

## CHAPTER 14.

## FORT MADISON.

AN ACT to amend section first of an act to amend the charter of the town of Ft. Madison, approved, January 22nd, 1855.

- Amendment. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That section first of the act to amend the charter of the town of Fort Madison, passed January 22nd, 1855, be amended so as to read: That the Mayor and Aldermen shall, on or before the fourth Monday in August, in each and every year, determine the per centum to be levied upon taxable property within said town, instead of the second Monday in June as provided for in said bill.
- Per cent. each and every year, determine the per centum to be levied upon taxable property within said town, instead of the second Monday in June as provided for in said bill.
- Repeal. SEC. 2. That so much of the law as conflicts with this amendment be and is hereby repealed.
- Take effect. SEC. 3. This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Fort Madison Plaindealer.
- APPROVED, July 12th, 1856.

I certify that the foregoing act was published in the Iowa Capital Reporter, July 23rd, and Fort Madison Plaindealer, July 25th, 1856.

GEO. W. McCLEARY,  
Secretary of State.

## CHAPTER 15.

## MOUNT PLEASANT CITY.

AN ACT to incorporate the City of Mount Pleasant.

- Incorporation. SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That the inhabitants in the town of Mt. Pleasant, in the county of Henry, State of Iowa, be and they are hereby constituted a body politic and corporate, and invest

ed with all the powers and attributes of a municipal corporation, by the name and style of the City of Mount Pleasant, and by that name shall have perpetual succession, and may have and use a common seal, which they may alter at pleasure. That all that tract of land laying in township seventy-one north, range six west, in the county of Henry, as set forth and platted on a map, published, A. D., 1856, by McBride, Waite & Co., and such other additions as are now or hereafter made, shall be the limits of the boundaries of said City. Boundaries.  
Additions.

SEC. 2. The Legislative authority of the City is vested in a City Council, consisting of a Mayor and seven Aldermen; *Provided*, That whenever the population of the City shall amount to four thousand inhabitants, the Council may proceed to divide the City into wards, not less than three in number, giving to each ward not less than three Aldermen, providing also the time and place, and manner of holding elections in the several wards, making the same known through proclamation by the Mayor. Legislative authority.  
Wards.

SEC. 3. Any person who shall be a legal voter in the county of Henry, and who shall have been a resident of the City three months, and of the ward in which he offers his vote ten days, next preceding the election, is declared a citizen of said City, and is entitled to vote at all elections thereof. A person offering to vote may be challenged as in other elections in the township, and an oath administered to him, in like manner, naming the qualifications herein prescribed. Citizenship.  
Voters.  
Challenge.

SEC. 4. The City election shall be conducted in a manner as similar to that in which the township elections are conducted, as the nature of the case will permit, having at least one clerk and two judges, and in all cases the polls are to be opened by ten o'clock, A. M., and not to close before four o'clock, P. M. Elections.

SEC. 5. No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the City, and a resident thereof for one year next preceding his election. Eligible to office.

SEC. 6. That the qualified electors of said City shall on the first Monday of March, A. D., 1857, and annually on Election of city officers.

