

CHAPTER 298.

CITY OF MARSHALLTOWN.

S. F. 633.

AN ACT legalizing the acts and proceedings of the mayor and city council of the city of Marshalltown, Iowa, in fixing the salary of the mayor and council of said city.

WHEREAS, on the 5th day of May 1913, at a meeting of the mayor and city council of the city of Marshalltown, Iowa, the said mayor and city council regularly passed and adopted a resolution fixing and prescribing the salary of the mayor of said city of Marshalltown at sixteen hundred twenty (\$1620.00) dollars per annum and the salary of each councilman at the sum of thirteen hundred twenty (\$1320.00) dollars per annum, and further provided that said salaries should be payable monthly commencing July 4th, 1913, and thereby rescinding all resolutions theretofore in force with respect to the salary of said officers in conflict therewith, and

WHEREAS, on the 21st day of March A. D. 1913 there was enacted and passed by the thirty-fifth general assembly, being section three (3) in chapter 102 of the acts thereof which provided among other things, "that in cities* by the last preceding state or national census a population of less than twenty-five thousand (25,000) the mayor and councilmen shall receive as their annual salaries the amount to be fixed by ordinance as follows: For the mayor, not to exceed the sum of one hundred fifty dollars (\$150.00) per annum for each one thousand of population, or major portion thereof in such city, and for each councilman in such city not to exceed the sum of one hundred twenty dollars (\$120.00) per annum for each one thousand of population, or major portion thereof; provided however, that in said city no mayor shall receive as his annual salary an amount greater than two thousand dollars (\$2000.00) per annum; and provided further, that from and after the passage of this act and during the first term of his office under the provisions of this act the mayor and councilmen shall by ordinance fix their compensation as herein provided for the term of their office; but thereafter the salary of any such officer shall not be increased or decreased during the term for which he shall have been elected or appointed, and

WHEREAS, said act while having been passed and approved on the 21st day of March 1913 did not become in force until July 4th following thereof and was not in force on March 5th, 1913, at the time of the adoption of the aforementioned resolution, and

WHEREAS, the mayor and councilmen of said city did during the remainder of the term of their office commencing July 4th, 1913, in good faith accept and receive as their salary the amount prescribed by said resolution to wit: Salary of the mayor sixteen hundred and twenty dollars (\$1620.00) per annum, salary of each councilman thirteen hundred twenty dollars (\$1320.00) per annum, and

WHEREAS, said resolution has since said time remained in force and been acted upon in good faith and with all intents and purposes as though the same had been an ordinance formally and regularly adopted, embodying the provisions, conditions and substance thereof, and

[*"Having" was inadvertently omitted from the Act.]

WHEREAS, there are doubts existing as to the legality of the said resolution and the actions of said mayor and city council in fixing said salary of the mayor and councilmen as aforesaid and in having accepted and received the same as hereinbefore set forth and in the manner stated, and

WHEREAS, there are also doubts as to the legality and validity of the present mayor and city council having and receiving the compensation as fixed by said resolution which was adopted for the purposes herein set forth, therefore

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

1 **SECTION 1. Proceedings in re salary legalized.** That all the pro-
2 ceedings of the mayor and city council of the city of Marshalltown,
3 Iowa, with reference to the adoption and passage of the resolution
4 of date May 5th, 1913, whereby the salary of the mayor was fixed
5 in the sum of sixteen hundred twenty dollars (\$1620.00) per annum
6 and each councilman the sum of thirteen hundred twenty dollars
7 (\$1320.00) per annum, and the acts and conduct of said mayor and
8 city council in accepting and receiving their salary thereunder, and
9 the acts and conduct of the present mayor and city council in con-
10 tinuing to accept and receive compensation thereunder and in the sum
11 as fixed and prescribed by said resolution, are hereby legalized and
12 made of the same validity, force and effect as if all of the formalities,
13 requirements and provisions of the law applicable thereto had been
14 fully complied with, and that the acts and proceedings of said mayor
15 and city council all as hereinbefore set forth in relation thereto, are
16 hereby declared to be valid and legal, and the acts of the said officers
17 in accepting and receiving payment upon warrants for their salaries
18 drawn in accordance with said resolution prescribing their said salaries
19 are hereby legalized and validated so as to be of the same force and
20 effect as if each and every provision of the statute with reference
21 thereto had been strictly adhered to and complied with.

1 **SEC. 2. Pending litigation.** Nothing in this act shall in any
2 manner affect pending litigation.

1 **SEC. 3. 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 Des Moines Register & Leader a newspaper published
4 in city of Des Moines, Iowa, and the Evening Times-Republican a
5 newspaper published in the city of Marshalltown, Iowa, without ex-
6 pense to the state.

Approved April 19, A. D. 1915.

I hereby certify that the foregoing act was published in the Evening Times-Republican May 1, 1915, and in the Register and Leader May 5, 1915.

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