

CHAPTER 89.

MOUNT PLEASANT.

AN ACT to incorporate the town of Mount Pleasant, in Henry county.

- Boundaries.** SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the tract of land lying in township seventy-one, north, range six, west, in the county of Henry, which is comprised in the original town plat of Mount Pleasant, together with all additions that have been regularly recorded, or that may hereafter be made and recorded, according to law, be, and the same is hereby constituted, a town
- Incorporation.** corporat^e, and shall be known by the name and title of the town of Mount Pleasant.
- Election.** § 2. That the qualified voters for members of the General
Voters. Assembly, who have resided within the limits of said corporation for twenty days immediately preceding any such election, shall meet at some suitable place within said corporation, on the first Monday in April next, and annually thereafter, and then and there proceed to elect by ballot a mayor, four councilmen, and a recorder, who shall be citizens of said town, who shall hold their offices for one year, and until their successors shall be elected and qualified. The mayor and any two 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 councilmen may choose a mayor pro tem. from their own body: *And provided further*, that when the mayor, or any councilmen, recorder, or any other officer created by ordinance, or otherwise, in pursuance to this act, shall remove out of the corporation limits of the town of Mount Pleasant, in Henry county, such office shall become vacant; and in case of such 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; notice to be given in the same manner as in case of annual election of said town.
- Time.**
Officers.
Term.
Board.
Pro. tem.
Removal.
Vacancy.
**Special elec-
tion.**

§ 3. 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 opened between the hours of nine and ten o'clock in the forenoon, and close at five in the afternoon of the same day; and at the close of the polls, the votes shall be counted, 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.

§ 4. The regular meetings of said mayor and councilmen shall be held on the first Monday in each month, (except the April meeting, which shall be held on the second Monday in April), and the board may provide by ordinances for calling special meetings: at all meetings, the mayor, if present, shall preside, and in his absence, the mayor pro tem. The recorder shall keep a correct record of all the proceedings of the board, and may, under his hand and seal, appoint a deputy, for whose acts he shall be responsible.

§ 5. The mayor, councilmen, 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 "Mount Pleasant," 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 have a common seal, which they may alter at pleasure; 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.

§ 6. The officers elected under this Act shall each take an Oath.

oath, or affirmation, to support the constitution of the United States, and the constitution of the State of Iowa, and faithfully to discharge the duties of their respective offices.

- Ordinances. § 7 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 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; fix their fees and compensation, and require them to take an oath, or affirmation, faithfully to discharge the duties of their respective offices, and may require of them security for the performance of their official duties. Said mayor and councilmen shall also 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*, also, 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: *And provided further*, that nothing done under the provision of this section, shall be incompatible with the laws of this State.
- Subordinate officers.
- Duties.
- Qualification.
- Fines.
- Taking effect.
- Receipts and disbursements § 8. The mayor and councilmen shall, at the expiration of each six months, cause to be made out and published a correct statement of the receipts and expenditures of the preceding six months.
- Mayor to have judicial powers § 9. That the mayor of the town of Mount Pleasant, who shall be elected by the provisions of this act, shall be, and is hereby invested, with all the powers now granted by law to justices of the peace, within said State, for the purpose of hearing, trying, and determining all offenses 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 within this State, and the same right of appeal from the judgment of the said mayor in civil cases, shall be allowed, as is now, or may be hereafter authorized by law, from the judgment of justices of the peace, within this State; and said mayor shall also be a conservator.
- Jurisdiction.
- Appeal.
- Conservator.

of the peace within the limits of said town; that the said mayor shall as near as may be, conform to, and be governed by, the several acts in relation to justices of the peace, now in force, and which have heretofore been passed by the Council and House of Representatives of the Territory, and General Assembly of the State of Iowa; that the said mayor shall be allowed such fees for his services, as justices of the peace are now, or that hereafter may be allowed by law, to justices of the peace for like services.

§ 10. The mayor and councilmen shall have power to levy, by ordinance, a tax on all real and personal estate, within the limits of said corporation, not exceeding one-half of one per centum in any one year, but such ordinance shall have no force or effect until the same be submitted to the 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 7, and receive a majority of the votes cast at said election.

§ 11. 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 vote shall be taken "for the tax," or "against the tax."

§ 12. The mayor and councilmen shall have power, by ordinance, to regulate and improve the streets and alleys, and determine the width of side walks: *Provided*, that no property shall be taken from any individual, until such individual shall be paid therefor the value thereof, to be ascertained by six disinterested freeholders, to be summoned by the marshal for that purpose, and duly sworn, previous notice thereof being given to the owner; they shall also have power to remove all nuisances and obstructions from the streets and commons, and all other places within said town, and to provide for the removal of the same.

§ 13. The streets and alleys of said town shall constitute one road district, the overseer of which shall be appointed by the mayor and councilmen, and shall hold his office for one year, unless sooner removed by the said mayor and councilmen; said overseer shall perform the same duties as

- are, or may be, imposed by the laws of this State upon the overseer or supervisor of roads and highways, but shall make his 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 mayor and councilmen.
- Report.**
Road funds.
- Fees.** § 14. The fees of the officers shall be fixed by ordinance, but the mayor, in his capacity as president of the council, and councilmen, shall receive no compensation, unless the same shall be voted by the electors of the corporation.
No pay.
- Duplicate** § 15. It shall be the duty of the mayor and councilmen to cause to be made out in each year, within twenty days after the county list of taxes shall be made out, a duplicate of taxes, charging each individual therein, the amount of tax in proportion to the real and personal estate of such individual 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 such manner as the ordinances shall direct.
- Taxes.**
Collection.
- Sell Property.** § 16. The marshal shall have power to sell personal property, and for want thereof, to sell real estate, for non-payment of taxes within said corporation, giving the purchaser of such real estate a certificate of such sale, setting forth a brief description of property so sold, the time of sale, and 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, for at least four consecutive weeks, in the manner provided for publication of ordinances in section 7. Said taxes shall be deemed to be due on the first day of September, in each year; any real estate sold under this section, may be redeemed at any time within two years from the date of the sale thereof, by 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
- Certificate.**
Proviso:
Notified.
Redemption.
Decd.

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, with- Abatement. in thirty days after the assessment of taxes, make such change therein as may be applied for by any one who may deem the valuation of his property unjust.

§ 17. This Act to take effect from and after its publi- Take effect. cation, (but not at the expense of the State), in the Iowa No expense to the State. Observer and Iowa True Democrat.

APPROVED January 24th, 1855.

CHAPTER 90.

AN ACT requiring the State Printer to keep his office at the capital of the State.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That from and after the term of office of the present State printer, the State printer shall, at all times during the term of his office, keep an office at the capital of the State, with sufficient material, type, presses and workmen, to do and perform all the incidental printing of the State, and all printing for the State officers; and a failure to keep such office at all times at the capital during his said term of office, ready to do all work that may be required of him, promptly and in a workmanlike manner, shall be deemed a resignation of the office, and the Governor shall, in such case, have power to appoint his successor.

§ 2. That this Act shall take effect and be in force from and after its publication in the Iowa City newspapers.

APPROVED January 24th, 1855.

I certify that the foregoing Act was published in the Iowa City papers on the 6th March, 1855.

GEO. W. McCLEARY Sec'y of State.