- the same day thereafter, elect a Mayor and Board of Aldermen, a Recorder, Marshal, Assessor and Treasurer, who shall hold their offices for one year, and until their successors are elected and qualified; *Provided*, That upon the taking effect of this charter, the present Mayor of said City shall issue his proclamation calling a special election, by giving eight days' notice thereof, for the election of the aforesaid Mayor and Board of Aldermen, who shall hold their offices until the first Monday in March, A. D., 1857, and until their successors are elected and qualified. The Mayor and Aldermen when elected and assembled together, duly organized, shall constitute the City Council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. There shall also be elected one Justice of the Peace each year, who shall hold his office for the term of two years.
- First election.** shall hold their offices for one year, and until their successors are elected and qualified; *Provided*, That upon the taking effect of this charter, the present Mayor of said City shall issue his proclamation calling a special election, by giving eight days' notice thereof, for the election of the aforesaid Mayor and Board of Aldermen, who shall hold their offices until the first Monday in March, A. D., 1857, and until their successors are elected and qualified. The Mayor and Aldermen when elected and assembled together, duly organized, shall constitute the City Council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. There shall also be elected one Justice of the Peace each year, who shall hold his office for the term of two years.
- City Council.** shall hold their offices for one year, and until their successors are elected and qualified. The Mayor and Aldermen when elected and assembled together, duly organized, shall constitute the City Council, a majority of whom shall be necessary to constitute a quorum for the transaction of business. There shall also be elected one Justice of the Peace each year, who shall hold his office for the term of two years.
- Quorum.** of whom shall be necessary to constitute a quorum for the transaction of business. There shall also be elected one Justice of the Peace each year, who shall hold his office for the term of two years.
- Justice of the Peace.** There shall also be elected one Justice of the Peace each year, who shall hold his office for the term of two years.
- Qualification of officers.** SEC. 7. Each of the officers of the City shall take and subscribe an oath faithfully to discharge the duties of his office, and shall also give such bond and security as shall be required by the Council. The oath of office may be administered by the Mayor, or Recorder, when qualified, and in the transaction of the business of the corporation, those officers and the President for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.
- Who may administer oaths** in the transaction of the business of the corporation, those officers and the President for the time being, may administer oaths, which shall have the same effect as if administered by other officers authorized thereto.
- Powers of Mayor.** SEC. 8. The Mayor shall be a conservator of the peace within the City, and ex-officio a justice of the peace, and is vested with full jurisdiction for the violation of the ordinances and by-laws of the City, 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 a justice of the peace is, or may be limited to their township. He shall not be disqualified from acting in any such judicial capacity by any proceedings being in the name of or on behalf of the City of Mt. Pleasant. Appeals to the District Court in the same county, shall be allowed from the judgment and decision of the Mayor in the same cases, time and manner, as may at any time be allowed by law from the Justice's Court, and they shall be tried in the
- Appeals.** Appeals to the District Court in the same county, shall be allowed from the judgment and decision of the Mayor in the same cases, time and manner, as may at any time be allowed by law from the Justice's Court, and they shall be tried in the

same manner. He shall be entitled to demand and receive the same fees as are allowed by law to justices of the peace,<sup>Fees.</sup> and in all cases of sickness, absence, or inability of the Mayor to act, any justice of the peace within said city shall have judicial jurisdiction co-extensive in all cases with the Mayor.

SEC. 9. And it shall also be the duty of the Mayor to<sup>Duty of Mayor.</sup> see that the laws and ordinances of the city are executed, and their violation punished, to superintend and direct the official conduct of the subordinate officers, to sign and seal, (if a seal be used) 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 may be granted or imposed by the ordinances of the city, consistent with law. He shall be the President of the City Council when present, and shall give the casting vote when there is a tie; and in his absence the Council may appoint a President for the time being, from their own number, who shall have authority to sign<sup>President pro tem.</sup> ordinances and orders on the Treasurer, and to do all other things pertaining to the office of Mayor, except to act as justice of the peace.

Preside in Council.

SEC. 10. The Council shall be judge of the qualifications<sup>Powers of City Council.</sup> of the election of its own members, and all other city officers. It may determine the rules of its own proceedings, and may hold meetings as it sees fit, having stated times fixed by ordinance. It may also prescribe the manner of calling special meetings and compel the attendance of its members, in a such a manner and by such penalties, as it may adopt, and shall cause a record of its proceedings to be kept by the Recorder.

Meetings.

