

3 age and publication in the Des Moines News and Cedar Rapids Re-  
4 publican, published at Des Moines and Cedar Rapids, Iowa, respec-  
5 tively.

Approved February 17, A. D. 1915.

I hereby certify that the foregoing act was published in the Des Moines News Feb-  
ruary 18, 1915 and in the Cedar Rapids Republican February 19, 1915.

W. S. ALLEN, *Secretary of State.*

## CHAPTER 7.

### PAGE COUNTY.

H. F. 224.

AN ACT to legalize the acts and proceedings of the county treasurer, county auditor and board of supervisors of Page county, Iowa, relating to the overdrafts upon the bridge fund and county fund, and the acts and proceedings of the said county officers in relation to a certain proposed issue of county bonds for the purpose of enabling the county to pay claims for such overdrafts.

WHEREAS, beginning in the year 1908 and continuing to August 14, 1914, unusual amounts of money were expended by Page county, Iowa, necessitated in part from the removal of bridges from channels of old river beds and installing same over new drainage ditch channels, and in part for the construction of concrete bridges and culverts, and in part from circumstances giving rise to other legitimate expenditures from the county bridge fund, such expenditures exceeding the revenues arising for the said bridge fund for each year from 1907 to August 14, 1914; and

WHEREAS, the then treasurer of Page county, D. M. Creal, acting under the advice and personal direction of the members of the board of supervisors, did not, at such times as warrants drawn on the county bridge fund were presented to him for payment and when said funds contained no money with which to pay them, indorse the said warrants, "Not paid for want of funds," as the law provides, but did pay said bridge warrants from money in his hands belonging to the credit balances of one or more of the other county funds and from certain trust funds, in his hands as county treasurer; and

WHEREAS, the entire amount so used from said funds and paid out by D. M. Creal, the then treasurer of Page county, in taking up said bridge warrants as presented to him, in excess of the regular revenue arising from the annual bridge fund levies from January 1, 1908 to and including August 13th, 1914, was in the aggregate sum of forty three thousand, seven hundred and ninety one and 6/100 (\$43,791.06) dollars; and

WHEREAS, the whole of said amount although diverted from the other funds in the irregular and illegal manner herein set forth, had, nevertheless, been expended entirely in the payment of warrants issued in the satisfaction of claims duly audited and allowed by the board of supervisors of Page county for the purchase of bridge and culvert material, labor

in bridge and culvert work and for other regular channels of bridge and culvert construction and repairs, all for the use and benefit of Page county, Iowa; and

WHEREAS, on or about August 12th, 1914, the said D. M. Creal, treasurer, acting in conjunction with the board of supervisors of Page county, attempted to and in good faith supposed they had made legal arrangements through an agreement with various banks in Page county by which the said D. M. Creal attempted to restore to each of the several funds as aforesaid all of the said amounts so irregularly and illegally paid therefrom by him for bridge fund warrants; and by which agreement checking credit was extended by said banks to the said D. M. Creal, treasurer, for the warrants so paid and to be so paid by him; and by which Page county became under an equitable as well as a moral obligation to said banks in said amounts and which obligation was wholly unsatisfied and outstanding on September 1st, 1914, and is now outstanding and unsatisfied; and

WHEREAS, even in the absence or failure of said agreement with said banks, Page county was on September 1st, 1914, under an equitable as well as a moral obligation to the said D. M. Creal, treasurer, in the said sum of forty-three thousand seven hundred ninety-one and 6/100 (\$43,791.06) dollars to enable him to restore to each of the several funds as aforesaid the said amounts so irregularly and illegally paid therefrom by him; and

WHEREAS, the then treasurer of Page county, D. M. Creal, did on or about August 28th, 1914, file with the board of supervisors thereof, a claim against Page county for the said sum of forty-three thousand seven hundred ninety-one and 6/100 (\$43,791.06) dollars, the same being the amount so expended by him in the payment of bridge fund warrants, as above set forth, and the said sum being the amount necessary to reimburse him and said banks for restoring or to enable him to restore to the several funds respectively the amounts so diverted therefrom; and

WHEREAS, by the official proceedings of the board of supervisors of Page county at Page 7 of Book "H" thereof, it appears that at a regular meeting thereof, held on August 28th, 1914, said board did allow the said claim of D. M. Creal, treasurer in the said sum of forty-three thousand seven hundred ninety-one and 6/100 (\$43,691.06) dollars and ordered the county auditor to draw warrants on the bridge fund for said amount; and

