar Rapids, or Mayor, or Council of the town of Cedar Rapids, together with all rights, interests, claims and demands in favor of or against the same, may be continued, prosecuted, defended and collected, as though this act had never been passed.

Wards.

SEC. 3. That said city be divided into three wards, as follows; to-wit: all that part of said city west of Eagle street, shall constitute the first ward. All that part lying between Eagle and Green streets, shall constitute the second ward; and all that part of said city lying east of Green street, shall constitute the third ward.

Alter.

Proviso, that the City Council may change, unite or divide said wards, or any of them, and establish new wards whenever they shall think it necessary and proper, and that there shall be two additional Aldermen for every new ward the City Council may establish.

Citizens.

Sec. 4. Every white male citizen of the United States, of the age of twenty-one years, who shall have been a resident of the city thirty days, next preceding a city election, and is a resident of the ward of which he offers his vote, is declared a citizen of the said city, and is entitled to vote at all the elections thereof.

Ballot box.

Sec. 5. The City Council shall provide a ballot box to be used at city elections, which shall have as many sepa-

rate apartments as there are wards in the city, one apartment of which shall be appropriated exclusively for the votes of each ward, and the ballot of every voter shall be deposited in one of the said apartments appropriated exclusively for the ward in which he resides. The City Council shall elect three of their number to be judges of each city election, who shall appoint clerks, and in other respects, except herein otherwise provided, city elections shall be conducted in manner similar to that in which the elections are conducted in the townships, as near as the nature of the case permits.

Judges and clerks.

SEC. 6. A person offering to vote may be challenged as at township elections, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

Challenge.

SEC. 7. No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and shall have been a resident thereof one year next preceding his election.

Eligible.

SEC. 8. That all elective officers, except Aldermen, shall be elected for one year from the time of their election, and until their successors are elected and qualified.

Term.

SEC. 9. That the qualified electors of said city shall, on the first Monday of March, A. D., 1857, elect a Mayor, and at the same time two Aldermen for each ward, a Marshal, one person to be Treasurer and Collector, and one person to be Recorder and Assessor; the two Aldermen elected for each ward shall be residents thereof, and be elected by the legal voters thereof. City elections shall be held at the same time annually thereafter, for said officers, but after the first Monday in March, 1857, but one Alderman for each ward shall be elected annually.

Election.

SEC. 10. That the Mayor and Aldermen so elected, when assembled together and duly organized, shall constitute the City Council, a majority of the whole number of whom shall be necessary to constitute a quorum for the transaction of business; they shall be the judges of the election returns and qualifications of their own members. They shall determine the rule of their proceedings and keep a journal thereof, which shall be open to the inspection of every citi-

City Council.

zen ; and may compel the attendance of absent members in such manner and under such penalties as they may think fit; and may by a vote of two thirds of the whole number of said City Council expel any member thereof, and they shall meet in some convenient place in said city, on the second Monday of March, and take the oath of office before some officer qualified to administer the same, and proceed to elect from their own body a president thereof.

Classify. SEC. 11. At the said first meeting of the City Council, or as soon thereafter as practicable, the City Council shall proceed to classify the Aldermen, in order that one-half of the Aldermen shall be elected each year, in the manner and at the time above provided. In classifying they shall take the wards in numerical order, from No. 1 up; the Aldermen of the first ward shall first classify in the following manner: the Recorder shall write on two slips of paper, on one the word "one," and on the other the word "two;" shall fold them and deposit them in a hat, box or other suitable place, and the Aldermen from said ward shall then draw; the one drawing the paper with the word "one," shall continue in office for one year from the time of his election, and until his successor is elected and qualified; and the one drawing the paper with the word "two," shall continue in office for two years from the time of his election, and until his successor is elected and qualified; and they shall proceed to classify until all the wards of said city shall be classified.

New wards. SEC. 12. When new wards are organized in said city, and Aldermen elected, they shall classify in the same manner above described.

Term. SEC. 13. The Aldermen to be elected after the first Monday of March, A. D. 1857, shall be elected for two years from their election, and until their successors are elected and qualified.

