

## CHAPTER 86.

## COLLEGE SQUARE.

AN ACT to donate the college square, in Iowa City, to the medical department of the Iowa University.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **College square in Iowa City donated.** That the block of land embraced in the survey and plat of Iowa City, and known as college square, be, and the same is hereby, donated to the faculty of the medical department of the university of Iowa, for the use and benefit of said institution: *provided*, the faculty and officers of the institution erect, or cause to be erected, upon said block of land, within two years from the passage of this act, a substantial college edifice at a cost of not less than one thousand dollars.

SEC. 2. **Take effect.** This act to take effect and be in force from and after its publication.

Approved, Jan. 15, 1848.

## [116] CHAPTER 87.

## CEDAR RAPIDS.

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

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **Boundaries.** That all that part of the state of Iowa included within the boundaries of the town of Cedar Rapids, in Linn county, as surveyed and recorded in the recorder's office in the said county of Linn, be, and the same is hereby, constituted a town corporate, and shall hereafter be known by the name of the town of Cedar Rapids.

SEC. 2. **Election of town officers.** It shall be lawful for the free male inhabitants of said town, having the qualifications of electors, to meet at the usual place of holding elections in said town, on the first Wednesday of April next, and on the first Wednesday of April annually thereafter, at such place in said town as the town council shall direct, and then and there proceed to elect, by ballot, a mayor, recorder, and three councilmen, who shall have the qualifications of electors, and reside within the corporate limits of said town; and said mayor, recorder, and councilmen shall hold their offices one year, and until their successors are elected and qualified, and any three of them shall be a board for the transaction of business, but a less number may adjourn from time to time until a quorum shall assemble.

SEC. 3. **Judges and clerks chosen by electors—hours for opening and closing polls—officers to take oath.** That at the first election under this act judges and clerks shall be chosen by the electors present, who shall each take an oath faithfully to discharge the duties required by this act; and at all subsequent elections the mayor and any two of the councilmen shall sit as judges, and the recorder, or in his absence some one of the council pro tempore shall act as clerk; and at all such elections the polls shall be

opened at one o'clock p. m., and close at five o'clock p. m., of the same day, and at the close of the polls the votes shall be counted and a statement of the result proclaimed at the door by the clerk; the clerk of said election shall thereupon make out a certificate to each of the persons so elected, and the persons receiving such certificate shall, within ten days thereafter, take an oath to support the constitution and laws of the United States, and of this state, and faithfully discharge his duties according to the best of his abilities, which oath shall be endorsed on the back of said certificate and filed with the recorder of said town.

**SEC. 4. Mayor etc.—to be a body politic—use a seal—may be sued.** The mayor, recorder, and councilmen of said town shall be [117] a body politic and corporate, with perpetual succession, to be known by the [name] of the "mayor and council of the town of Cedar Rapids," and shall be capable in law to acquire property, real, personal, and mixed, for the use of said town, and sell and convey the same; may have a common seal, and may alter the same at pleasure; may sue and be sued, plead and be impleaded, answer and be answered unto, in any court of law and equity in this state; and when any suit shall be commenced against said corporation a certified copy of any writ issued against said corporation shall be left with the recorder of said town, at least ten days before the return day thereof.

**SEC. 5. Ordain and publish ordinances—power to appoint officers—power to impose fines, etc.** That the mayor, recorder, and councilmen, or a majority of them, of whom the mayor or recorder shall always be one, shall have authority to make, ordain, and publish all by-laws and ordinances, not inconsistent with the constitution and laws of the land, as they may deem proper for the promotion of morality, interest, safety, health, and cleanliness of said town and the citizens thereof; they shall have power to fill all vacancies that may happen by death or otherwise of any of the officers of their board herein named. They shall have power to appoint a treasurer, marshal, and such other subordinate officers as a majority of said council may deem necessary; to prescribe their duties, and require surety for their performance; to remove them at pleasure, and to establish the fees of all officers not otherwise provided for by this act. They shall have power to impose fines for a breach of their ordinances, which fines may be recovered with costs before any justice of the peace in said town, by an action of debt in the name of said corporation. All fines collected in pursuance of this act shall be paid over by the officer collecting the same to the treasurer of the corporation.

**SEC. 6. Mayor to preside, etc.** It shall be the duty of the mayor to preside at the meetings of the town council; and it shall be the duty of the recorder to keep a true record of the by-laws and ordinances, to attend all meetings of the council, and keep a fair and accurate record of their proceedings, and perform such other duties as the council may from time to time require; said recorder may, under his hand and seal, appoint a deputy to perform his duties when absent, for whose acts the said recorder shall be responsible.

**SEC. 7. To assess tax.** That the town council shall have power to assess, for corporation purposes, an annual tax on all property in said town made subject to taxation by the laws of this state for state and county purposes, not exceeding in any one year one per centum on the value thereof, which value shall be ascertained by an assessor appointed by the town council for that purpose, a duplicate of which shall be made out and signed by the recorder and delivered to the collector. They [118] shall have

power to equalize any injudicious assessment then made on the complaint of the person aggrieved.

