

CHAPTER 22.

CITY OF BELLE PLAINE.

S. F. 169.

AN ACT legalizing certain warrants, certain resolutions declaring indebtedness and the certificates based thereon, and certain outstanding indebtedness evidenced by neither warrants, resolutions nor certificates, of the city of Belle Plaine, Iowa; legalizing the acts of the corporate authorities of the city of Belle Plaine, Iowa, in contracting said indebtedness and issuing warrants, resolutions and certificates evidencing the same and declaring said obligations valid and binding upon said city.

WHEREAS, the city of Belle Plaine in the county of Benton and state of Iowa did heretofore issue warrants and did heretofore pass resolutions declaring its indebtedness and issue certificates upon said resolutions, and did heretofore contract indebtedness represented neither by warrants, resolutions, nor certificates, in a total amount of ten thousand, three hundred sixty-three dollars eleven cents (\$10,363.11) the interest upon which said aggregate indebtedness approximated to April 1st, 1917, will amount to two thousand one hundred one dollars forty-eight cents (\$2,101.48), (such amount of interest being herein stated for identification purposes), which said total indebtedness is apart and distinct from the bonded indebtedness of said city, and

WHEREAS, as part and parcel of the aforesaid indebtedness there are outstanding against the city of Belle Plaine, Iowa, drawn and executed by the proper corporate authorities, time warrants drawn upon the general fund as follows, to-wit: Nos. 71, 75, 102, 103, 104, 105, 115, 116, 304, 308, 361, 408, 442, 577, 1137, 1370, 1384, in a total and aggregate amount of eight hundred fifty-eight dollars forty cents (\$858.40), and

WHEREAS, as part and parcel of the aforesaid indebtedness there are outstanding against the city of Belle Plaine, Iowa, drawn and executed by the proper corporate authorities, time warrants drawn upon the road fund as follows, to-wit: Nos. 109, 110, 111, in the total amount of sixty-five dollars fifty cents (\$65.50), and

WHEREAS, the proper corporate authorities of the city of Belle Plaine, Iowa, did by resolutions acknowledge said city to be indebted and based upon said resolutions did issue certain certificates to-wit: Nos. 2, 3, 4, and 5 in a total amount of sixteen hundred sixty-seven dollars twenty-one cents (\$1667.21), the indebtedness therein acknowledged being made by virtue of said resolution in a pledge or prior claim upon the improvement fund of said city of Belle Plaine, Iowa, the same being part and parcel of the aforesaid indebtedness, and

WHEREAS, as part and parcel of the aforesaid indebtedness there are outstanding against the city of Belle Plaine, Iowa, drawn and executed by the proper corporate authorities, certain time warrants drawn upon the improvement fund of said city, as follows, to-wit: Nos. 1314, 1315, 1349, 1350, 1382, 1383, 1414, and 1561, in a total amount of forty-one hundred fifty dollars eighty-one cents (\$4150.81), upon which total there has been paid the sum of thirteen hundred forty-seven dollars sixty-one cents (\$1347.61), leaving a balance due of twenty-seven hundred three dollars twenty cents (\$2703.20), and

WHEREAS, as part and parcel of the aforesaid indebtedness there are outstanding against the city of Belle Plaine, Iowa, drawn and executed by the proper corporate authorities, certain time warrants drawn upon the grading fund, as follows, to-wit: Nos. 1368, 1369, 1379, 1769, in a total amount of eleven hundred sixty-five dollars fifty-one cents (\$1165.51), upon which there has been paid the total amount of five hundred dollars (\$500.00), leaving a balance of six hundred fifty-five dollars fifty-one cents (\$655.51), outstanding, and

WHEREAS, the proper corporate authorities of the city of Belle Plaine, Iowa, did by resolution acknowledge said city indebted to F. H. Henry, said resolution being under date of June 22, 1915, said resolution pledging to said F. H. Henry and giving a priority upon the sewer fund of said city, and said indebtedness so represented being in the sum of thirteen hundred ninety-seven dollars ninety-six cents (\$1397.96), upon which said indebtedness has been paid six hundred eighty-six dollars thirty-eight cents (\$686.38), leaving a balance due of seven hundred eleven dollars fifty-eight cents (\$711.58), the same being part and parcel of the aforesaid total indebtedness, and,

WHEREAS, as part and parcel of the aforesaid indebtedness, there are outstanding against the city of Belle Plaine, Iowa, drawn and executed by the proper corporate authorities, certain time warrants against the sewer fund, as follows, to-wit: Nos. 1364, and 1491, in a total amount of eighteen hundred seventy-two dollars ninety cents (\$1872.90), upon which has been paid the sum of six hundred eighty-six dollars thirty-eight cents (\$686.38), leaving a balance due of eleven hundred eighty-six dollars fifty-two cents (\$1186.52), and

WHEREAS, as part and parcel of the aforesaid indebtedness, there are outstanding against the city of Belle Plaine, Iowa, drawn and executed by the proper corporate authorities, certain time warrants drawn upon what is denominated therein as the special levy fund, which is not available for payment of the same, said time warrants being as follows, to-wit: Nos. 1367, 1380, 1381, 1388, 1389, 1402, and 1444, in a total amount of eighteen hundred seven dollars ten cents (\$1807.10), said warrants being properly and justly chargeable upon general municipal taxation, and