Removal. SEC. 14. A removal out of the ward by any Alderman, shall vacate the seat of said Alderman, which shall be filled as provided by this charter.

Mayor's duty. SEC. 15. It shall be the duty of the Mayor to see that

the laws and ordinances of the city are executed, and their violators punished, to superintend and regulate the official conduct of 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 be granted and imposed by the ordinances of the city consistent with law.

SEC. 16. The Mayor shall be conservator of the peace Judicial powers. within the city, and *ex-officio* a Justice of the Peace, and is invested with jurisdiction of violations of 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 of the Peace are limited in their townships. He shall not be disqualified from acting in such judicial capacity by any proceedings being in name, or in behalf of the city.

SEC. 17. Appeals to the District Courts in the same Appeals. county, shall be allowed from the judgment and decisions of the Mayor in same cases, times and manner as may at any time be allowed by law, from those of other Justices, and 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.

SEC. 18. The Mayor shall be the presiding officer of the Preside. City Council when present, and shall give the casting vote when there is a tie.

SEC. 19. The Marshal shall be a conservator of the peace Marshal's duty. and is the executive officer of the Mayor's Court, and shall execute and return all process directed to him by the Mayor, and shall execute and return all process directed to him by any Justice of the Peace, resident of said city, in case for the violation of city ordinances, and of the criminal laws of the State, occurring within the city, and may execute them 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 arrest offenders, that the Sheriff has within his county, and may in the same cases, and under the same penalties, require the aid of the citizens and per-

form all duties imposed by the Council; he may, with the approval of the 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 Constable, and for services required by the Council, such compensation as it may allow. He shall also by virtue of his office be Constable of Rapids township, in said county, and in addition to his bond as Marshal give bond and qualify as Constables are, or may be required to do by the laws of the State.

Bonds of officers.

SEC. 20. The Treasurer and Collector, Recorder and Assessor, and Marshal shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinance not inconsistent with law.

Proclamation

SEC. 21. In all elections for city officers, the Mayor shall issue a proclamation to the voters of the city, naming the time and place for such election, and the officers to be chosen, and cause a copy to be posted up in such 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 vote to be recorded in a book to be kept for that purpose.

Oath of officers.

SEC. 22. The Mayor, Aldermen, Marshal, Treasurer, Collector, 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 duties to the best of their knowledge and ability; other officers shall qualify in such manner as may be required 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 these officers, and the president *pro tempore*, may administer oaths, which shall have the same effect as if administered by the officers authorized thereto.

Ineligible.

SEC. 23. No member of the City Council shall be eligi-

ble 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 service to be performed for the city.

SEC. 24. 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 a newspaper, printed in the city, at least ten days, or posted in two public places in each ward, for the same length of time; they shall also be recorded in a book kept for that purpose, and signed by the Mayor, and attested by the Recorder. The Recorder shall also certify in said Record book to the publication or posting of ordinances recorded therein, when the same shall have been published or posted. Publication of ordinances.

SEC. 25. The production of a printed copy of any ordinance of said city in newspaper, book or pamphlet form in any suit to which the city is a party, shall be *prima facie* evidence that said ordinance has been legally passed and published. Prima facie evidence.

SEC. 26. It is the duty of the 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; and it shall be the duty of the Assessor to make just and true assessment of the taxable property in said city. Recorder's duty.

SEC. 27. The Recorder and Assessor, Treasurer and Collector, and Marshal shall receive such fees as the City Council shall deem right, not exceeding the amount allowed township or county officers for similar services. Fees.

SEC. 28. 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. Meeting of Council.

SEC. 29. The Council may appoint, in such manner as it determines, and during its pleasure, Street Commissioners, a Clerk of the market, City Supervisors, Heath 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 people. Subordinate officers.

President pro tem. SEC. 30. In case of the temporary absence of the Mayor, or his inability to act, the president *pro tempore* shall exercise all the powers and perform all the duties appertaining to his office.

Vacate by removal. SEC. 31. The office of any city officer shall be vacated by his removal from the city.

Vacancy. SEC. 32. When a vacancy occurs, in any of the elective city offices, the Council may fill the vacancy by appointment of record until the next election, and the qualification of the successor.

