

EXHIBIT "B" OF PETITION.

Office of Cedar Rapids Water Company.

CEDAR RAPIDS, IOWA, *Feb. 26, 1875.*

To the mayor and city council of Cedar Rapids, Iowa.

GENTLEMEN: The incorporators designated in city ordinance No. one hundred and forty-two (142) enacted February 19th, 25 1875, to establish water works in the city of Cedar Rapids, having perfected their organization and filed their articles of incorporation as required by law, did on this 26th day of February, A. D. 1875 by an unanimous vote of its board of directors accept the franchise and contract contemplated in said ordinance and directed their president and secretary to notify you, in writing, of their organization and the acceptance of the franchise and contract for furnishing the city of Cedar Rapids with water for fire protection, and other purposes as set forth in said ordinance No. 142.

We take pleasure in complying with this order of our board, and hereby notify you that the parties named in section 1, of the ordinance No. one hundred and forty-two, have legally organized under the name of the "Cedar Rapids Water Company" and that said organization hereby accepts said ordinance No. one hundred and forty-two (142).

Very respectfully,

WM. GREENE,
President Cedar Rapids Water Co.

CHAS. E. WALKER, *Secretary.*

EXHIBIT "C" OF PETITION.

Ordinance No. 527.

An ordinance regulating and fixing water rates to be hereafter charged to private consumers by water companies for furnishing water within the city of Cedar Rapids, Iowa.

Be it ordained by the city council of the city of Cedar Rapids :

SEC. 1. That on or after the taking effect of this ordinance, any corporation, association or individual furnishing water to private consumers for domestic, manufacturing and other uses shall 26 not be permitted to charge or receive for water to exceed the following schedule of rates, to-wit:

Apothecaries and drug stores.

First faucet, \$5.00; each additional faucet, \$2.50; soda fountain, \$2.00; tumbler washer, each jet or spray, \$3.00; self-acting, \$1.25; other water fixtures the same as business houses.

Bakery.

First faucet no charge less than \$5.00; per barrel of flour over two barrels daily average, \$2.50; additional faucet, free; where ice cream parlor is attached, add for each table seating four to six persons, 50c.

Barber shop.

First chair, \$3.00; each additional chair, \$2.00; first bath tub, \$8.00; each additional bath tub, \$4.00; first water closet, \$4.00; each additional water closet, \$2.00; first urinal, \$2.00; each additional urinal, 75c.

Bar rooms and saloons.

(Add to hotel, lunch room, eating house, restaurant or tavern rate, if connected.) First faucet behind bar, \$5.00; each additional one behind bar, \$3.00; first faucet outside bar, \$3.00; each additional one outside of bar, \$1.00; beer pump, each, \$6.00; first water closet, \$6.00; each additional water closet, \$4.00; first urinal, \$3.00; each additional urinal, \$1.50; three billiard or pool tables or less allowed in bar room, without extra charge.

Billiard rooms.

First three tables or less, one faucet, \$3.00; each additional table, 50c.; each additional faucet, \$1.00; first water closet, \$4.00; each additional closet, \$2.00; first urinal, \$3.00; each additional urinal, \$1.50.

27 Blacksmithing, horseshoeing, wagon and carriage shops.

One faucet, first fire, \$3.00; each additional fire, \$1.50; for other water fixtures, see factory.

Boarders and lodgers.

For private house, where not more than four boarders are kept, add to total family water rates, for each boarder and lodger, \$1.00; for each table boarder, 50c.; for each roomer or lodger, 25c.

Boarding or lodging houses, hotels or taverns.

For houses regularly engaged in the business and including any private family keeping more than four boarders or lodgers: First faucet, for family and four boarders, \$4.00; for each additional regular boarder and lodger, 75c.; for each additional table boarder, 50c.; for each additional lodger, 25c.; for first water closet, common use, \$4.00; for each additional water closet, common use, \$2.00; for each urinal common use, \$3.00; for each additional one, common use, \$1.50; for first bath tub, \$4.00; for each additional one, \$2.00; for each slop sink, \$3.00; for each washstand in private room, 50c.;

for each water closet in private room, \$1.50; for each bath tub in private room, \$1.50.

Boarding schools, seminaries, colleges, convents, private schools, hospitals, etc.