WHEREAS, the said obligation of the county being at the time wholly unsatisfied, the county auditor did on the 12th day of September, 1914, draw, in favor of and deliver to said D. M. Creal, treasurer, warrants on the bridge fund numbered and in amounts as follows:

Warrants No. 3577 to No. 3581, inclusive, in the sum of four thousand four hundred and fifty (\$4,450.00) dollars each; Warrant No. 3582 for three thousand one hundred and fifty (\$3,150.00) dollars; Warrants No. 3583 and 3584 for two thousand four hundred forty-five and 53/100 (\$2,445.53) dollars each; Warrants No. 3585 to 3588, inclusive, for one thousand five hundred (\$1,500.00) dollars each; Warrants No. 3590 to 3594, inclusive, for one thousand five hundred (\$1,500.00) dollars each; all in the aggregate sum of forty-three thousand seven hundred ninety-one and 6/100 (\$43,791.06) dollars; and

WHEREAS, during the same period and for like definite reasons a like practice was followed in the payment of warrants drawn on the county fund, from moneys in the said county treasurer, D. M. Creal's hands be-

longing to the credit balances of one or more of the other county funds and including certain trust funds in his hands as county treasurer until the aggregate amount diverted from the several funds and used for the payment of county fund warrants, was on August 14, 1914, the sum of seven thousand nine hundred and twenty-nine and 96/100 (\$7,929.96) dollars; and

WHEREAS, the said money although diverted from other funds in the irregular and illegal manner set forth, had, nevertheless, been expended entirely in the payment of warrants issued for the satisfaction of claims duly audited and allowed by the board of supervisors, all for the use and benefit of Page county, Iowa; and

WHEREAS, on or about August 12th, 1914, the said D. M. Creal, treasurer, acting in conjunction with the board of supervisors of Page county, attempted to and in good faith supposed they had made legal arrangements through an agreement with various banks in Page county by which the said D. M. Creal, treasurer, attempted to restore to each of the several funds as aforesaid all of the amounts so irregularly and illegally paid therefrom by him for county fund warrants; and by which agreement checking credit was extended by said banks to said D. M. Creal, treasurer, for the warrants so paid and to be so paid by him; and by which Page county became under an equitable as well as moral obligation to said banks in said amounts and which obligation was wholly unsatisfied and outstanding on September 1st, 1914; and

WHEREAS, even in the absence or failure of said bank agreement Page county was on September 1st, 1914, under an equitable as well as a moral obligation to the said D. M. Creal, treasurer, in the said sum of seven thousand nine hundred twenty-nine and 96/100 (\$7,929.96) dollars to enable him to restore to each of the several funds as aforesaid the said amounts so irregularly and illegally paid therefrom by him; and

WHEREAS, the said treasurer of Page county, D. M. Creal, did, on or about August 28, 1914, file with the board of supervisors thereof, a claim against Page county for the said sum of seven thousand nine hundred and twenty-nine and 96/100 (\$7,929.96) dollars, the same being the amount so expended by him in the payment of the county fund warrants, as above set forth, and the said sum being the amount necessary to reimburse him and the said banks for restoring or to enable him to restore to the several funds respectively the amounts so diverted therefrom; and

WHEREAS, by the official proceedings of the board of supervisors of Page county on Page 7 of Book "H" thereof, it appears that at a regular meeting thereof, held on August 28, 1914, said board did allow the said claim of D. M. Creal, treasurer, in the said sum of seven thousand nine hundred twenty-nine and 96/100 (\$7,929.96) dollars, and ordered the county auditor to draw warrants on the county fund for the said amount; and

WHEREAS, said obligation being at the time wholly unsatisfied, the county auditor did on September 12, 1914, draw, in favor of and deliver to said D. M. Creal, treasurer, warrants on the county fund, numbered and in amounts respectively as follows: Warrants No. 4535 to 4539, inclusive, each for eight hundred (\$800.00) dollars; Warrant No. 4540 for six hundred (\$600.00) dollars; Warrants No. 4541 and 4542 for four hundred and fifty

(\$450.00) dollars each; Warrants No. 4543 to 4550, inclusive, for two hundred seventy-five (\$275.00) dollars each; and Warrant No. 4551 for \$229.96; all in the aggregate of \$7,929.96; and

