

8 on all of the taxable property in said town sufficient to pay the
9 principal and interest. Said waterworks' bonds when issued pur-
10 suant to and in accordance with the resolution adopted by the town
11 council on March 1, 1934, are hereby declared to be legal and to
12 constitute valid and binding obligations and indebtedness of said
13 town.

1 SEC. 2. Nothing in this act shall affect pending litigation.

1 SEC. 3. This act, being deemed of immediate importance, shall
2 take effect and be in force from and after its publication in the
3 Roland Record, a newspaper published in the town of Roland, Iowa,
4 and in the Story City Herald, a newspaper published in the city
5 of Story City, Iowa, without expense to the state.

Senate File No. 324. Approved March 12, 1934.

I hereby certify that the foregoing act was published in the Roland Record, March 14, 1934, and Story City Herald, March 15, 1934.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 225

TOWN OF GRAND JUNCTION

H. F. 89

AN ACT to legalize the proceedings relating to an election held in the town of Grand Junction, Greene county, Iowa, on the proposition of establishing a municipal electric light plant within said town; and to legalize the proceedings taken by the council of said town in letting a contract for the construction of said municipal electric light plant, under sections 6134-d1 to 6134-d7, inclusive, of the Code of Iowa; and to legalize the contract entered into between said town of Grand Junction, Iowa, and Fairbanks, Morse & Company for the construction of said municipal electric light plant, and the issuance of pledge-orders in payment thereof; and declaring said contract, and the pledge-orders issued thereunder, as valid.

WHEREAS, the town of Grand Junction, in Greene county, Iowa, ordered a special election in said town to be held on May 12, 1932, on the proposition of establishing and constructing a municipal electric light plant under the provisions of chapter 312 of the Code of Iowa; and which election was carried by a favorable vote of 230 to 10; and

WHEREAS, the council of said town did thereupon proceed to comply with the provisions of sections 6134-d1 to 6134-d7, inclusive, of the Code, in filing proposed plans and specifications, and proposed form of contract, and advertised for bids thereon; and

WHEREAS, on the twelfth day of July, 1932, the council of said town did receive bids upon said plans and specifications, and on July 19, 1932, let a contract to Fairbanks, Morse & Company, they being the low bidder, for the construction of said municipal electric light plant, for the sum of \$75,500. Payment of said contract to be made only from the earnings of said light plant, and said payments being evidenced by the issuance of certain pledge-orders of the town of Grand Junction; and

WHEREAS, said municipal electric light plant has been constructed and completed under said contract, and has been in operation for several months, furnishing electric service to practically all of the residents of

Grand Junction, lighting streets and pumping water for said town. Said plant having been accepted by said town, and said pledge-orders have been issued, and sold to innocent parties, and the terms of said contract have been fully performed to this date; and

WHEREAS, action was brought in court by the Iowa Electric Light and Power Company to enjoin the construction of said plant, and to enjoin the said town of Grand Junction, and Fairbanks, Morse & Company, from complying with said contract, or enforcing or making payments thereon; and

WHEREAS, the supreme court of Iowa has held that the plans and specifications under which said contract was let to said Fairbanks, Morse & Company, were not in substantial compliance with the proposed plans and specifications filed by the town, and entered a decree holding that said contract between the town of Grand Junction and Fairbanks, Morse & Company was invalid; and

WHEREAS, the said town of Grand Junction, on a cross-petition in said suit, alleged that the franchise of the said Iowa Electric Light and Power Company had expired, and asked that said company be ousted from the town of Grand Junction, and be required to discontinue the distribution of electricity in said town, and be required to remove its poles, wires and other equipment from the streets, alleys and public places in said town; and

WHEREAS, in said action, the supreme court sustained the contention of said town, and entered a decree ordering the Iowa Electric Light and Power Company to discontinue the distribution of electricity within said town, and to remove its poles, wires and other equipment from the streets, alleys and public places of said town, within four months from September 26, 1932, unless it secured a new franchise; and

