

the said city of Creston on the 26th day of March, A. D. 1906, the question whether the said ordinance should be approved and adopted; and,

WHEREAS, The said question was so submitted at the said election held in Creston on March the 26th, A. D. 1906, and a majority of the electors voting thereon voted in the affirmative and in favor of the adoption and the approval of the said ordinance; and,

WHEREAS, Doubt has arisen as to the legality of a question concerning a franchise submitted at a regular municipal election;

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

**SECTION 1. Proceedings and ordinance legalized.** That the proceedings and ordinance of the city council of Creston, Iowa, submitting at the city election in said city on March twenty-sixth (26) nineteen hundred and six (1906), the question as to whether a franchise should be granted to the Winterset & Creston electric railway company, to construct, maintain and operate, by electric or other power than steam, street and interurban railways in, across, over and along the streets of the city of Creston, Iowa, and defining the powers and duties of said company, and all acts of said city council in connection with the calling of and holding said election and passing said ordinance ratifying and adopting the result of said election are hereby legalized and declared to be in full force and effect.

**SEC. 2. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in Des Moines, Iowa, and the Creston Advertiser-Gazette, a newspaper published in Creston, Iowa, without expense to the state.

Approved April 9, A. D. 1906.

I hereby certify that the foregoing act was published in the Creston Advertiser-Gazette, April 16, 1906, and the Register and Leader, April 20, 1906.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 232.

### THE TOWN OF DOW CITY.

R. F. 72.

AN ACT to legalize the incorporation of the town of Dow City, Crawford county, Iowa; the election of its officers, the acts done and ordinances and resolutions passed by the council of said town, and to define the limits thereof.

WHEREAS, A petition was presented to the circuit court of Iowa in and for Crawford county, in the year 1878, asking the appointment of commissioners to call an election of the proper electors of the town of Dow City, Iowa, then known as Dowville, to vote upon the incorporation of said town under the name of "Dow City";

WHEREAS, The said court finding the petition sufficient, appointed commissioners to call an election and give notice as provided by law; and,

WHEREAS, such petition is lost and no certified copy thereof can be found, and no proper record of the subsequent orders of the court, if any, or of the report of said commissioners was made, and the entire files in the case are lost; and,

WHEREAS, Doubts have arisen as to the legality of the incorporation of the town of Dow City, Crawford county, Iowa; the election of its officers; the ordinances and resolutions passed by the council of said town; the tax levies, general and special; the fines and convictions under and by virtue of the ordinances thereof, or its board of health regulations; and further as to whether certain lands, platted and dedicated to the public for streets and

alleys by the legal owners thereof, and for lot and block purposes, the same being contiguous and adjacent to the original town of Dowville, now Dow City, or a part thereof, is entirely within the limits of the incorporation of the town of Dow City as originally petitioned; and,

WHEREAS, The functions of an incorporated town have been exercised by the town of Dow City and the inhabitants thereof for the past twenty-seven years over the territory covered by the town of Dowville and additions thereto as platted; and,

WHEREAS, The legality of certain ordinances and resolutions of the council of said town have been doubted by reason, further, of the fact that the same were not signed by the mayor, or the yeas and nays not recorded, or a proper and requisite majority of the council is not shown by the record to have voted for the same, or the same was not published or duly and legally recorded in the ordinance book of the said town, and signed by the mayor thereof. Now, therefore,

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

**SECTION 1. Incorporation, election, acts and ordinances legalized—pending litigation.** That the incorporation of the town of Dow City, Crawford county, Iowa, the definition of the limits of such incorporated town, so as to include within the limits thereof, all of the original town of Dowville and all the additions thereto, dedicated and platted as shown by the recorded plats of such additions, as and for a part of the said Dowville or Dow City, as well as such territory as is shown by the order or court record thereof appointing commissioners to call an election for the purpose of voting for or against the incorporation of said town, the election of its officers, and all the official acts done, and the ordinances, resolutions and tax levies, general and special, passed by the council of said town, not in contravention with the laws of the state of Iowa, and all fines and penalties and tax levies imposed, taxes collected and tax sales made, under and by virtue of such ordinances, resolutions, or tax levies, be and the same are hereby legalized, and are hereby declared to be valid and binding the same as though the law in all respects had been fully complied with, in the incorporation of said town, the passage of its ordinances and resolutions and in the making of its tax levies and in and for all the official acts done, but nothing in this act shall in any manner affect pending litigation.

**SEC. 2. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Dow City "Enterprise," a newspaper published in the town of Dow City, Iowa, and in the Register and Leader, a newspaper published in the city of Des Moines, Iowa. Both publications to be without expense to the state.

Approved February 13, A. D. 1906.

I hereby certify that the foregoing act was published in the Register and Leader, February 16, 1906, and the Dow City Enterprise, February 23, 1906.

W. B. MARTIN,  
*Secretary of State.*