

[159] CHAPTER 128.

TIPTON.

AN ACT to incorporate the town of Tipton, in Cedar county.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. Boundaries. That the north west quarter of section six, in township No. eighty north, of range No. two west, the south half of the south-west quarter of section No. thirty-one, in township No. eighty-one north, of range No. two west, the south-east quarter of the south-east quarter of section No. thirty-six, in township No. eighty-one north, of range No. three west, and the east half of the north-east quarter of section No. one, in township No. eighty north, of range No. three, west of the fifth principal meridian, situate in the county of Cedar, together with all the additions that may hereafter be made and recorded according to law, be, and the same is hereby constituted a town corporate, and shall be known by the name and title of the town of Tipton.

SEC. 2. Election. That the qualified electors who shall have resided within the limits of said corporation for twenty days immediately preceding any such election, shall meet at the court house, or some other suitable place within said corporation, on the first Monday in March next, and annually thereafter, and then and there proceed to elect by ballot a mayor, six councilmen and a recorder, who shall be citizens of said town, who shall hold their offices for one year, and until their successors are elected and qualified; the mayor and any three of the councilmen shall be a board for the transaction of business, but a less number may adjourn from time to time: provided, that in case of the death or absence of the mayor, the council may choose a mayor pro tem from their own body: and provided further, that when the mayor or any councilman, recorder, or any officer, created by ordinance or otherwise, in pursuance of this act, shall remove out of the corporate limits of the said town of Tipton, such office shall become vacant, and in case of said vacancy, if it be that of mayor a councilman or recorder, a special election shall be held to fill the same, ten days' notice at least shall be given of said special election; [160] notice to be given in the manner as in case of the annual election of said town.

SEC. 3. Judges & clerk of election. At the first election to be held under this act, there shall be chosen by the electors present, three judges and a clerk of said election, who shall each take an oath or affirmation, faithfully to discharge the duties required of them by this act; and at all subsequent elections, the councilmen, or any two of them shall be judges, and the recorder, clerk of election at all elections holden under this act. The polls shall be open from one to five o'clock P. M., and at the close of the polls the votes shall be canvassed and a true statement thereof proclaimed to the electors present by one of the judges, and the clerk shall give notice to the persons elected of their election, and it shall be the duty of the recorder, at each annual election, to give at least five days' notice thereof, by posting up notices at three of the most public places in said town, or causing the same to be published in some weekly newspaper printed in said county.

SEC. 4. Meetings. The regular meeting of said mayor and councilmen shall be held on the first Monday in each month, and the board may provide by ordinance for calling special meetings, and at all meetings, the mayor, if present, shall preside, and in his absence, the mayor pro tem. The re-

recorder shall keep a correct record of all the proceedings of the board, and of the result of all elections of said corporation, and may under his hand and seal appoint a deputy, for whose acts he shall be responsible.

SEC. 5. Corporate powers. The mayor, councilman and inhabitants of said town shall be a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the "town of Tipton," and shall be capable in law in their corporate name, to acquire property, real and personal, for the use of said town, and sell and convey the same, may sue and be sued, defend and be defended, in any court of competent jurisdiction; and when any suit shall be commenced against said corporation, the first process shall be by summons which shall be served by an attested copy to be left with the recorder.

SEC. 6. Oath of office. The officers elected under this act shall each take an oath or affirmation to support the constitution of the [161] United States, and that of the state of Iowa, and faithfully to discharge the duties of their respective offices.

SEC. 7. Ordinances. The mayor and councilmen shall have power to make and establish ordinances for the government of said town; and to alter, repeal, or re-enact the same, to establish by-laws and ordinances for the good regulation, health and safety of the citizens, and cleanliness of the town; to provide against fires, gambling, breaches of the peace, and disorderly and indecent conduct and houses, to license, regulate or prohibit shows and exhibitions; to establish grades and regulate and improve the streets, side-walks and alleys, and provide for drains, sewers and public wells; to provide for the election of a treasurer, assessor, marshal and other subordinate officers, necessary for the good government and well being of the town, to prescribe their duties and declare their qualifications and period of service, to fix their fees and compensation, and may require of them security for the performance of their official duties; said mayor and councilmen shall have power to affix such reasonable fines, penalties and forfeitures as they may deem proper for violations of the ordinances, and to provide for the disposition of the same: provided, that no ordinance of said corporation shall have any effect until the same shall have been published in some weekly newspaper published in said county, or copies posted up in three public places in said town: and provided further, that nothing done under the provisions of this section shall be incompatible with the laws of this state: and provided, that no license shall be claimed or exacted on shows or exhibitions of a purely scientific or literary character, and such shows or exhibitions shall not be prohibited.