WHEREAS, the furnishing and distribution of electricity in Grand Junction is a public necessity; and in the event the Iowa Electric Light and Power Company neglects or fails to secure a new franchise from the voters, and is required to remove its poles, wires, etc., pursuant to the order of the supreme court, the town of Grand Junction will have no electrical service unless the municipal electric light plant is kept in operation, and its establishment legalized; and

WHEREAS, notice of intention to file petition for rehearing by the town of Grand Junction has been filed, asking a rehearing on that part of the decree of the supreme court which holds the contract to be void; and

WHEREAS, doubts have arisen as to the legal sufficiency of said election, and the subsequent proceedings taken by the council of the town of Grand Junction, to authorize the establishment and construction of said municipal electric light plant, and the letting of a contract for the construction thereof, and it is deemed advisable to put said doubts, and all others that may arise, forever at rest; and

WHEREAS, the town of Grand Junction, Iowa, and the council, desire to assume and fulfill the obligations and benefits of said contract with Fairbanks, Morse & Company, and to validate said contract, and the pledge-orders issued thereunder; now, therefore,

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

- 1 SECTION 1. That all proceedings relating to the election held May
- 2 12, 1932, in the town of Grand Junction, Greene county, Iowa, on
- 3 the proposition of establishing and constructing a municipal elec-

4 tric light plant; and all proceedings taken by the council of the
 5 town of Grand Junction, subsequent to said election, in advertising
 6 for bids, filing plans and specifications, and the letting of a contract
 7 to Fairbanks, Morse & Company, under the provisions of sections
 8 6134-d1 to 6134-d7, inclusive; and the contract entered into between
 9 the town of Grand Junction and Fairbanks, Morse & Company, on
 10 July 19, 1932, for the construction of said municipal electric light
 11 plant, and the pledge-orders issued in connection therewith, are
 12 hereby declared to be legal and valid notwithstanding any irregu-
 13 larity, omission or defect in connection therewith, and that said
 14 contract entered into between the town of Grand Junction, Iowa,
 15 and Fairbanks, Morse & Company, and the pledge-orders issued in
 16 connection therewith, shall be and are hereby declared to be valid,
 17 and the said town of Grand Junction is hereby authorized to accept
 18 said municipal electric light plant, and pay for the same as provided
 19 in said contract and pledge-orders.

1 SEC. 2. This act, being deemed of immediate importance, shall
 2 be in full force and effect from and after its publication in the Grand
 3 Junction Globe, a newspaper published in Grand Junction, Iowa,
 4 and in the Jefferson Bee, a newspaper published in Jefferson, Greene
 5 county, Iowa, without expense to the state.

House File No. 89. Approved January 19, 1934.

I hereby certify that the foregoing act was published in the Jefferson Bee, January 23, 1934, and Grand Junction Globe, January 25, 1934.

MRS. ALEX MILLER, *Secretary of State.*

CHAPTER 226

CITY OF DES MOINES

H. F. 193

AN ACT to legalize and validate proceedings taken by the city council of the city of Des Moines, Iowa, authorizing and providing for the issuance of bonds for public improvement purposes and making provisions for the levy of taxes to pay said bonds.

WHEREAS, the city council of the city of Des Moines, Iowa, did heretofore, in cooperation with the federal emergency relief administration, enter upon a program of necessary public improvements in and for said city, the costs whereof to said city will aggregate \$500,000; and

WHEREAS, said city council by resolution adopted on December 1, 1933, authorized and provided for the issuance of public improvement bonds of said city in the amount of \$500,000 for the purpose of defraying the cost to said city of said public improvements, and in and by said resolution also provided for the levy of taxes to pay the principal of and interest upon said bonds; and

WHEREAS, doubts have arisen concerning the validity and legal sufficiency of said proceedings and concerning the provisions made for the