

## CHAPTER 245.

## THE TOWN OF FAYETTE.

S. F. 409.

AN ACT to legalize the issuing of certain warrants drawn on the waterworks fund by the town council of the incorporated town of Fayette, Fayette county, state of Iowa, and regulating the payment thereof.

WHEREAS, on May 1, 1906, a petition was filed with the town council of the incorporated town of Fayette, Iowa, asking said council to call a special election in said town to vote upon a proposition to extend the water mains of the waterworks system owned by said town, and for such purpose to issue bonds in such sum as said council might deem necessary in excess of one and one-fourth per cent of the actual value of the property of said town.

WHEREAS, said petition was canvassed by said town council and was found to contain the number of signatures required by law.

WHEREAS, thereafter on June 9, 1906, a special election was called in said town, upon a sufficient notice published as required by law, at which election was submitted the following question:

For the issuance of bonds in the  
sum of \$6000 for waterworks.

Against the issuance of bonds in  
the sum of \$6000 for waterworks.

WHEREAS, at said election, 214 votes were cast in favor of said proposed bond issue and only 40 votes were cast against said bond issue.

WHEREAS, prior to the submission of said proposed bond issue at said election, the town council had adopted a definite plan for the extension of watermains, had advertised the same in the Fayette newspapers and had employed an engineer to estimate the cost of the proposed waterworks extension and had been advised that the proposed extension could be constructed at a cost of \$6000.00.

WHEREAS, after said preliminary estimate was made and before bids were received for the construction of said waterworks extension, the price of material necessary to be used in said extension was unexpectedly advanced.

WHEREAS, although several different bids were made for the construction of said waterworks extension, no bid was as low as \$6000.00 and the said town council of Fayette on July 16, 1906 authorized the execution of a contract with E. Smedley for the construction of said extension for the sum of \$7000.00; and this was the most favorable contract said town council was able to make with any of the several bidders for said work.

WHEREAS, it was agreed in said contract with E. Smedley that if the town so desired he would accept in part payment for his work under said contract, town warrants drawn to bear six per cent interest.

WHEREAS, in settlement with said E. Smedley under said contract and for extra work done by him incidental thereto, the town council of Fayette, Iowa, authorized its proper officers to pay to him the sum of \$7044.00, and said payment was made in part by the issuance of three warrants upon the waterworks fund as follows:

One warrant no. 1635 for \$500.00, dated November 26, 1906, due on or before 10 years after date, with interest at 6% payable annually.

One warrant no. 1636 for \$500.00, dated November 26, 1906, due on or before 10 years after date, with interest at 6% payable annually.

One warrant no. 1637 for \$184.25, dated November 26, 1906, due on or before 10 years after date, with interest at 6% payable annually.

WHEREAS, the said waterworks extension was completed in a proper and satisfactory manner by the said E. Smedley and the amount charged by him and agreed by said town of Fayette to be paid therefor was the fair and reasonable cost of said work, and the said town of Fayette has had the benefit of the full value of said warrants issued in part payment therefor.

WHEREAS, the total indebtedness of the town of Fayette, Iowa, at the time said warrants were issued, including said warrants, was not, and is not now at the present time, and never has been in excess of the five per cent of the actual value of the assessable property within said incorporated town.

WHEREAS, questions have arisen as to the legality of said warrants above described and as to the right of the town council, or the town treasurer, to pay the same.

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

**SECTION 1. Warrants legalized.** That all warrants issued by the town of Fayette, Iowa, to E. Smedley as above described are hereby declared to be legal and valid as though said warrants had been issued in strict compliance with law; and the said town of Fayette is authorized to pay said warrants and the interest thereon accrued, and accruing, in the manner provided by law for the payment of bonds, and the interest on bonds, issued for the construction of a waterworks plant.

**SEC. 2. Pending litigation.** Nothing in this act shall in any way affect pending litigation concerning the subject matter hereof.

**SEC. 3. Town not liable prior to date of maturity.** Nothing in this act shall be construed as making said town of Fayette, Iowa, liable for the payment of the principal represented by the face of said warrants prior to the time of maturity of said debt as described in said warrants.

Approved April 10, A. D. 1911.

## CHAPTER 246.

### THE TOWN OF FLOYD.

H. F. 408.

AN ACT to legalize all the elections of the town of Floyd, in the county of Floyd, state of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by the town council of said town, and all the official acts of the town officers of said town, since the passage of an act relating to the organization of cities and towns and known as chapter twenty-six of the acts of the thirty-second general assembly; and defining the terms of office of the councilmen and officers of said town, and providing for future elections therein.

WHEREAS, in the election of the members of the town council and other town officers in and for the town of Floyd, in the county of Floyd, state of Iowa, held since the passage and going into effect of an act relating to the organization of cities and towns and known as chapter twenty-six of the acts of the thirty-second general assembly of the state of Iowa, no notice has been taken of said act, but said elections inadvertently have been held and members of the town council and other town officers nominated and