

Osceola Sentinel, a newspaper published in the city of Osceola, Iowa, both publications to be without expense to the state.

Approved March 30, A. D. 1911.

I hereby certify that the foregoing act was published in the Evening Tribune April 1, 1911, and in the Osceola Sentinel April 6, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 255.

THE CITY OF OTTUMWA.

S. F. 459.

AN ACT to legalize certain warrants of the city of Ottumwa, Iowa.

WHEREAS, the city of Ottumwa, county of Wapello, state of Iowa, did hitherto make expenditures in the amount of \$73,036.89, and

WHEREAS, said city of Ottumwa, issued warrants in the sum of \$73,036.89, to evidence the indebtedness incurred in making said expenditures, and

WHEREAS, said warrants did not when issued and do not now exceed the constitutional limitation of indebtedness, and

WHEREAS, said expenditures were all made for purposes authorized by law, and

WHEREAS, the city of Ottumwa has been and now is enjoying the use and benefit of said expenditures, and

WHEREAS, the result of said expenditures were well worth the price, the city of Ottumwa contracted should be paid therefor, and

WHEREAS, doubts have arisen concerning the legality of the aforesaid warrants and accrued interest, or a portion thereof, on the ground that the aforesaid expenditures or a portion thereof, were contracted in excess of the city's authorized annual revenue, and

WHEREAS, doubts have arisen concerning the legality of the aforesaid warrants, or a portion thereof, on the ground that aforesaid expenditures, or a portion thereof, were not provided for in the city's annual appropriations, and

WHEREAS, doubts have arisen concerning the legality of aforesaid warrants, or a portion thereof, on the ground that the indebtedness which said warrants evidence, was contracted in excess of the statutory limitation of indebtedness, now therefore,

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

SECTION 1. Acts legalized. That the acts of the city council of the city of Ottumwa, in the county of Wapello, state of Iowa, in making expenditures for the city of Ottumwa and issuing warrants therefor in the sum of \$73,036.89 and accrued interest be and the same are hereby legalized, as though the law had in all respects been complied with.

SEC. 2. Warrants legalized. The aforesaid warrants of the city of Ottumwa, in the sum of \$73,036.89, with accrued interest, be and the same are hereby legalized and declared to be valid, legal and subsisting obligations, the same as though the law had in all respects been complied with.

SEC. 3. Pending litigation. Nothing in this act shall affect any pending litigation.

SEC. 4. **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 at Des Moines, Iowa, and the Ottumwa Courier, a newspaper published at Ottumwa, Iowa, without expense to the state.

Approved April 10, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Ottumwa Courier, April 12, 1911.

W. C. HAYWARD,
Secretary of State.

CHAPTER 256.

THE CITY OF OTTUMWA.

S. F. 70.

AN ACT legalizing the action of the city council of Ottumwa, Iowa, in transferring to the water works fund certain money realized from water tax levies and to legalize the levy of a five mill water tax made by the city in 1910, and to place the money realized therefrom in the water works fund, and to legalize the action of said city council in making said water tax levy a water works levy.

WHEREAS, the city of Ottumwa, Iowa, during each of the years 1906, 1907 and 1908 levied a five mill water tax as provided by law for the purpose of paying the amount due or to become due to the Public Water Company, which operated the water works in said city of Ottumwa, for water supply and hydrant rentals under contract with said city, and there was collected on said levies the sum of \$21,702.87 which amount was retained by said city as liquidated damages under the terms of the franchise of said Public Water Company for its failure to make certain specified extensions and improvements to its water works system, and,

WHEREAS, said city of Ottumwa has purchased and now owns and operates the water works plant heretofore owned by said Public Water Company, and in the contract of purchase the validity of the forfeiture of said water and hydrant rentals has been recognized by said Public Water Company and it has transferred, released and relinquished all claims to said money and all claims for water and hydrant rentals to said city of Ottumwa, and has sold, transferred and assigned all its right and interest in and to said money and said hydrant and water rentals to said city of Ottumwa, and said sum of \$21,702.87 remains in the treasury of the city of Ottumwa; and,

WHEREAS, before the purchase of said water works a five mill levy was made by said city of Ottumwa, Iowa, in 1910, under the provisions of subdivision 7 of Sec. 894 of the supplement of 1907 to the code for water tax which has been duly certified; and,

WHEREAS, the city council of the city of Ottumwa has passed a resolution transferring said sum of \$21,702.87 to the water works fund of said city and providing that the said five mill levy made in 1910 be made a water works levy with the same force and effect as if the same had been originally made under the provisions of subdivision 5 of Sec. 894 of the supplement of 1907 to the code and that the money realized from said levy be placed in the water works fund of said city and that the said sum of \$21,702.87 and the proceeds of said levy made in 1910 be paid out on the order of the water works trustees for the purpose and in the manner provided by law:

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

SECTION 1. **Transfer of funds legalized.** That the action of the city council of Ottumwa Iowa in passing said resolution transferring to the water works