Ordinances. SEC. 33. 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 and disorderly conduct, and to punish lewd behavior in public places, and in general to provide for the safety, prosperity, and good order of the city, and the health, morals, comfort and convenience of the inhabitants, and to impose penalties for the violations of its ordinances, not exceeding one hundred dollars; said penalties may be recovered in a civil action, in the name of the city, before the Mayor, or a Justice of the Peace, residing in the city, and the laws of the State relating to carrying into effect a judgment of a Justice of the Peace imposing a fine, shall be applied to judgments in the above cases, but the charges of imprisonment must be borne by the city.

Violations. SEC. 34. Proceedings for the violations of city ordinances may also be by information before the Mayor, or a Justice of the Peace, residing in said city, process running in the name of the State, and the defendant may be informed of, arrested and tried as in criminal proceedings before Justices of the Peace; and if convicted shall be fined in an amount not exceeding the penalty mentioned in the ordinance violated, and also be adjudged to pay the costs of prosecution; and the laws of the State relating to carrying into effect a judgment of a Justice of the Peace, imposing a fine shall be applied to judgments in the above cases, but the charges of imprisonment must be borne by the city. All

finer collected under this section shall be paid into the City Treasury.

SEC. 35. The Council is authorized to establish and organize fire companies, and provide them with fire engines, hose and other apparatus. Fire compa-
nies.

SEC. 36. The Council may regulate the keeping and sale of gunpowder within the city. Gunpowder.

SEC. 37. The Council shall have exclusive authority to provide for the license and prohibition of all exhibitions, shows and theatrical performances, billiard tables, ball alleys, or 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 without the exclusive authority of said Council, and it may at all times prohibit the retail of such liquors within the city limits, 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. License.

SEC. 38. The Council may make all necessary ordinances in relation to the cleanliness and health of the city, and may require the owners of lots on which water becomes stagnant, to drain and fill up the same, and in default thereof, after ten days' 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 taxes. Health.

SEC. 39. Said Council may regulate the system of cartage, drayage, hacks and omnibuses within the city, and prohibit hogs and other animals from running at large within the limits of said city. Drayage.

SEC. 40. The Council shall provide by ordinance for the keeping of public money of the city, and the manner of distributing 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 Money.

shall publish annually a particular statement of receipts and expenditures of the city, and of all debts owing to and by the same.

Grades. SEC. 41. Said Council shall have exclusive authority to establish the grades of streets and alleys in the city, and may change the same upon the petition of owners of two-thirds in value of the real property on both sides of the streets or alley, the grade of which is desired to change.

Imprisonment SEC. 42. Imprisonments 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.

Taxes. SEC. 43. The City Council is authorized to levy and collect taxes, not exceeding one per cent. during any one year, on all property within the city, which is liable for State and county taxes, including improvements on such property, and it may exempt such improvements, but when such exemption is made, the rate of tax on personal property shall not exceed that above named, and the rate on realty, aside from improvements shall not exceed three per cent. on the valuation; said Council may also tax and prohibit dogs from running at large in the City.

Collector. SEC. 44. The Collector, or in case of his absence or disability, such person as the Council may appoint in his stead, shall be the 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 term, without the name or description of the property, in a newspaper in the city.

Appeal. SEC. 45. During the thirty days any person aggrieved by the assessment or taxation, may appear before the Council, which may correct the same, if erroneous.

Sale of property. SEC. 46. The Collector may distrain upon personal property liable to taxation and sell the same for payment of taxes, as Constables may sell personal property on execution.

Lien. SEC. 47. Taxes on real property shall be a lien thereon including the improvements, and it may be sold therefor, when the taxes remain unpaid for four months after the same becomes liable to be collected,

Sec. 48. Such sale must be by auction, and there must ^{Auction.} be thirty days' notice prior to the sale, given as above pro- ^{Notice.} vided 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 the same as in the State revenue law; twenty-five cents shall be added to the amount of taxes on each lot or tract, to cover the expenses of advertising.

SEC. 49. The Collector shall execute and deliver to the ^{Deed.} 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 the sales for county and state taxes.