WHEREAS, all of said bridge fund warrants and county fund warrants of Page county, dated September 12th, 1914 and drawn in favor of D. M. Creal, treasurer, were afterward duly indorsed and assigned by him to various banks of Page county and are now held by said banks as collateral security for the payment of checking credit according to said agreement with D. M. Creal, treasurer, and the board of supervisors of Page county, Iowa, under date of August 12th, 1914; and

WHEREAS, on the 6th day of October, 1914, the board of supervisors of Page county by resolution, called for payment the above described bridge fund and county fund warrants and certain other warrants for obligations of the county outstanding on September 1st, 1914; and

WHEREAS, on the 6th day of October 1914, the board of supervisors of Page county passed and adopted a resolution for a county bond issue in the sum of (\$59,000.00) fifty nine thousand dollars in order to take up and pay off all outstanding indebtedness of the said county existing on September 1, 1914, and which outstanding indebtedness was stated therein to be over fifty-nine thousand (\$59,000.00) dollars; but included in which amount is the obligation of Page county to D. M. Creal, treasurer, for said (\$43,791.06) forty-three thousand seven hundred ninety-one and 6/100 dollars attempted to be restored by him to other funds for bridge fund warrants irregularly paid therefrom and said seven thousand nine hundred twenty-nine and 96/100 (\$7,929.96) attempted to be restored by him to other funds for county fund warrants illegally paid therefrom, and which added to the other unpaid obligations of the county outstanding on the 1st of September, 1914, in the sum of six thousand (\$6,000.00) dollars, made a grand actual aggregate of outstanding obligations of the county on September 1st, 1914, in the sum of over (\$57,000.00) fifty-seven thousand dollars; which resolution is shown in the official minutes of the proceedings of the said board of supervisors on Page 18 of Book "H"; and

WHEREAS, on the 6th day of October, 1914, the board of supervisors of Page county levied a bond tax of two-tenths ( $\frac{2}{10}$ ) of a mill and a bond interest tax of three-fourths ( $\frac{3}{4}$ ) of a mill upon all of the property of Page county subject to taxation for the year 1914, and which levies have been spread upon the tax records of the county and which tax is now being collected, all pursuant to the acts of the board of supervisors relating to the said bond issue; and

WHEREAS, although said bonds have been prepared and printed, they have not been signed by the chairman of the board of supervisors, nor attested by the county auditor, nor have they been delivered to the county treasurer; and there having since said October 6, 1914, been a change in the persons holding the offices of chairman of board of supervisors and county treasurer of said county; and

WHEREAS, doubts have arisen concerning the legality of the acts of D. M. Creal, treasurer of Page county, in paying said bridge and county fund warrants out of the moneys belonging to other funds in his hands, and as to the legality of his claim of forty-three thousand seven hundred ninety one and 6/100 (\$43,791.06) dollars for bridge fund warrants so

paid, and his claim for seven thousand nine hundred twenty-nine and 96/100 (\$7,929.96) dollars for county fund warrants so paid, as to whether such amounts so paid by the said D. M. Creal, county treasurer, were valid outstanding indebtedness of Page county on September 1st, 1914; and as to whether D. M. Creal, treasurer, had valid claims therefor against Page county on August 28th, 1914, and as to whether such claims were filed with and allowed by the said board of supervisors prior to September 1st, 1914, and as to whether the warrants issued by the county auditor on such claims were valid and legal obligations of Page county; and as to whether valid bonds of the said county can be issued by the present officers of said county, based upon such warrants or upon the claims of D. M. Creal, treasurer, or upon the obligation of Page county to said D. M. Creal, treasurer, to reimburse him for moneys expended or to be expended in restoring and in attempting to restore to the several funds respectively the amounts so diverted therefrom, and as to the resolutions and acts of the board of supervisors leading up to such proposed bond issue and to the tax levied pursuant thereto for the payment of the said bonds and interest accruing thereon; now, therefore,

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

1     **SECTION 1. Official acts legalized.** That the act of D. M. Creal,  
2 treasurer of Page county, in restoring or in attempting to restore  
3 to the several other funds, respectively, the amounts so illegally di-  
4 verted, and the proceedings and acts of the said board of supervisors  
5 in auditing and allowing said claims of D. M. Creal, treasurer, in  
6 order to reimburse him therefor or to enable him to so make restora-  
7 tion, and in ordering warrants drawn therefor on the bridge fund  
8 and the county fund for the said sums, and the act of the county  
9 auditor in drawing in favor of and delivering to said D. M. Creal,  
10 treasurer, the said warrants on the bridge fund and county fund of  
11 Page county, be and the same are hereby legalized, the same as though  
12 the law had in all respects been complied with.