For first faucet, \$4.00; for each person over five in number residing in the building as a home, 75c., add for each person residing in the building during school terms only, 50c.; for first stationary wash stand, common use, \$4.00; for each additional one, \$2.00; for first water closet, common use, \$4.00; for each additional one, \$2.00; for first bath tub, common use, \$4.00; for each additional one, 28 \$3.00; for first urinal, \$3.00; for each additional one, \$1.50; for each slop sink, \$3.00; for each stationary washstand in private room, free; for each water closet, private room, \$1.50; for each bath tub, \$1.50.

Book bindery.

First faucet, five hands or less, \$5.00; each additional hand, \$1.00; for each additional faucet, free; for other water fixtures, see factory.

Boilers for heating only.

Private per 1000 cubic feet space heated 2 cents; condensing annually, \$1.50.

Building purposes.

Each barrel of lime or cement used, 3c.

Business offices, blocks or houses, banks and warehouse.

Where fixtures is in office or on first floor: First faucet, five persons or less, \$2.00; ten and not less than six, \$3.00; ten or more \$4.00; each additional faucet, five persons or less, \$1.00; ten and not less than six, \$1.50; ten or more, \$2.00; water closet, five persons or less, \$3.00; ten and not less than six, \$4.00; ten or more, \$5.00; each additional closet, five persons or less \$1.50; ten and not less than six, \$2.00; ten or more, \$2.50; urinal, five persons or less, \$1.00; ten and not less than six, \$2.00; ten or more, \$3.00; each additional urinal, five persons or more, 50c.; ten and not less than six, \$1.00; ten or more \$1.50. Where fixture is outside of office and used by two or more offices, add 25 per cent. to the above rate. Above rates to apply separately to fixtures on each floor. For washing store fronts, windows and sidewalk with hose, per front foot, 6c. The above rates also apply to wholesale or retail stores, unless otherwise specifically stated.

29 Butcher shops (including green groceries).

First faucet, \$5.00; each additional one, \$2.50; for use of hose, see hose; for other fixtures, see factory.

Brick work.

If separate rates from whole building, per 1,000 kiln count, 8c.

Club rooms or houses.

First faucet, \$3.00; each additional faucet, \$1.00; first water closet, \$4.00; each additional closet, \$2.00; first urinal, \$3.00; each additional urinal, \$1.50; first bath tub, \$5.00; each additional tub, \$2.50; each washstand in bed room, \$1.00; each water closet in bed room, \$1.50. If public bar is attached, bar-room rates must be added. Each bath tub, \$2.00.

Colleges (medical).

For dissecting and chemical purposes, each student 25c.

Confectionery.

First faucet, candy not made on premises, \$5.00; with privilege to make candy for own use only, \$8.00; soda fountain, \$2.00; tumbler washer, jet or spray, \$3.00; self-acting, \$1.25.

Concert or public halls.

Where seats are fixed and hall cannot be cleared for fairs, dancing, etc.: First faucet, \$2.00; each additional faucet, \$1.00; first water closet, \$3.00; each additional closet, \$1.50; first urinal, \$2.00; each additional urinal, \$1.00; where seats can be removed and the hall cleared for fairs, dancing, etc.: First faucet, \$3.00; each additional faucet, \$1.50; first water closet, \$5.00; each additional one, \$2.50; first urinal, \$3.00; each additional one, \$1.50.

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Concrete.

Per cubic yard under 50 cubic yards, 3c.; 50 cubic yards and less than 250, 2c.; 250 cubic yards and over, 1½c.

Dining halls or rooms, eating houses, restaurants, ice cream parlors, and oyster houses.

First faucet, one table seating four, \$4.00; each additional table, 50c.; each additional faucet, \$2.00; first wash basin, \$2.00; each additional one, \$1.00; first water closet, \$4.00; each additional one, \$2.00; first urinal, \$2.00; each additional one, \$1.00; where tables are not used, see lunch counter.

Dairy.

Each milk cow, 50c.; washing cans in ordinary use, \$5.00; teams for delivery, each animal, \$1.00; wagons for delivery, washing each, 50c.

Dwelling.

Three rooms, including basin, \$3.00; each additional room, 50c., bath tub, hot and cold water, \$3.00; each additional one, \$1.50; water closets, self-closing, \$3.00; each additional one, \$1.50; stable hydrant, two animals, \$2.00; each additional horse or cow, 75c.; yard hydrant, see horse. Where water is not connected into house, but drawn from hydrant in yard, one-half of above rates. Dwelling house rate to include the free use of water for all ordinary purposes not specified herein. Water for flushing closets only, inside or outside dwelling, \$3.00.