SEC. 50. After the taxes become liable to be collected, ^{Redemption.} interest at the rate of twenty-five per cent. per annum shall be charged until payment, and when real estate is sold for taxes, the owner may redeem within the same length of time as the revenue laws of the State permit, by paying to the City Treasurer on the purchase, the amount for which said real estate has been sold, with fifty cents on the deed from the Collector, and twenty-five per cent interest per annum on the whole amount from the time of sale.

SEC. 51. The Council have the control of the streets, and ^{Streets and al-} alleys, and public grounds of the City of Cedar Rapids, and ^{leys and pub-} may cause side-walks to be paved in the same, and to this ^{lic grounds.} end it may require the owners of lots to pave and 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 said contiguous lots, which shall have the effect of a tax lien thereon, and the same may be sold therefor as for a tax, subject to the same right of redemption. All road tax which may hereafter be paid upon any property in Cedar Rapids, in lieu of labor, shall be paid to the proper authority of said city, for the improvement of the streets thereof; any person being resident of said city, subject by the law of this State, to do work upon the roads and highways, shall be required to do and perform, or cause the

same to be done, under the direction of the proper authorities of said city, upon the streets of said city, or public roads, and highways, leading thereto, as said authorities may direct.

Road district. SEC. 52. The said City of Cedar Rapids shall constitute 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 by law to be levied by the county court, for like purposes, and they may provide for the payment and collection of the same in the same manner, as that provided for in the collection of county road taxes, or in the manner other city taxes are collected. They may also direct in what manner such taxes shall be expended on the streets and alleys of said city, and all persons and property rightfully taxed within said city in accordance with this section shall thereby be exempt from all taxes to that extent for roads to the county.

Wooden buildings. SEC. 53. Upon the petition of the resident or occupying owners of two-thirds of the improvements, or any block of lots, the Council may prohibit the further erection of wooden buildings thereon.

Borrow money. SEC. 54. The said City Council is hereby authorized to borrow money for any object or purpose in their discretion, and to pledge the faith of the City for the payment thereof. *Provided*, the question of borrowing is first submitted to the legal and qualified voters of the City, a notice of the length of time as in city elections being first given, stating the manner and object of the loan, and if a majority decide in favor of said loan, then the said Council shall by ordinance establish a sinking fund to provide the means to pay any indebtedness created by virtue of the authority granted in this section.

Compensation. SEC. 55. That each member of the City Council shall receive a compensation as such, to be paid by an ordinance and paid from the City Treasury: *Provided*, that said compensation shall not exceed fifty dollars per annum for the Mayor, and thirty dollars per annum for Aldermen.

License. SEC. 56. That the City Council have power to license and regulate auctioneers, and hawkers, and pedlars with-

in the limits of said city, and also to regulate ferries and collect a reasonable compensation from ferry companies or owners, for the use of any of the streets of said city as ferry landings.

SEC. 57. On the passage of this act, a vote shall be taken upon the adoption of the same, by the qualified voters residing within the limits of said city, as by this act defined, at such time and place, and under such regulations as the present Mayor and Council of the town of Cedar Rapids may prescribe and determine; *Provided*, that a majority of the whole vote cast shall be deemed necessary to adopt and carry into effect this act.

Vote on this
charter.

SEC. 58. That if this charter is adopted by the citizens of said city, the present Mayor and Council of the town of Cedar Rapids shall call a special election within thirty days thereafter, to be held under such regulations as they may prescribe for the election of all the elective city officers provided for by this act, and said officers when elected shall have all the powers, and be subject to all the duties which this act affixes to their respective offices, and shall hold their offices until their successors are elected at the regular city election and qualified.

Special elec-
tion.

SEC. 59. This act shall take effect from and after its publication in the Cedar Valley Times and Cedar Rapids Democrat; *Provided*, that said publication be done without any expense to the State.

Take effect.

SEC. 60. That all parts of the act to which this is amendatory, conflicting with this act or the subject matter treated of by this act, be and the same are hereby repealed.

APPROVED, July 12, 1856.

I certify that the foregoing act was published in the Cedar Valley Times, July 21st, and in the Cedar Rapids Democrat, July 29th, 1856.

GEO. W. McCLEARY,

Secretary of State.