

curred therefor, and the bonds issued in payment of said indebtedness shall be cured and legalized.

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

SECTION 1. **Special election legalized.** That the submission to the electors of the town of Calmar, at the special election called for that purpose on the 16th day of October, 1911, of the question of the issuance of bonds by said city, in the sum of five thousand dollars (\$5,000.00) for a system of gas-works, the manner of submitting the same, the resolution passed in relation to the same, the issuance of bonds thereunder, and in all matters done in the calling and holding of said special election or anywise connected therewith, is hereby declared to be legal and valid, the same as though the law had been fully complied with in the form and passage of said resolution, the holding of said election, the issue of bonds thereunder and in all matters pertaining to said special election. Provided, however, that the passage of this act shall in no manner affect pending litigation.

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

Approved March 17th, 1913.

I hereby certify that the foregoing act was published in the Register and Leader March 21, 1913 and in the Des Moines Capital March 20, 1913.

W. S. ALLEN,
Secretary of State.

CHAPTER 372.

THE CITY OF CARROLL.

S. F. 84.

AN ACT to legalize a special election held in the city of Carroll, Iowa, at which was submitted the question of granting a franchise for the establishment of gas works and the use of the streets, alleys and public grounds of said city in connection therewith; and to legalize an ordinance passed by the city council of said city granting said franchise; and legalizing all acts of said city, and its council, in connection with the grant of the same.

WHEREAS, at a special election for that purpose held in the city of Carroll, state of Iowa, on the 7th day of August, 1911 the qualified electors of said city did vote in favor of granting to C. I. Tenney, his successors and assigns, a franchise to establish, maintain, and operate gas works in said city for the manufacture, sale and distribution of gas for illuminating and other purposes, and to use the streets, alleys and public ground of said city for such purposes, with certain rights, duties and powers. All as set forth in a proposed ordinance then on file in the office of the city clerk of said city; and

WHEREAS, the city council of said city did subsequently adopt and publish said ordinance granting said franchise to said C. I. Tenney, his successors and assigns, for the purposes before mentioned; and

WHEREAS, in the giving of the notice required for said special election, and the publication of the same, and in the ballots used at said election, there were certain irregularities and omissions as to the manner and the time of the giving of said notice of election, and the publication of the same; and in the statement upon the ballot of the proposed measure to be voted upon in a general way, and not in detail as set out in the proposed ordinance; and

WHEREAS, the ordinance granting said franchise was not regularly read at three separate meetings of the city council, nor on three different days, and the provisions of the statute allowing ordinances to be read three times and passed at the same meeting of the city council were not properly observed; and

WHEREAS, it appears that at said special election a large majority of the electors who voted thereat favored the granting of said franchise, and, relying upon the vote of the electors of said city at said special election, and upon the action of the city council of said city in passing and adopting said ordinance, the Citizens Gas Company of Carroll, Iowa, a corporation, became the owner of the said franchise and has invested a large sum of money in the erection of a gas plant in said city; and

WHEREAS, doubts have arisen as to the validity of said franchise and of the proceedings connected with the grant of the same, because of the irregularities, defects and omissions in the notice of said special election; the sufficiency of the statement upon the ballot of the proposed measure to be voted upon at said election; and the passage and adoption of the said ordinance by the city council of said city; now therefore,

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

SECTION 1. **Special election, ordinance, etc. legalized.** That the special election held in the city of Carroll, Iowa, on the 7th day of August, 1911, at which was submitted the question of granting to C. I. Tenney, his successors and assigns, a franchise to establish, maintain and operate gas works in said city, for the manufacture, sale and distribution of gas for illuminating and other purposes, and to use the streets, alleys and public grounds of said city for such purposes, be, and the same is, hereby legalized and declared to be valid with the same force and effect as though the notice of said election, the statement upon the ballot of the proposed measure to be voted thereat, and all other essential things had been done, in all particulars, in strict compliance with the laws of this state relating thereto. And the city ordinance passed, adopted and published subsequent to said election granting said franchise to C. I. Tenney, his successors and assigns, be, and the same is, hereby legalized and declared to be a valid ordinance of said city; the same as though said ordinance had been passed, adopted and published by the city council in the manner provided by law, and as though all the provisions of the law of this state relating to the passage, adoption and publication of city ordinances had been duly and fully observed with reference thereto. And all the acts of said city and its council in connection with the grant of said franchise be, and the same are, hereby legalized, as though all provisions of the law of this state pertaining thereto had been duly and fully observed.

SEC. 2. **Pending litigation.** Nothing in this act shall in any way affect any pending litigation concerning the subject matter hereof.

SEC. 3. **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 at Des Moines, Iowa, and the Carroll Herald, a newspaper published at Carroll, Iowa, without expense to the state.

Approved February 6th A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader February 10, 1913 and the Carroll Herald, February 19, 1913.

W. S. ALLEN,
Secretary of State.

CHAPTER 373.

CITY OF CEDAR FALLS.

S. F. 540.

AN ACT to legalize a special election of the city of Cedar Falls, Iowa, held March 10th, 1913, for the acquiring of a municipal electric light and power plant, and voting bonds therefor, and the resolutions and acts of the city council relating to such electric light and power plant.

WHEREAS: there was presented to and filed by the clerk of the city of Cedar Falls, Iowa, a petition signed by more than a majority of the qualified electors of said city, asking the city council to call a special election for the purpose of voting on the propositions of constructing an electric light and power plant, and bonding the city for said electric light and power plant, and stating that the electric light and power plant could not be erected, built or furnished within the limit of one and one quarter per centum of the valuation; said petition being filed at 11:50 a. m., January 28th, 1913, and

WHEREAS: at a regular meeting of the city council of said city of Cedar Falls, Iowa, held in the evening of January 28th, 1913, said petition so filed as aforesaid was presented to said city council, and was referred to the light committee, which committee reported that 791 of the qualified electors had signed said petition, that being a large number more than a majority of the qualified electors of said city, and

WHEREAS: said city council of said city by resolution duly adopted at said regular meeting on January 28th, 1913, called a special election for the purpose of submitting to the qualified electors of said city the questions as to whether or not the city of Cedar Falls, Iowa, should issue bonds in the sum of \$50,000.00 for an electric light and power plant, and as to whether or not such city should purchase, construct, erect, maintain and operate an electric light and power plant, and

WHEREAS: the city council did, by said resolution adopted as aforesaid on said January 28th, 1913, direct that notice of such special election be given, and fixing the 24th day of February, 1913, as the time for holding said election at the usual voting places in said city, and directing the mayor to give legal notice of same, and

WHEREAS: thereafter, and on February 4th, 1913, at a special meeting of said city council called by the mayor to consider matters pertaining to electric light and special election, the resolution adopted on January 28th, 1913, calling such special election was re-considered and amended and adopted fixing the time of such special election on March 10th, 1913, and directing the mayor to give legal notice of same, and notice of such election was duly published once each week in the Daily Record and the Cedar Falls Gazette, newspapers pub-