

ACTS AND JOINT RESOLUTIONS

PASSED AT THE

REGULAR SESSION

OF THE

Thirty-Third General Assembly

OF THE

STATE OF IOWA

BEGUN JANUARY 11, AND ENDED APRIL 9, A. D. 1909.

Prepared for Publication Under the Direction of
W. C. HAYWARD,
Secretary of State

DES MOINES

EMORY H. ENGLISH, STATE PRINTER.

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the purpose of erecting, maintaining and operating a water system and an electric light and power plant and other purposes are hereby legalized and the same are declared to be valid and binding the same as though the law had in all respects been complied with.

SEC. 2. **Pending litigation.** Nothing in this act shall effect any pending litigation.

SEC. 3. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after the publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Ames Intelligencer, a newspaper published at Ames, Iowa, without expense to the state.

Approved April 7, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader April 9, A. D. 1909, and in the Ames Intelligencer April 15, A. D. 1909.

W. C. HAYWARD,
Secretary of State.

CHAPTER 277.

THE CITY OF ANAMOSA.

S. F. 79.

AN ACT to legalize a special election of the city of Anamosa, Iowa, held October 28, 1907, for purchase of water works system, and voting bonds therefor, and the ordinances, resolutions and acts of the council relating to such water works.

WHEREAS, At a meeting of the city council of the city of Anamosa, Iowa, held August 6, 1907, there was presented to it a petition, which petition was, on the 10th day of September, 1907, duly canvassed by the council, and was found by the council to contain the genuine signatures of four hundred seven (407) qualified electors of said city, and that there were six hundred twenty (620) legal and qualified voters within the corporate limits of said city at the time of the presentation of said petition and canvassing of the same; that each of said signers was a qualified elector of the city of Anamosa, at the time said petition was signed and canvassed, and that a majority of the qualified electors of the city signed said petition for the purpose of purchasing a water works system; and,

WHEREAS, Said petition asked said city council to call a special election for the purpose of voting on the proposition of bonding the city to erect or purchase a water works system as provided by chapter 49 of the 31st general assembly, the tax of one and one-fourth per centum not being sufficient to purchase or erect the plant; and,

WHEREAS, Said city council of said city called a special election for the purpose of submitting to the qualified electors of said city the proposition of acquiring a water works system at a cost not to exceed thirty thousand dollars (\$30,000), and of authorizing the city council to issue bonds not to exceed the sum of \$30,000 for the purpose of purchasing or erecting said water works system; and,

WHEREAS, The city council did, by resolution regularly passed on the 1st day of October, 1907, direct that notice of such special election be given and fixing the 28th day of October, 1907, as the time for holding said election at the usual voting places in said city, and caused said notice to be published once each week in the Anamosa Eureka and Anamosa Journal, newspapers published in said city, for four consecutive weeks, the first publication being October 3, 1907, and the fourth October 24, 1907, said notice advising the electors that two propositions would be submitted at said election, to-wit:

First. Shall a water works plant be acquired by said city? and, second, Shall the city council of the city of Anamosa, Iowa be authorized to issue bonds in the sum of \$30,000 for the purpose of acquiring a water works plant? and,

WHEREAS, At the said special election held on the 28th day of October, 1907, the following propositions were placed upon said ballot:

Shall the city council acquire a water works system at a cost not to exceed \$30,000?

YES	
NO	

Shall the city council issue bonds in the sum of \$30,000 for water works?

YES	
NO	

and,

WHEREAS, The city council of said city did, on November 5, 1907, canvass the returns of said special election and find that the proposition "Shall the city of Anamosa, Iowa, acquire a water works system" was carried by a majority of all the votes cast, and did further find that the proposition "Shall the city council issue bonds in the sum of \$30,000 for the purpose of acquiring a water works system" was carried by a two-thirds vote of all the votes cast; and

WHEREAS, The city council of said city did, on the 13th day of March, 1908, by resolution duly adopted, accept the proposition of the Anamosa water works company for the sale of its plant for the sum of twenty thousand dollars (\$20,000), and authorize the mayor and city clerk to enter into a contract with said company for the purchase of the same; and

