

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-

lished in said city, for four consecutive weeks, the first publication being February 6th, 1913, and the fourth February 27th, 1913, said notice advising the electors that two propositions would be submitted at said election, to-wit:—

First: The issuance of bonds in the sum of \$50,000.00 for an electric light and power plant.

Second: The purchase, establishment, maintenance and operation of a municipal electric light and power plant, and

WHEREAS: At the said special election held on the 10th day of March, 1913, the following propositions were placed upon the ballot:—

(1). For the issuance of bonds in the sum of \$50,000.00 for an electric light and power plant. ()

Against the issuance of bonds in the sum of \$50,000.00 for an electric light and power plant. ()

(2). Shall the city of Cedar Falls, Iowa, purchase, establish, erect and maintain and operate within the limits of said city a municipal electric light and power plant?

Yes ()

No ()

and

WHEREAS: The city council of said city did on March 11th, 1913, canvass the returns of said special election and find that the proposition: "Shall the city of Cedar Falls, Iowa, purchase establish, erect and maintain and operate within the limits of said city a municipal electric light and power plant", was carried by a majority of all the votes cast, and did further find that the proposition "For the issuance of bonds in the sum of \$50,000.00 for an electric light and power plant" was carried by a two thirds vote of all the votes cast, and

WHEREAS: Said petition as presented to the city council of said city did not specifically submit to the council the question of the purchase of an electric light and power plant, but for the construction, erection and equipment of an electric light and power plant, and did not specifically submit the question of issuing bonds for the purchase of an electric light and power plant, but to be used in the construction, erection, furnishing and equipment of said municipal electric light and power plant; nor did said petition specifically state that said electric light and power plant could not be purchased within the limit of one and one quarter per centum of the valuation, but that the same could not be constructed, erected, built and furnished within the limit of one and one quarter per centum of the valuation, and

WHEREAS: The notice of election, as a part thereof, specified the days upon which voters might register, and omitted one of the days, to-wit: Saturday, March 8th, but the registry boards were in session on said day to receive registrations at the usual registry places and did register voters, and the statute expressly provided that no notice of registration need be given of a special election,

WHEREAS: The question to be submitted as contained in said resolution ordering such special election, and as submitted on the ballot included the right to purchase, as well as construct, erect, maintain and operate an electric light and power plant, and to issue bonds in the sum of \$50,000.00 for an electric light and power plant, and

WHEREAS: Doubts have arisen as to the legality and sufficiency of said petition for the reason that said petition did not contain a request to the coun-

oil to purchase, as well as construct, erect, and equip an electric light and power plant, and did not contain a request that the money derived from the sale of bonds be used to purchase as well as construct, erect, furnish and equip a municipal electric light and power plant; doubts have arisen as to the legality of the call of such special election at a special meeting of the council; doubts have arisen as to the power of the city council to call such special election at the regular meeting of the council on January 28th, 1913; and doubts have arisen as to the legality of a re-consideration of the resolution ordering said special election at such special meeting on February 4th, 1913; doubts have arisen as to the legality and sufficiency of the notice of said election; and of the acts and doings of said city council in connection with said special election: Therefore

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

SECTION 1. Special election — resolutions — legalized — pending litigation. That the proceedings of the city council of the city of Cedar Falls, Iowa, concerning and providing for the submission to the qualified electors of said city of the proposition for the acquiring of a municipal electric light and power plant, and for issuing bonds for such purpose and construction work, the petition submitted to the city council therefor, the notice of such 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 an electric light and power plant 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 acts 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 Cedar Falls, 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 Daily Record, a newspaper published in Cedar Falls, Iowa, and the Register and Leader, a newspaper published in Des Moines, Iowa, without expense to the state.

Approved April 15 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader and the Cedar Falls Daily Record April 19, 1913.

W. S. ALLEN,
Secretary of State.

CHAPTER 374.

CITY OF DES MOINES.

S. F. 387.

AN ACT to legalize the proceedings of the city council of the city of Des Moines, Iowa, for the construction of the seventh ward sewer system in said city.

WHEREAS, the city council of the city of Des Moines, Iowa, did, on the thirtieth day of August 1911, propose a resolution declaring the neces-