

15 corporate existence of said company providing that the corporate  
16 existence shall expire on the first day of January, 1948. Nothing in  
17 this act shall be deemed or construed to affect pending litigation.

Senate File No. 270. Approved April 13, 1933.

## CHAPTER 255

### TOWN OF ROWLEY. FRANCHISE TO IOWA RAILWAY AND LIGHT CORPORATION

S. F. 331

AN ACT to legalize the granting of a franchise by the town of Rowley, Iowa, and by the electors thereof to the Iowa Railway and Light Corporation to construct, reconstruct, maintain and operate an electric light and power plant and a system for transmission, distribution and use of electrical energy, including the right to build and operate a high potential electric transmission line to and through said town.

WHEREAS, on or about August 8, 1927, application was duly made to the town council of the town of Rowley, Buchanan county, Iowa, in regular meeting assembled, by the Iowa Railway and Light Corporation for the calling of an election to vote on the question of granting, for a period of twenty-five years, a franchise to said corporation for the erection and maintenance by said corporation of an electric light and power plant in the said town including the right to build and operate a high potential electric transmission line to and through said town; and

WHEREAS, the mayor and only three members of the council were present at said meeting; and

WHEREAS, at said meeting a proposed ordinance providing for said franchise was offered and introduced; and

WHEREAS, at said meeting the statutory requirement that ordinances of a general or permanent nature shall be fully read on three different days was dispensed with by the unanimous vote of the three councilmen present, which vote was less than three-fourths of the full membership of said council; and

WHEREAS, said ordinance was, at said meeting and after the aforesaid suspension, placed on passage and voted for by said three members and declared by the mayor duly passed and adopted; and

WHEREAS, said ordinance was thereupon duly signed by said mayor; and

WHEREAS, said council at said meeting ordered said ordinance submitted to the electors of said town at an election and fixed September 9, 1927, as the date of said election, and also ordered said mayor to issue his proclamation for said election; and

WHEREAS, said mayor did issue said proclamation as directed, although said proclamation did not include any part of said ordinance except the title thereof; and

WHEREAS, said proclamation was published in the time provided by law; and

WHEREAS, said election was held as so ordered and proclaimed and the question whether said ordinance should be adopted and franchise granted was submitted to the legal electors of said town, and said election resulted in 64 votes being cast in favor of said ordinance and 2 votes being cast against said ordinance; and

WHEREAS, said ordinance was, on September 15, 1927, published in the Bulletin-Journal, a newspaper published in Independence, Buchanan county, Iowa, there being no newspaper published in said town of Rowley, Iowa, and said Bulletin-Journal then having a general circulation in said town of Rowley, Iowa; and

WHEREAS, no record exists showing that said publication in the Bulletin-Journal was made on order of the council as required by law; and

WHEREAS, the said Iowa Railway and Light Corporation in writing duly accepted said ordinance on September 16, 1927, and has ever since operated under the terms and provisions of said ordinance and franchise; now, therefore,

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

1 SECTION 1. That the franchise granted to the Iowa Railway and  
2 Light Corporation by the town of Rowley, Buchanan county, Iowa, by  
3 the action of the town council thereof at a regular meeting of said  
4 council held on August 8, 1927, and which ordinance and the franchise  
5 which it granted was approved and authorized by the legal electors of  
6 said town at a special election held on the ninth day of September,  
7 1927, and which ordinance and franchise granted permission and  
8 authority to the said Iowa Railway and Light Corporation for a period  
9 of twenty-five years to erect and maintain in said town an electric  
10 light and power plant, and a system for the transmission and dis-  
11 tribution of electricity including a high potential transmission line,  
12 be and the same is hereby declared and constituted, from the date  
13 of the acceptance thereof by grantee, a legal, binding, and effective  
14 franchise to the same extent it would be legal, binding, and effective  
15 had each and every requirement of law been strictly complied with,  
16 it being the intent and purpose of this act to accord to said franchise  
17 the legal status herein declared notwithstanding any informality or  
18 defect of procedure attending the granting of said franchise whether  
19 said informality or defect be or be not recited in the foregoing  
20 preamble.

1 SEC. 2. This act is deemed of immediate importance and shall take  
2 effect and be in force from and after its publication in the Independ-  
3 ence Conservative, a newspaper published at Independence, Iowa, and  
4 in the Bulletin-Journal, a newspaper published at Independence, Iowa,  
5 said publication to be without expense to the state.

Senate File No. 331. Approved April 7, 1933.

I hereby certify that the foregoing act was published in the Independence Conserva-  
tive, April 12, 1933, and the Independence Bulletin-Journal, April 12, 1933.

MRS. ALEX MILLER, *Secretary of State.*