WHEREAS, The city council of said city did, on the 24th day of March, 1908, elect by ordinance to exercise the power granted it by chapter four (4) title five (5) of the code of 1897 and amendments thereto, and to acquire by purchase and construction a system of water works under provisions of said chapter four, title five and amendments thereto for the purpose of supplying the city and inhabitants thereof with water for domestic and fire purposes and provided for the issuance of \$20,000 in bonds for the purchase of said plant, and \$10,000 in bonds for construction work; and

WHEREAS, Said petition, as presented to the city council of said city, did not specifically submit to the council the question of purchasing a water works plant, but provided for "erecting or purchasing" such plant, and did not specifically submit the question of acquiring a water works system under section 720 and amendments thereto; and,

WHEREAS, The notice was published for four weeks consecutively, but the last publication was not four weeks prior to the holding of said election; and the proposition as submitted on the ballot, to-wit, "Shall the city council acquire a water works system at a cost not to exceed \$30,000?" is not in the same wording as contained in the petition, the word "acquire" being used instead of "purchase or erect"; and,

WHEREAS, The proposition "Shall the city council issue bonds in the sum of \$30,000 for water works?" does not specifically permit the council to issue said bonds under the petition for purchasing a water works system and construction work; and the notice to the electors of said city reciting that said election would be held for the purpose of acquiring a water works and for the purpose of issuing bonds therefor not to exceed the sum of \$30,000 did not specifically submit said proposition; and,

WHEREAS, Doubts have arisen as to the legality and sufficiency of said petition for the reason it submits two propositions to the council, viz.: "erect or

purchase"; also doubts have arisen as to the legality and sufficiency of the findings of the city council on the canvass of said petition; doubts have arisen as to the legality and sufficiency of the notice of said election; and the proposition submitted on the ballot; and of the legality of the acts and doings of said city council in connection with said special election and the purchase of said water works, and the issuance of bonds for purchase thereof and for construction work; therefore,

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

SECTION 1. Special election, acts, ordinances and bonds legalized—pending litigation. That the proceedings of the city council of the city of Anamosa, Iowa, concerning and providing for the submission to the qualified electors of said city of the proposition for the acquiring of a system of water works, and for issuing bonds for such purpose and construction work, the petition submitted to the city council therefor, the notice of the submission and the time of such notice; the form of the ballot submitted at said election, and all acts and proceedings of said city council prior or subsequent to said special election, whether herein particularly specified or not, had and done with reference to said proposition of acquiring a water works system and issuing bonds therefor and construction work thereof, and each of them, be and are hereby legalized and validated as fully and completely as though the law had in all things been technically and fully complied with in every respect, and the resolutions and ordinance passed in aid thereof are hereby legalized and validated, and said bonds, whether issued or to be issued, shall be the valid and binding obligation of said city of Anamosa, Iowa. This act shall in no wise affect pending litigation.

SEC. 2. In effect. This act being deemed of immediate importance shall take effect from and after its publication in the Anamosa Eureka, a newspaper published in Anamosa, Iowa, and the Register and Leader, a newspaper published in Des Moines, Iowa, without expense to the state.

Approved February 10, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader February 12, A. D. 1909, and in the Anamosa Eureka, February 18, A. D. 1909.

W. C. HAYWARD,
Secretary of State.

CHAPTER 278.

THE TOWN OF CALLENDER.

H. F. 313.

AN ACT to legalize certain ordinances of the town of Callender, Webster county, Iowa.

WHEREAS, Certain ordinances, hereinafter particularly specified, of the town of Callender, Webster county, Iowa, were in good faith passed and adopted by the town council of said town and have at all times been treated by said town as legal and valid ordinances, and

WHEREAS, The records of said town council were defectively kept and failed to show the proceedings fully had and done by the council in the adoption of said ordinances, and in the case of several ordinances the same were not adopted by an aye and nay vote of the members of the council, but upon motion without any record being kept of the vote of each member of the council, and then after only one reading of said ordinances, and