**SEC. 8. Marshal to be collector, his powers and duties.** That the town marshal shall be the collector of any tax assessed by said council, and he is hereby authorized and required, by distress and sale of property, as constables on execution, to collect and pay over said tax to the treasurer, within three months after the time of receiving the duplicate thereof, and the treasurer's receipt shall be his voucher. The town marshal shall make personal demand of every resident charged with tax, (if to be found.) and before sale of property for delinquent tax, shall give ten days notice by advertisement in three of the most public places in said corporation; and if the tax on any lot or piece of land, for which no personal property can be found, shall remain unpaid three months after the expiration of the time by this act allowed the collector for the collection of the tax, shall give notice in the nearest newspaper, stating the amount of such tax, and the number and description of the lots on which it is due, and that the same will be sold to discharge such tax, unless the payment thereof be made within three months from date of such advertisement, and if such tax be not paid within that time, the town marshal, after giving twenty days' notice of the time and place of sale, at three of the most public places in said town shall proceed to sell at public auction so much of said lot or piece of land as will discharge said tax.

**SEC. 9. Redemption of land sold for tax.** That if the owner of any lot sold for taxes as aforesaid, shall appear at any time within two years after such sale and pay the purchase money, with interest at the rate of thirty per centum, per annum thereon, he shall be entitled to the right of redemption; if however, the owner, or his agent shall neglect to redeem any real estate sold for taxes under the provisions of this act within the time herein specified, it shall be the duty of the mayor, to make out and execute a deed to the purchaser, countersigned by the recorder under the seal of the incorporation, said deed shall also be acknowledged before a justice of the peace, and when so executed, and recorded in the office of recorder of deeds of Linn county, shall be deemed and taken as valid in law.

**SEC. 10. Receipts and expenditures.** Twenty days before each annual election, the town council shall put up in some conspicuous place within said town, an accurate account of the money received, and expended by said corporation since the last annual election, with the sources from which they were derived, and the objects on which they were expended, which shall be certified by the recorder.

**SEC. 11. Power as to streets and alleys—regulate auctions, etc.** The said corporation shall have power to regulate and improve all streets, alleys, side walks, drains or sewers, to sink and keep in repair public wells, remove nuisances, and make such other [119] needful regulations, not incompatible with the laws of the State as shall conduce to the general interest and welfare of the inhabitants of said town. To provide for licensing, taxing and regulating auctions, retailers and taverns, theatrical and other shows of amusement, to prohibit tippling houses, gaming houses, and other disorderly houses.

**SEC. 12. By-laws and ordinances to be published.** The by-laws and ordinances of said corporation shall be published in a newspaper in the county, or posted up in some public place in said town, fifteen days before the taking effect thereof, and the certificates of the recorder upon the town records, shall be sufficient evidence of the same having been done; and every annual elec-

tion herein authorized, shall be preceded by five days notice thereof put up in three public places in said town.

SEC. 13. **Road district.** That the streets and alleys of said town shall constitute one road district, including the several roads leading from said town for the distance of one mile from the corporation limits.

SEC. 14. **Call meetings.** That the mayor or a majority of the councilmen, may call a meeting of the town council, whenever in his, or their opinion the same may be necessary. The mayor and councilmen shall receive such compensation as shall be voted them by the inhabitants of said town in legal meeting assembled.

SEC. 15. **Take effect.** This act shall take effect from and after its publication.

Approved, Jan. 15, 1849.

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## CHAPTER 88.

### COSTS AND FEES.

AN ACT amendatory to an act concerning costs and fees, approved Feb. 11, 1843.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **Witnesses before grand jury entitled to fees.** That in all cases where persons are compelled within the county of Lee to appear before the grand jury of said county as witnesses in behalf of the state, they shall be entitled to the same fees and mileage in all cases as is now allowed to witnesses in cases where indictment is found and trial had before the court: *provided, however,* that this act shall not interfere with the right of the judge of the district court to determine upon the number of witnesses necessary to prove a particular fact in any case.

SEC. 2. **When to be paid.** That in all cases where witnesses are required to testify [120] in the district court where the state of Iowa is plaintiff, and such case or cases may be continued or taken to the supreme court by writ of error or otherwise; such witnesses shall be entitled to their fees for such services at the next succeeding county commissioners court of said county.

SEC. 3. **Take effect.** This act to take effect from and after its publication.

Approved, January 15, 1849 .

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## CHAPTER 89.

### GENERAL INCORPORATIONS.

AN ACT to amend an act to authorize general incorporations, approved Feb. 22, 1847.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **Authority to acquire the right of way—proviso.** That where as a company has been organized under the act of general incorporations.