

CHAPTER 397.

THE CITY OF WINTERSSET.

H. F. 677.

AN ACT to legalize the regular city election of the city of Winterset, Iowa, held on the 31st day of March, A. D. 1913, and to legalize a certain franchise, and the ratification thereof by the voters at such election, granted by the said city of Winterset to the Winterset mutual telephone company.

WHEREAS, at a regular meeting of the city council of the city of Winterset, Madison county, Iowa, the said city council approved ordinance No. 104, being an ordinance entitled as follows:—

“An ordinance granting to the Winterset mutual telephone company of Winterset, Iowa, the right to erect and maintain in the alleys of Winterset, Iowa, the poles, wires, and fixtures necessary to the use and enjoyment of a telephone company, except where it is necessary to use a street,” and

WHEREAS, said city council at said meeting ordered the same submitted to the voters of Winterset, Madison county, Iowa, for ratification at the general election held in said city of Winterset on March 31st, 1913, and

WHEREAS, due and legal publication of said ordinance and notice of said election to pass on said franchise was given by publication in the Winterset News, and the Winterset Madisonian, weekly newspapers published at Winterset, Iowa, and

WHEREAS, at a general election held in the city of Winterset, Madison county, Iowa, on March 31st, 1913, there was submitted to the voters therein the question: “Shall a franchise be granted the Winterset Mutual Telephone Co.”; and

WHEREAS, at such election seven hundred nineteen (719) votes were cast, of which number five hundred seventy-two (572) voted on said question of granting a franchise to the Winterset Mutual Telephone Co.; three hundred thirty-one (331) votes being for, and two hundred forty-one (241) votes being against granting such franchise; and

WHEREAS, there was but one form of ballot used at such general election, and which ballot contained both the names and offices of the persons to be elected to office at said election and the said question of granting a franchise to said telephone co., and was printed on white paper, and

WHEREAS, no separate ballot was prepared for submitting such question of granting said telephone co. a franchise, and printed on yellow paper, and having thereon the words:—“Shall the following public measure be adopted”, and having on the back thereof appropriate words to distinguish such ballot from the official ballot for candidates for office; and

WHEREAS, because of the defects in said ballots herein referred to, doubt has arisen as to the legality of such election in so far as same concerns the question of granting said franchise to the said The Winterset Mutual Telephone Co.; now therefore,

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

SECTION 1. **General election, granting of franchise—legalized.** That the general election held March 31st, 1913, submitting to the voters of the city of Winterset, Madison county, Iowa, the question of granting a franchise to the Winterset Mutual Telephone Co., is hereby legalized and declared to be

valid and binding the same as though the law had in all respects been strictly complied with, and the same as though such question had been voted upon by the electors at such election with separate ballots, printed upon yellow paper, and in every way complying with the laws of this state relating thereto.

SEC. 2. **Ordinance legalized—pending litigation.** That the said city ordinance of the city of Winterset, Iowa, designated as Ordinance No. 104, adopted and approved by the city council of Winterset, Iowa, on the 28th day of February, 1913, and which is hereinbefore referred to, be and is hereby fully legalized and declared valid and of the same force and effect as if the said ordinance had in all respects been adopted, approved and voted upon in the form and manner as provided by the laws of this state, and as if the law in all respects had been fully complied with; provided, however, that this act shall not affect pending litigation.

Approved April 19 A. D. 1913.