Earthwork.

Settling, per cubic yard, .005; no charge less than \$3.00.

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Factories and mills.

First faucet, five hands or under, \$2.00; ten hands, not less than six, \$3.00; ten hands or over, \$4.00; each additional faucet, five hands or under, \$1.00; ten hands, not less than six, \$1.50; ten hands or over, \$2.00; first water closet, five hands or under, \$3.00; ten hands, not less than six, \$4.00; ten hands or over, \$5.00; each additional water closet, five hands or under, \$1.50; ten hands, not less than six, \$2.00; ten hands or over, \$2.50; first urinal, five hands or under, \$3.00; ten hands, not less than six, \$4.00; ten hands or over, \$5.00; each additional urinal, five hands or under, \$1.50; ten hands not less than six, \$2.00; ten hands or over, \$2.50; bath tub, five hands or under, \$4.00; ten hands, not less than six, \$5.00; ten hands or over, \$6.00; each additional bath tub, five hands or over, \$2.00; ten hands, not less than six, \$2.50; ten hands or over, \$3.00.

Above rates apply separately to fixtures on each floor. The above rates also apply to carpenter, paint, boot and shoe, tailor, saddle and harness, weaving, millinery, dressmaking and overall shops and other similar, and cigar and tobacco factories.

Fire protection and fixtures.

Stand pipe with hose attachment on each floor, also tank and automatic sprinklers, where the same are put in entirely at the expense of the property owner or occupant, shall be connected with the water mains and water allowed to stand therein at all times under pressure free of charge, but for a test of one hour's duration or less, the charge shall be \$2.50.

Fish house.

Including green groceries, first faucet, \$5.00; each additional faucet, \$1.25.

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Flats.

Where fixtures are within apartments, see dwellings. If fixtures are without apartments and used by more than one family, see boarding house rates.

Forges.

See machine shops and foundries.

Foundries.

First fire, \$3.00; each additional fire, \$1.50; water fixtures same as factories.

Fountains.

Soda or mineral water, \$2.00; jet or spray tumbler washer, \$3.00; self-acting, \$1.25.

Hacks.

Washing by hose, 50; horses each, 50c.

Horses.

See dwellings and stables.

Hose.

For sprinkling by hand, yards, lawns, gardens, per front foot, 6c.; sidewalks and one-half of the street per running foot or fraction, 4c.; sprinkling stand or racks or hose supported in place will be classed as fountains for the time water is so used. For washing store fronts, windows and sidewalks, per front foot, 6c.; for washing vehicle, see dwellings, stables, hacks, dairy, etc. All sprinkling will be limited to three hours per day between the hours of 6 a. m. and 9 p. m. for each sixty foot lot; lots divided in ownership shall be prorated.

Laundries, \$10.00 to \$50.00. May be supplied by meters.

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Liquor houses, wholesale.

Where spirits are rectified in addition to wholesale business add for barrel of product, 2c.; for fixtures see business houses.

Livery and sale stables.

Each stall, \$1.00; hose for washing vehicles, each vehicle, \$1.00.

Lunch counters.

First faucet, \$4.00; each additional, \$1.00.

Meat market or shop.

Including fish or green groceries, first faucet, \$5.00; each additional faucet, \$1.25.

Meter rates.

Meter rates for dwellings only (payable quarterly) per 1,000 gallons, 15c.; first 1,000 gallons for all purposes, except dwellings, per 1,000 gallons, 10c.; each additional 1,000 gallons, 8c.

Meter rates payable monthly.

Meter rates applying to the following: Boilers for power (including steam engines,) boilers (in scouring works or dye houses,) bottle washers, bottling works, breweries, brick yards, candy factories, cars, (washing) street or railway cars, cisterns, distilleries, dyeing and scouring houses, elevators or lifts, engines, (stationary,) fountains (display or ornamental,) grain elevators, feed yards and stables, gas works, grind stones (run by power, jet for wetting stone,) green houses, jails, laundries, locomotives, milk houses or depots, packing houses, railroads, soap works, slaughter houses, sprinkling wagons or carts, stock yards, factories, wool washers or dyers and water troughs.