1     **SEC. 2. Same.** That the claims of D. M. Creal, treasurer, for said  
2 sums expended by him, or to be expended by him, in restoring to the  
3 several funds, respectively, the amounts so diverted therefrom, be  
4 and the same are hereby legalized and declared to be valid, legal and  
5 outstanding obligations of Page county as of September 1st, 1914,  
6 the same as though the law had in all respects been complied with  
7 by the said D. M. Creal, treasurer, and said board of supervisors;  
8 and the aforesaid bridge fund warrants and county fund warrants  
9 of Page county in the said sums issued and payable to D. M. Creal,  
10 treasurer, for the purpose of reimbursing him for the restoration, or  
11 to enable him to restore to the several funds, respectively, the amounts  
12 by him so diverted therefrom, be and the same are hereby legalized  
13 and declared to be valid and legal, the same as though the law had in  
14 all respects been complied with.

1     **SEC. 3. Same.** That the acts and proceedings of the board of  
2 supervisors, on October 6th, 1914, in passing and adopting the said  
3 resolution for a county bond issue, in order to take up and pay off  
4 outstanding indebtedness of the said county, to the extent of fifty-  
5 seven thousand (\$57,000.00) dollars as actually existing on Septem-

6 ber 1st, 1914, and included in which amount is the obligation of Page  
 7 county to D. M. Creal, treasurer, or his assigns, for moneys expended  
 8 by him, or credit extended by them, in restoring or attempting to  
 9 restore to the other funds, the sum of forty-three thousand seven  
 10 hundred ninety-one and 06/100 (\$43,791.06) dollars for bridge war-  
 11 rants, illegally paid by him therefrom, and the said sum of seven  
 12 thousand nine hundred and twenty-nine and 96/100 (\$7,929.96) dol-  
 13 lars for county fund warrants, illegally paid by him therefrom, be  
 14 and the same are hereby legalized and declared to be valid and legal,  
 15 the same as though the law in all respects had been complied with.

1 **SEC. 4. Bonds authorized.** That W. C. Jeffrey, as present chair-  
 2 man of the board of supervisors of Page county, is hereby authorized  
 3 to sign said county bonds in said amount of fifty-seven thousand  
 4 (\$57,000.00) dollars; and C. W. Duke, as the present county auditor  
 5 of Page county, is hereby authorized to attest the same; and the  
 6 issuance and delivery of said bonds to and the negotiation of the  
 7 same by D. D. Stitt, as the present county treasurer of Page county,  
 8 are hereby authorized; all of which bonds, when so signed and at-  
 9 tested, issued and negotiated, are hereby legalized, and declared to be  
 10 valid and legal, the same as though the law in all respects had been  
 11 complied with.

1 **SEC. 5. Pending litigation.** That nothing in this act shall affect  
 2 any pending litigation.

1 **SEC. 6. Publication clause.** This act, being deemed of immediate  
 2 importance, shall take effect and be in force from and after its pub-  
 3 lication in the Register and Leader, a newspaper published in Des  
 4 Moines, Iowa, and the Clarinda Journal, Clarinda Herald and Shen-  
 5 andoah Sentinel-Post, the official newspapers of Page county, Iowa,  
 6 without expense to the state.

Approved February 18, A. D. 1915.

I hereby certify that the foregoing act was published in the Register and Leader  
 February 19, 1915, The Clarinda Journal February 18, 1915, The Clarinda Herald Febru-  
 ary 18, 1915, and the Sentinel-Post February 19, 1915.

W. S. ALLEN, *Secretary of State.*

## CHAPTER 8.

### OF THE CENSUS.

H. F. 85.

AN ACT to amend sections one hundred seventy-one (171), one hundred seventy-two  
 (172), one hundred seventy-three (173), one hundred seventy-four (174), and one hun-  
 dred seventy-five-a (175-a) of chapter eight (8), title two (II), supplement to the code,  
 1913, relating to the census.

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

1 **SECTION 1. Blanks—form.** That section one hundred seventy-  
 2 one (171), of chapter eight (8), title two (II), supplement to the