SEC. 11. The City Council shall provide well bound<sup>Books.</sup> books for their own use, and for the use of their officers under this charter. They shall cause the Recorder to keep a journal of the proceedings of their meetings, which shall be signed by him, and the presiding officer of each meeting.<sup>Journal.</sup> He shall also keep a record of the returns of the Marshal,<sup>Record of lots.</sup> in which he shall record the number of lot, piece of ground, or description of land or property sold by him for taxes due<sup>Sold for taxes.</sup>

- on assessment, the amount for which it was sold, the time when sold, the purchaser's name, and time of redemption, when redeemed, for what amount, and the person to whom, when deeded; and said Marshal shall so make his return of the tax list of each year, as to enable said Recorder to state the above facts in said delinquent tax book; a book to record the acts and reports of the Street Commissioners, also an order book, stating the amount allowed each person out of the City Treasury; the name of the person to whom allowed, when and by whom drawn; they shall also provide the Mayor with a record or docket book in which he shall record all the proceedings had before him as such Mayor, for the violation of ordinances, his judgments, and the reports required to be made by him as such Mayor, and justice of the peace. All books, thus provided for, shall be open for the inspection of the inhabitants of said city, at all reasonable hours, free of expense, tax or fee.
- Record of reports of street commissioner.**      **SEC. 12.** All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the City of Mt. Pleasant, and cases of warrants, the same may be issued for the violations of ordinances, by laws, rules and regulations of said City, without being predicated or based upon affidavit.
- Record of Mayor.**
- Public.**      **SEC. 13.** The City Council shall have power to provide for the punishment of offenders by imprisonment in the county jail, or work house, or city prison, in all cases where such offenders shall refuse to pay the fines and forfeitures, which may be adjudged against them, and the City Council may also make further provisions by ordinances, for all such offenders to work out the fine and costs of prosecution on the streets, alleys, or public works of said city.
- Actions, &c. not to abate.**
- Offences.**
- Ordinances.**      **SEC. 14.** The City Council is invested with authority to make ordinances to secure the inhabitants against fire, against violations of law, and the public peace, to suppress riots, gambling, drunkenness, indecent and disorderly conduct; to punish lewd behavior in public places, to suppress disorderly houses, and generally to provide for the safety, prosperity and good order of the city; to make regulations and laws,
- Good order.**

to prevent the introduction of contagious diseases into the city, and to enforce the same within three miles of the city; to establish hospitals, and to make regulations for the government of the same; to declare what shall be a nuisance, and to prevent, remove or abate the same; to tax dogs, or prevent them from running at large in the city; to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys; to provide for the lighting the streets; to establish, support and regulate night watches and the police of the city; to erect market houses and places, and provide for the government of the same; to provide all needful buildings for the use of the city; to improve and regulate all public grounds belonging to the city; to regulate or prohibit the erection of wooden buildings, on any block, or half block in the city, where the same is shown to be necessary for the safety of the property of the inhabitants of the city; to fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others rendered necessary under this act, or any ordinances which may be adopted; to license, tax, and regulate auctioneers, transient merchants, hawkers, pedlars and pawn brokers; to license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rate to be charged for carriage of persons, and for the wagonage, cartage and drayage of property; to license and regulate porters, and fix the rate of portorage; to license, tax, prohibit, or regulate all theatrical exhibitions, and public shows, and all exhibitions whatever, where admission is obtained on the payment of money or other reward; to regulate the storage of gun powder, and other combustible materials; to regulate partition fences and walls in common, not otherwise regulated by law; to establish and regulate weights and measures, to be used in the city, not otherwise provided by law; to provide for the inspection and measurement of lumber and other building materials, and for the measurement of all kinds of mechanical work; to provide for the inspection and weighing of hay, the measuring of coal, wood and other fuel used in the city; to prohibit the discharge of fire-arm, and other fire-works, and the rac-

Tax dogs.

Streets and alleys.

Light.

Police.

Market houses.

Buildings.

Fees.

License.

Shows.

Gun powder.

Weights and Measures.

Inspection.