SEC. 8. Contracts. All contracts shall be made, or approved and ratified by the council before the same shall be legally binding, and all deeds and contracts shall, by direction of the council, be signed by the mayor and countersigned and sealed by the recorder.

SEC. 9. Debts. The town council shall never have power to contract a debt beyond the amount of the town revenue, for the then current year, or borrow money on the credit of the town, unless the question of borrowing money or contracting indebtedness shall first have been submitted to the legal voters at a regular or special election, and approved by a majority of two-thirds of the votes cast, and in no case whatever, shall it have power to create an indebtedness in the aggregate, beyond five thousand dollars.

SEC. 10. Treasurer's duty. It shall be the duty of the treasurer to receive and safely keep, without using or lending, any and all money which may come into his possession by virtue of his office, and shall pay none out, except by order of the council, signed by the mayor and countersigned by the recorder; he shall keep a book in which he shall keep a correct account of all

money by him received, and from whom received, and on the payment of money, the order shall be delivered up to the treasurer, to be cancelled, and shall be his voucher on settlement; he shall make settlement with whenever required so to do by the council.

SEC. 11. **Marshal's duty.** The marshal is the ministerial officer of the town, and a conservator of the peace; he shall execute all orders and process directed to him by the mayor and councilmen, and in all cases of the violation of the town ordinances, may execute the same in any part of the county, and in cases of violation of criminal laws, he shall have such powers as are now, or may be given to constables by statute: provided, that in any case of his inability to act, any constable within said town may perform the duties of said officer.

SEC. 12. **Receipts & expenditures.** The mayor and councilmen shall at the expiration of each year, cause to be made out and published, a correct statement of the receipts and expenditures of the preceding year.

SEC. 13. **Judicial powers—appeals—fees.** The mayor of said town of Tipton shall be, and is hereby invested with all the powers now granted by law to justices of the peace within the state of Iowa, for the purpose of hearing, trying and determining all offences committed against the ordinances of said town, and shall have jurisdiction within said corporation, over all subjects civil and criminal, as is now or hereafter may be conferred by law upon justices of the peace in this state, and the same right of appeal from the judgment of said mayor in all cases shall be allowed as is now or may be hereafter authorized by law, from the judgments of justices of the peace within this state, and the said mayor shall be a conserva- [163] tor of the peace within the limits of said town; that the mayor shall, as near as may be, conform to and be governed by the several acts in relation to justice of the peace, in force at the time; that the said mayor shall be allowed such fees for his services, as justices of the peace are at the time allowed for like service: provided, that in all cases of sickness, absence, or inability of the mayor to act, any justice of the peace within said town, shall have jurisdiction co-extensive in all cases with the mayor.

SEC. 14. **Taxes.** The mayor and councilmen shall have power to levy by ordinance a tax on all real and personal property within the limits of said corporation, not exceeding four mills on the dollar valuation in any one year, but such ordinance shall have no force or effect until the same be submitted to the legal voters of said town, at an election specified and called for that purpose by the same ordinance, of which two weeks' notice shall be given by publication of the ordinance as provided in section seven of this act, and receive a majority of the votes cast at said election.

SEC. 15. **Conducting elections.** The election provided for in the preceding section shall be conducted so far as practicable, in the same manner as the regular elections, and the form of vote shall be, "for the tax," or "against the tax."

SEC. 16. **Streets and alleys.** The mayor and councilmen shall have power by ordinance to regulate and improve the streets and alleys, and to determine the width of sidewalks, and to require the property-holders of any street or part of street to pave the side-walks thereof, each in front of his own property, whenever the owners of two-thirds of the lots on such street or part of street petition therefor, and upon the neglect of any such owner, after a reasonable time and notice, to pave his portion of the sidewalk, in the manner described by the council, the council may cause the same to be paved, and collect the expense thereof from the owner of the lot or part of lot, by action in the name of the town, and until paid, it shall be a lien on

the lot or part of lot in front of which the same is paved: provided, that not less than one block in length shall be construed to be a part of a street: and provided further, that in all cases the curb-stone shall be put in at the expense of the town: and provided further, that after the town council shall have caused the curb- [164] stone to be set in front of any block at the expense of the town, it shall then have full power to direct the property-holders of said block to construct such pavement, each in front of his own property, as the said council shall determine, and on neglect or refusal to do so, the council may proceed as above provided.

