

CHAPTER 392.

THE TOWN OF SHELDAHL.

H. F. 385.

AN ACT to legalize an ordinance of the incorporated town of Sheldahl, Iowa, granting a franchise to Boone Electric Company, to erect, maintain and operate an electric power plant in said town.

WHEREAS, on the 9th. day of September, 1912, the town council of the incorporated town of Sheldahl, Iowa, passed an ordinance, entitled, "An ordinance authorizing the acquirement, erection, maintenance and operation of an electric light and power plant in the incorporated town of Sheldahl, Iowa, by Boone Electric Company, its successors or assigns, and establishing rules and regulations governing the same", and,

WHEREAS, the question of the adoption and passage of said ordinance was submitted to the legal electors of said town at a special election, therein held on the 15th. day of October, 1912, and,

WHEREAS, upon the passage of said ordinance by the town council of said town, all of the members of the town council voted in favor of the passage of the same, and,

WHEREAS, at said special election a majority of all of the legal electors of said town, voted in favor of the adoption and passage of said ordinance, and,

WHEREAS, the Boone Electric Company, and its successor, has established electric service in said town, all as required by said ordinance, and,

WHEREAS, the proceedings of the town council and town officers of said town of Sheldahl, Iowa, in granting said franchise and in submitting the granting of said franchise to the voters of said town at an election held for such purpose, did not comply with the law in such cases made and provided in that the records of said town council do not show that three distinct readings were had, and in that it appears that the ordinance granting said franchise was not read on three different days, and in that it appears that the notice given to the electors of said town of the special election to vote on the granting of said franchise, did not distinctly describe the ordinance providing for the granting of said franchise except by reference thereto and said ordinance was not incorporated in said notice, and in that said notice provided that the polls should be open from 1 o'clock to 5 o'clock p. m., and in that said polls were not open during the hours prescribed by law for the keeping of the polls open at such election, and

WHEREAS, all the provisions of law relating to the granting of franchise may not have been strictly complied with in other respects than those above enumerated in the granting of said franchise, and

WHEREAS, doubts have arisen as to the legality and sufficiency of the records and proceedings of the said town council and town officers of said town because of the matters and things above referred to, now therefore:

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

SECTION 1. **Ordinance legalized—pending litigation.** That an ordinance of the incorporated town of Sheldahl, Iowa, passed September 9th. 1912, entitled, "An ordinance authorizing the acquirement, erection, maintenance and operation of an electric light and power plant in the incorporated town of Sheldahl, Iowa, by Boone Electric Company, its successors or assigns, and establishing

rules and regulations governing the same." be and the same is hereby declared legal and valid, the same as if all provisions of law relating to the granting of said franchise had in all respects been strictly complied with. This act shall not affect pending litigation.

Approved April 2 A. D. 1913.

CHAPTER 393.

THE CITY OF TIPTON.

S. F. 391.

AN ACT to legalize the proceedings of the city council of the city of Tipton, Iowa, for the construction of a sewer system.

WHEREAS, the city council of the city of Tipton, Iowa, did on the 22nd day of January, 1912, pass a resolution declaring the necessity of constructing a system of sewers and a disposal or purifying plant in said city, and did thereafter order the construction of said sewer system and disposal or purifying plant, and did let contracts for the construction of said improvements; and

WHEREAS, doubts have arisen respecting the legality of the proceedings of the city council preliminary to entering into the contract for the construction of said sewer system and respecting the legality of the resolution of necessity, the resolution ordering the construction of said improvements, the proposal to bidders and the notice thereof; therefore

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

SECTION 1. Resolutions, proposal for bids, notice—legalized—pending litigation. That the resolution of necessity passed by the city council of the city of Tipton, Iowa, relative to the construction of the sewer system in said city, and the resolution ordering the construction of said work, and the proposal for bids and notice thereof dated February 3rd, 1913, be and the same are hereby legalized and made of as binding force as though done in strict conformity to law. Nothing in this act shall affect pending litigation.

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force immediately after its publication in the Register & [and] Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa, which publication shall be without expense to the state.

Approved March 25 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader March 27, 1913 and in the Des Moines Capital March 26, 1913.

W. S. ALLEN,
Secretary of State.