**Fine.** ing, immoderate running, or driving of horses; to impose fines, forfeitures and penalties for the breach of any ordinance, not exceeding one hundred dollars, and imprisonment not exceeding fifty days in the county jail, work-house or city prison, and provide for the recovery, and appropriation of such fines and forfeitures.

**Taxes.** SEC. 15. The City Council shall have power and authority to levy and collect taxes upon all taxable property, real, personal and mixed, within the city, not exceeding three mills on the dollar in any one year, which value may be ascertained and assessment made either direct or by duplicate from the township assessment, by the Assessor, or some competent person authorized by the Council; adding thereto any omitted or additional taxable property in the city, at the time the assessment is made; to provide by ordinance when such assessment shall be made, and the rate thereof. The City Council shall have power to correct or equalize any erroneous or injudicious assessment. It shall be the duty

**Assessor.**

of the Assessor or person acting as such to return such assessment list to the city recorder, who shall make out and deliver to the collector of said city a copy of said assessment, which said copy shall be sealed with the common seal of the city, (if one is used) with a warrant, for the collection of the taxes so assessed, signed by the Mayor and Recorder of said city.

**Collection of taxes.**

The Marshal, or such competent person as the City Council shall appoint of record, shall be the collector of all taxes so assessed, and shall, upon receiving a copy of such assessment and warrant as aforesaid, make personal demand of every resident charged with tax, if to be found within said city, and shall give, at least, one publication in some newspaper printed in the city (if there be one,) and if not, to post three notices in three of the most public places in the city, that if the taxes are not paid within twenty days thereafter the same will be collected by sale of property of delinquents. At the expiration of which twenty days, said collector may, and is hereby authorized, by distress and sale of personal property of such delinquent or delinquents, as constables on execution, to collect said taxes, or he may after the expiration of said twenty days, if said tax shall remain

**Sale.**

unpaid, give notice by publication in one of the newspapers published in said city, four consecutive weeks, stating the amount of said tax, cost and printer's fee, and the number of the lot, or the description of the piece of land or property on which the same are due, and the owner's name, if known, and that the said lot, piece of land, or property will be sold on the day and at the place mentioned in said notice, unless payment be made of the taxes, costs, and printer's fee, on or before said day of sale, and if such payment should not be made according to said notice, then said collector shall proceed and sell the same in accordance with said notice, for said amount due, to the bidder who will take the least quantity of the lot, or piece of land, or property, off from the side which said Collector shall designate, or the whole, if no bid for a less quantity, and he shall give to the purchaser thereof a certificate, stating the description of the piece of land, or the number of the lot, or portion thereof, or the property purchased, and price paid therefor, and the day of sale; and if the owner or claimant shall not redeem the same by paying the amount for which the same was sold, together with fifty per cent. per annum, to the purchaser, or to the City Treasurer for said purchaser's benefit, said purchaser, or his heirs or assigns shall be entitled to a deed therefor, and the Mayor of said city shall on demand and the presentation of said certificate make, execute, and deliver to the holder or owner of each certificate, a deed for said property in said certificate mentioned, which, when acknowledged, or proven and recorded as other deeds are acknowledged and proven, shall be good and valid in law and equity, to pass a valid title to such lot, piece of lot, ground or property, and shall be prima facie evidence in all courts, that all things have been complied with, nor shall the same ever be enquired into until the amount for which said property or real estate, together with the interest aforesaid, shall have been tendered to the holder thereof, or deposited in the City Treasury for their benefit.

Certificate.

Redemption.

Deed.

SEC. 16. The City Council have the control of the streets and alleys, and the public grounds of the City of Mt. Pleasant, and may cause the side walks to be paved or repaired,

Streets, alleys  
and public  
grounds.



**Pavements.** the streets and alleys, to be graded, paved or McAdamized, and to that end it may require the owners of lots adjoining to which it is to be done, to pave, repair, or McAdamize one half of the street's width contiguous to their respective lots, or the same may be done by the city, and expense assessed on the owners of the contiguous lots, which shall have the effect of a special tax levied on their property, and the same may be sold by the Collector in the same manner as personal and real property may be sold in the foregoing section.