SEC. 17. Road district. The streets and alleys of said town, shall constitute one road district, the overseer or supervisor of which, shall be appointed by the council, and shall hold his office for one year, unless sooner removed by the said council: said overseer shall perform the same duties as are or may be imposed by the laws of the state upon the overseer or supervisor of roads and highways, but shall make report to the mayor and councilmen, and the road tax and labor of said district, shall be laid out and expended within said district under the direction of the council.

SEC. 18. Fees. The fees of the officers shall be fixed by ordinance, but the mayor in his capacity as president of the council, and the councilmen, shall receive no compensation, unless the same shall be voted by the electors of the corporation.

SEC. 19. Tax duplicate. It shall be the duty of the mayor and council to cause to be made out in each year in which a tax shall have been voted within twenty days after the county assessment list shall be made out, a duplicate of taxes, charging to each individual therein the amount of tax in proportion to the real and personal property of such individuals within said town, which duplicate shall be signed by the mayor, and recorder, and delivered to the marshal, whose duty it shall be to collect the same within such time and in such manner as the ordinance shall direct.

SEC. 20. Sale of real estate — publication — redemption — tax deed. The marshal shall have power to sell personal property, and for want thereof to sell real estate for the taxes remaining due and unpaid within said corporation, giving the purchaser of such real estate, a certificate of such sale setting forth a brief description of the property sold, the time of sale the amount of the purchase money which certificate shall be assignable by endorsement thereon; but no real estate shall be sold for non payment of taxes unless the assessment of such tax or taxes, and the time of such sale, shall have been duly notified by publication at least [165] four successive weeks in the manner provided for the publication of ordinances in section seven of this act, said taxes shall be deemed to be due on the first day of September in each year, and shall draw twenty-five per cent per annum interest after the first day of November of the then current year, and any real estate sold under this section, may be redeemed at any time within two years from the date of the sale thereof by the owner paying the amount for which the same was sold, with twenty-five per cent per annum interest upon the same, which payment may be made to the recorder as the agent for the purchaser, or the legal holder of the certificate of sale, if any real estate so sold, remain unredeemed at the expiration of two years from the date of sale, the marshal shall upon the payment of his legal fees, make, execute and deliver to the purchaser, his assignee or legal representatives a deed for such real estate, the mayor and councilmen may within thirty days after the assessment of taxes make such changes or corrections thereof as they shall think just and equitable upon the application of any person who may deem the valuation of his property unjust.

SEC. 21. Amendments. The town council may propose amendments to this charter which shall be submitted to the legal voters at the annual election, and if a majority of the votes cast for and against the amendment be for it, the amendment shall therefore become a part of this charter: provided, that such amendment shall be published as herein provided for publishing ordinances, before it is submitted for approval by the citizens: and provided, nothing in said amendment shall be contrary to the laws of said state of Iowa.

SEC. 22. Submit charter to vote. Within one month from the publication of this act the county judge of said county of Cedar shall order an election for the acceptance or rejection of this charter, which election shall be conducted in a manner similar to township elections, the said county judge appointing judge and a clerk of said election, said vote shall be "for the charter" or "against the charter," and shall be by ballot, and if the vote be in favor of its acceptance, such result shall be declared and be entered on the records of the county judge, [166] after which this act shall be the charter of said town of Tipton.

SEC. 23. This act to take effect from and after its publication in the Tipton Advertiser and Cedar Democrat without expense to the state.

Approved January 27, 1857.

I certify that the foregoing was published in the Tipton Advertiser, February 14, 1857.

ELIJAH SELLS,
Secretary of State.

CHAPTER. 129.

RAILROAD GRANT.

AN ACT authorizing the McGregor, St. Peters and Missouri river Railroad company to accept and appropriate a grant of land.

Be it enacted by the General Assembly of the State of Iowa,

SECTION 1. May accept a grant. That the McGregor, St. Peters and Missouri railroad company is hereby authorized and empowered in the name and behalf of the state of Iowa, to accept any grant of land which may be made to said state by the present or any subsequent congress for the purpose of aiding in the construction of a railroad from McGregor's landing westerly through said state.

SEC. 2. File certificate. The acceptance of said grant shall be signified by said company filing a duplicate certificates to that effect under the seal of said corporation, signed by the president and secretary thereof; one in the office of the secretary of state of the state of Iowa, the other in the office of the secretary of the interior, at Washington, which shall be held and regarded as an acceptance by the state, which shall bind said company to the performance of the conditions of such grant.

SEC. 3. Rights conferred. All the rights, title and interest in the lands so granted to the state of Iowa for the purpose aforesaid are hereby granted and conferred upon the said company to as full and complete extent as the same may exist in the state, subject to all the qualifications and restrictions contained in such grant, and it shall be the duty of the governor of the