

On Calendar.
April 19, 1933.

Senate File No. 517.
By APPROPRIATIONS COMMITTEE.

Approved by the Senate
Hubert Utterback

A BILL FOR

An Act to make an appropriation of two thousand seven hundred seventy-one and 31/100 (\$2,771.31) dollars to Hubert Utterback of Des Moines, Polk County, Iowa, for services as Justice of the Supreme Court of the State of Iowa, for a period from and including December 5, 1932, to April 17, 1933.

WHEREAS, said Hubert Utterback of Des Moines, Polk County, Iowa, was the Democratic candidate for Justice of the Supreme Court of Iowa to fill the vacancy caused by the death of Justice Edgar A. Morling of Emmetsburg, Iowa, who died on October 15, 1932; and

WHEREAS, George Claussen was the Republican candidate for Justice of the Supreme Court of the State of Iowa, to fill said vacancy caused by the death of Justice Edgar A. Morling; and

WHEREAS, at the general election held on the 8th day of November, 1932, said Utterback received 472,922 votes for said office, and said Claussen received 377,375 votes; and

WHEREAS, on the 5th day of December, 1932, Certificate of Election to the office of Justice of the Supreme Court of the State of Iowa, duly executed by Governor Daniel Turner, the then Governor of the State of Iowa, and also countersigned by the then Secretary of State, Auditor of State and Secretary of Agriculture, dated December 2, 1932, was delivered to said Utterback by the Secretary of State; and

WHEREAS, on said December 5th, said Utterback qualified for said office by taking and filing oath of office in the office of the Secretary of State, and in the office of the Supreme Court Clerk of the State of Iowa; and

WHEREAS, from and including said date up to and including the 17th day of April, 1933, said Utterback has served continuously as one of the Justices of the Iowa Supreme Court, the same as the other Judges of said court; and

WHEREAS, on the 17th day of April, 1933, there was filed and entered of record in the office of the Clerk of the District Court of Clinton County, Iowa, in the case of "The State of Iowa, Ex Rel. E. C. Halbach, County Attorney of Clinton County, Iowa, plaintiff, vs. George Claussen and Hubert Utterback, defendants, Equity No. 6746", Decree of Court, adjudging that said George Claussen is entitled to the office of Justice of the Supreme Court of the State of Iowa, by virtue of his appointment made by Governor Turner on the 19th day of October, 1932; and

WHEREAS, during said entire period of time from and including December 5, 1932, to April 17, 1933, said Utterback has not received any salary

or compensation for his services as Justice of the Supreme Court of the State of Iowa; now, therefore,

Be It Enacted by the General Assembly of the State of Iowa:

1 Section 1. That there is hereby appropriated to Hubert
2 Utterback of Des Moines, Polk County, Iowa, from the general
3 fund of the State of Iowa, not otherwise appropriated, the
4 sum of Two Thousand Seven Hundred Seventy-one and 31/100
5 (\$2,771.31) Dollars, as full and complete compensation
6 for his services as Justice of the Supreme Court of the State
7 of Iowa, from and including December 5, 1932, to April 17, 1933,
8 and his receipt therefor, shall be in full settlement and pay-
9 ment of any and all claims against the State of Iowa, for
10 services rendered by him as Justice of the Supreme Court of
11 the State of Iowa, up to and including said April 17, 1933.

1 Section 2. The Auditor of the State of Iowa, is hereby
2 authorized and directed to draw his warrant to said Hubert
3 Utterback in the amount of Two Thousand Seven Hundred Seventy-
4 one and 31/100 (\$2,771.31) Dollars, and the Treasurer of the State
5 is hereby authorized and directed to pay the same out of funds
6 in the State Treasury, not otherwise appropriated, in accordance
7 with the provisions of this act.

1 Section 3. This act being deemed of immediate importance
2 shall be in full force and effect from and after the publication
3 in the, a newspaper published at
4, Iowa, and in the,
5 a newspaper published at, Iowa.