**Borrow money.** SEC. 17. The city Council is invested with authority to borrow money, for any purpose not exceeding 100,000 dollars, and pledge the faith of the city for the payment thereof; Provided, the question of borrowing be first submitted to the legal voters of the city, and two-thirds of all the votes cast shall be in favor of said loan, and upon a decision thus made in favor of any such loan, the City Council will be authorized to make an additional tax not exceeding three mills on the dollar, and to provide the means to pay any indebtedness, created by virtue of the authority granted in this section.

**Marshal's duty.** SEC. 18. The Marshal shall be a conservator of the peace, and executive officer of the Mayor's court, and shall execute and return all process directed to him by the Mayor or any justice of the peace, in said city, and in cases for the violation of the city ordinances, and of the criminal laws of the State, may execute the same in any part of the county; and he shall have the same authority within the city to quell riots and disturbances, prevent crimes and to 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 to further perform all duties imposed by 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 a constable, and for services required by the Council such compensation as it may allow. He may exercise the duties of constable in Centre township.

SEC. 19. In all elections for city officers, the Mayor shall issue a proclamation to the voters of the city, or to the several wards, as the case may require, naming the time and place for each election, and the officers to be elected, and cause a copy to be posted up in three of the most public places in the city, or published in some newspaper printed in the city, at least ten days previous to such election. Within two days after the election, the judges of the election shall make return to the board of the City Council, who shall examine them at their next meeting, and cause an abstract of the votes to be recorded, and direct the Recorder to inform the persons elected of their election.

Proclamation  
of election.

SEC. 20. No member of the City Council shall be eligible to any office within the gift of the City 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, and a violation of this section shall work a vacancy in such office.

Aldermen in-  
eligible.

SEC. 21. 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 one or more newspapers printed in the city, and a copy shall be preserved in a book kept for that purpose.

Publication of  
ordinances.

SEC. 22. The said city of Mt. Pleasant shall constitute one 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 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; and the city Council is hereby invested with full power and authority to receive from the county treasurer all road revenue belonging to the city, and receipt for the same, which shall be the treasurer's voucher.

Road district.

Sub officers.

SEC. 23. The City Council may appoint in such manner as it determines, and during its pleasure, street commissioners, a clerk of the market, city surveyor, health officers, and such other officers as it deems advisable, and may prescribe their duties, powers and qualifications, and may prescribe for the election of such officers by the citizens. When a vacancy occurs in any of the elective city officers, the Council may fill the vacancy by appointment of record until the next election, and qualification of the successor, and in all cases in the absence or inability of the Recorder to act, his place may be filled temporarily, or for the unexpired term, at the pleasure of the Council.

Common schools.

SEC. 24. The City Council is hereby invested with full control and authority over the common schools in said city, and shall receive and disburse all the school tax levied upon property within said city, or received from the school fund for distribution therein, and shall be vested with all the powers granted and enumerated in chapter 69 of the code of Iowa, in relation to school districts.

Government of the city.

SEC. 25. The City Council shall have power to make all ordinances which shall be necessary and proper for the government of the city, and the carrying out and putting in force and effect the powers specified and granted in this charter, not inconsistent with the constitution of the State of Iowa, or the United States. The style of all ordinances shall be: "Be it enacted by the City Council of the city of Mt. Pleasant."

Style of ordinances.

Ordinances evidence.

SEC. 26. All ordinances and by-laws passed by the City Council, signed by the Mayor and attested by the Recorder, and published according to law, shall be sufficient to allow the same to be read and received in evidence in all actions and suits in any court in this State, or when said ordinances, by laws and regulations shall be published in book or pamphlet form, and purporting to be published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

Nullified.

SEC. 27. The present charter of the town of Mt. Pleasant shall become void and be superseded by the taking effect of this charter.

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.