

SEC. 2. Pending litigation. Nothing herein shall in any wise affect pending litigation nor validate any such ordinance or act thereunder in excess of the powers delegated by law to cities and towns.

SEC. 3. In effect. This act being deemed of immediate importance shall be in force and effect from and after its publication in the Des Moines Capital and the Maynard News, and said publication shall be without expense to the state.

Approved March 25, A. D. 1909.

I hereby certify that the foregoing act was published in the Des Moines Capital March 27, A. D. 1909, and in the Maynard News April 1, A. D. 1909.

W. C. HAYWARD,
Secretary of State.

CHAPTER 289.

THE TOWN OF MERRILL.

H. F. 234.

AN ACT to legalize the passage, adoption and publication of the ordinances, resolutions and rules of health of the incorporated town of Merrill, Iowa.

WHEREAS, Doubts have arisen as to the legality of all the ordinances, resolutions and rules of health of the incorporated town of Merrill, Iowa, in that the same were not regularly read at three separate meetings of the council, nor on three different days, and the rule allowing ordinances to be read three times and passed at the same meeting of the council was not properly observed and suspended, and in that the ordinances and rules of health were not published in the manner prescribed by the statutes of Iowa relating to the publication of ordinances and rules of health. Now, therefore,

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

SECTION 1. Ordinances, resolutions and rules of health legalized—pending litigation. That all the acts of the council of the incorporated town of Merrill, Iowa, in the passage, adoption and publication of the ordinances, resolutions and rules of health of said town be and the same are hereby legalized and declared to be as valid as if all the provisions of the law of the state relating to the passage, adoption and publication thereof had been duly and fully observed, and all the ordinances, resolutions and rules of health of said town are hereby legalized and declared as valid and of the same force and effect as if the same had been read at three separate meetings and on three different days, and as if the same had been duly published in the manner provided by law for the reading, adoption and publication thereof. But nothing in this act shall affect pending litigation.

Approved April 8, A. D. 1909.

CHAPTER 290.

THE CITY OF MONTICELLO.

S. F. 262.

AN ACT to legalize the resolutions and proceedings of the council of the city of Monticello, Iowa, relating to the parking, curbing, guttering and macadamizing of a portion of Sycamore street in said city, and all acts done thereunder.

WHEREAS, The council of the city of Monticello, Iowa, at its regular June meeting in 1908, duly adopted by unanimous vote a preliminary resolution declaring that it was advisable and necessary to make a street improvement,

to-wit: to park, curb, gutter and macadamize that portion of Sycamore Street in said city lying between the south line of Second Street and the south line of Seventh Street, specifying how and in what manner the same should be done and of what materials, and providing that the city should pay a portion of the expense thereof and the adjoining property holders the balance of the expense in proportion to their frontage on said street; and

WHEREAS, By said resolution a time was fixed for the final consideration of said resolution by the council and requiring notice thereof to be published in two official papers of the city for four successive weeks, the last publication to be not less than two weeks nor more than four weeks prior to the time set for hearing of the same and the consideration of any objections that might be made to said proposed improvements; and

WHEREAS, Notice was published as required by said resolution; and

WHEREAS, At the time so fixed for the final consideration of said resolution, objections were made thereto and duly considered by the council, and after due consideration, the council adopted said resolution, which resolution was duly published in the official papers of the city as having been duly adopted by the council; and

WHEREAS, Thereafter the city let the contract for said improvements and has completed a large portion of the same at very large expense, and without any objection on the part of any adjoining property holder or any one else, in good faith and with the full belief that all the requirements of the statute had been fully complied with; and

WHEREAS, A plat showing such improvements, the lots, parcels and pieces of land on which it was proposed to make assessments for said improvements, the owners thereof so far as known, the amount of assessments and other matters as required by the statute, and a time fixed for making objections thereto, and notice thereof published, as required by statute, of the time fixed for making such assessments, etc; and

WHEREAS, The resolution providing for said improvements was not finally adopted by the required affirmative vote of three-fourths of all the members of the council, said improvements not having been petitioned for; and

WHEREAS, Doubts have also arisen as to the regularity of the proceedings in letting the contract for said improvements as well as in other matters; and

WHEREAS, It appears that in all its acts in and concerning said improvements the council and officials of Monticello acted in the utmost good faith and with full belief that all their acts were legal; now therefore,
Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Resolutions and acts legalized. That the said resolutions providing for the improvements, to-wit, the parking, curbing, guttering, macadamizing and improvement of said Sycamore Street, and all acts of the contract, the assessments made or to be made pursuant to the terms and provisions of said resolution, be and the same are hereby legalized and validated so as to be of the same force and effect as though each and every provision of the statute of Iowa with reference thereto had been fully and particularly complied with.

SEC. 2. In effect. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register and Leader, a newspaper published in the city of Des Moines, and the Monticello Express, a newspaper published at the city of Monticello, Iowa, both publications to be without expense to the state.

Approved March 12, A. D. 1909.

I hereby certify that the foregoing act was published in the Register and Leader March 13, A. D. 1909, and in the Monticello Express March 18, A. D. 1909.

W. C. HAYWARD,
Secretary of State.