34**Newspapers (daily).**

Composing press room and business offices, first faucet add \$2.00 to business house rates. Additional water fixtures same as business houses.

Office (job printing).

First faucet, add \$4.00 to business house rates. Additional water fixtures same as business office.

Office (newspaper).

See newspaper (daily.) Weekly newspaper rates as job printing office, where it does its own press work on premises, but rated as business office when press work is done outside.

Opera house and theatre.

First faucet, \$4.00; each additional faucet, common use, \$2.00; each washstand in private room, \$1.00; first water closet, common use, \$4.00; each additional one, \$2.00; each water closet in private room, \$1.50; each bath tub in dressing room \$2.00; first urinal common use, \$3.00, each additional one, common use, \$1.50.

Plastering.

Two coat work, per 100 square yards, 15c.; three coat work, per 100 square yards, 20c.

Photograph galleries.

First faucet, one operator, \$5.00; each additional helper or employé, \$1.25; each additional faucet, \$3.00;

Printing offices.

See office (job printing,) newspapers (daily).

Slop sinks.

Each, when clarified, \$3.00.

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Soda fountains.

Each, per season, \$2.00; tumbler washers, each jet or spray, \$3.00; self acting, \$1.25.

Sleeping room, separate from dwelling house, lodging house.

Stationary washstand, \$2.00; water closet, ten persons or less, \$3.00; each tub, ten persons or less, \$3.00.

Stable.

Boarding, each animal, 50c.; each vehicle washed, 50c.; club, each animal, 50c.; each vehicle washed 50c.; carting, draying or job stables, each animal, 50c.; each vehicle washed, 50c.

Stone work.

Per perch of rubble work, 2c.

Tenements, flats, etc.

Where fixtures are used separate, dwelling house rates; where used in common, boarding house rates. Where water fixtures are within family apartments, the rate will be the same as for dwellings.

Tumbler washer.

Each jet or spray, \$3.00; self acting, \$1.25.

Urinals.

Continuous flow, each, \$8.00; self-closing always where not otherwise specified. First self-acting urinal where not otherwise rated, \$3.00; each additional one, \$1.50.

Vehicles.

See stables.

Water closets.

Self-closing always, where not otherwise specified.

36 Where two faucets, one hot and the other cold water, empty into the same vessel, such faucets shall be rated as one faucet.

Where dwelling or sleeping rooms are situated above or behind apothecaries, drug stores, bakeries, barber shops, butcher shops, bar-rooms, confectionery-, cigar factories, eating houses, laundries, saloons, shops, stores or other places connected with the water supply and occupied or used by the same party, then the rate as heretofore named for each dwelling or sleeping room shall be added to the rate for the apothecary, drug store, bakery, barber shop, etc., whether the water is connected in said dwelling or sleeping rooms or not.

The rate hereinbefore named for a faucet shall be held as including the sink or stationary washstand under the same.

Whenever the word person is used it refers only to those who are over ten years of age; three children between the ages of five and ten years will be rated as one person, and children under five years will not be counted. In enumerating the persons in stores, factories, shops, offices, etc., account will be taken of only those who are regularly employed about the premises and in no case will customers or patrons be counted.

All water fixtures such as faucets, urinals, water closets, etc., are rated and classed as self-closing and self-acting in all cases unless otherwise specifically stated. Where service is apparently under two heads, the higher rate shall govern the charge.

37 **SEC. 2.** Any person violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed one hundred dollars (\$100).

Passed this 8th day of June, A. D. 1900.

J. D. BLAIN, *Recorder.*

JOHN M. REDMOND, *Mayor.*

That thereafter and in due time the defendants filed the following

Answer.

Comes now the defendants in the above entitled action and for answer to plaintiff's petition state, that they admit paragraphs 1 and 2 of said petition. They admit that on or about the 19th day of February, 1875 the city council passed an ordinance purporting to be a franchise to the plaintiff, which franchise is set out as Exhibit "A" of plaintiff's petition and which ordinance was accepted by plaintiff by a written acceptance a copy of which is set out as Exhibit "B" of plaintiff's petition. Defendants admit that the plaintiff constructed a water works system within the city of Cedar Rapids soon after said franchise was granted and since its construction the plaintiff has been engaged in furnishing water to the city of Cedar Rapids and the inhabitants thereof, but that the said water works plant did not cost the sum of five hundred thousand dollars, but