WHEREAS, as part and parcel of the aforesaid indebtedness, there are outstanding against the city of Belle Plaine, Iowa, drawn and executed by the proper corporate authorities, certain time warrants drawn upon the fire fund as follows, to-wit: Nos. 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, in a total amount of twenty-seven hundred eighty dollars (\$2780.00), and

WHEREAS, as part and parcel of the aforesaid indebtedness, there are certain bills outstanding due and payable by the city of Belle Plaine, Iowa, for valid, legal and subsisting indebtedness, all properly chargeable against the general fund, for which indebtedness warrants, resolutions or certificates have not been issued; which said indebtedness is in favor of the following parties, to-wit: Russell H. Kellogg, amount fifteen dollars seventy-five cents (\$15.75).—C. P. Chase, amount thirty-two dollars seventy-five cents (\$32.75).—W. H. Steiner, amount forty-seven dollars thirteen cents (\$47.13).—Tobin & Tobin, amount two hundred one dollars twenty-five cents (\$201.25), in the total amount of two hundred ninety-six dollars eighty-eight cents (\$296.88), and

WHEREAS, the interest upon said resolutions, warrants and certificates estimated to April 1st, 1917, approximates the sum of twenty-one hundred one dollars forty-eight cents (\$2101.48), and

WHEREAS, the indebtedness represented by the warrants, resolutions, certificates and other indebtedness as above set out was incurred for street improvements, improvements upon the city hall, for fire apparatus, in repairing sewers and other public necessities, in maintaining roads, grading roads, and for salaries, witness fees, and attorney's fees in litigation, and for divers other miscellaneous public needs, and

WHEREAS, the city of Belle Plaine, Iowa, has been and now is enjoying the use and benefit of said expenditures for the purposes above set forth, all of said expenditures and the enjoyment thereof being for lawful purposes, and

WHEREAS, doubts have arisen concerning the legality of the aforesaid warrants, resolutions, certificates and the other indebtedness represented by neither warrants, resolutions, nor certificates, on the ground that the expenditures for said indebtedness or a portion thereof were contracted in excess of the city's authorized annual revenues, and were not provided for in the city's annual appropriations, and that said indebtedness and the evidences thereof were contracted and issued in excess of the statutory limit of indebtedness, and

WHEREAS, doubts have arisen concerning the legality of the said indebtedness and the evidences thereof on the ground that a portion thereof was issued in lieu of other indebtedness, which might be subjected to the aforesaid criticisms, now therefore,

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

1 SECTION 1. Acts legalized. That the acts of the corporate au-
2 thorities of the city of Belle Plaine, in the county of Benton, and state
3 of Iowa, in making expenditures for said city, as set forth in the pre-
4 amble hereof, and incurring indebtedness thereby and therefor and
5 issuing warrants, resolutions and certificates to evidence said indebt-
6 edness, and in the incurring of the indebtedness not evidenced by
7 either warrants, certificates or resolutions, as above set forth, in the
8 sum of ten thousand three hundred sixty-three dollars eleven cents
9 (\$10,363.11), plus interest accrued and accruing on said several items
10 of indebtedness, be and the same are hereby legalized and held valid,
11 as though the law had in all respects been complied with.

1 SEC. 2. Warrants, etc., legalized. The aforesaid warrants, res-
2 olutions, certificates and indebtedness represented by neither war-
3 rants, resolutions, nor certificates, in the sum of ten thousand three
4 hundred sixty-three dollars eleven cents (\$10,363.11), issued and con-
5 tracted as set forth in the preamble to this act, together with the inter-
6 est accrued thereon at the taking effect of this act be, and the same
7 are hereby legalized and declared to be valid, legal and subsisting
8 obligations of the said city, the same as though the law had in all re-
9 spects been complied with.

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

1 **SEC. 4. Publication clause.** This act being deemed of immediate
 2 importance shall take effect and be in full force from and after its
 3 publication in the Des Moines Register, a newspaper published at Des
 4 Moines, Iowa and the Belle Plaine Union, a newspaper published at
 5 Belle Plaine, Iowa said publication to be without expense to the state.

Approved March 7, A. D. 1917.

I hereby certify that the foregoing act was published in the Des Moines Register March 12, 1917, and in the Belle Plaine Union March 15, 1917.

W. S. ALLEN, *Secretary of State.*

CHAPTER 23.

PENSIONS FOR DISABLED AND RETIRED POLICEMEN.

S. F. 104.

AN ACT to amend the law as found in section nine hundred thirty-two-n (932-n) chapter 13-B, supplement to the code, 1913, relating to pensions for police officers.

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

SECTION 1. **Who entitled to pension—conditions of retirement**
 1 —amount paid—disability—exemptions. That section nine hun-
 2 dred thirty-two-n (932-n) supplement to the code, 1913, be repealed,
 3 and the following enacted in lieu thereof:
 4 Any member of a police department within the provisions of this
 5 act who shall have served twenty-two (22) years or more in such
 6 department, and shall have reached the age of fifty (50) years; or
 7 who shall while a member of such become mentally or physically per-
 8 manently disabled from the duties of a police officer, shall be entitled
 9 to be retired, and upon retirement he shall be paid out of the police
 10 pension fund of the city in which such department is located, a monthly
 11 pension equal to one-half ($\frac{1}{2}$) the amount of salary received by him
 12 monthly at the date he became entitled to retirement. Provided, how-
 13 ever, that no member who has not served five (5) years or more in
 14 such department shall be entitled to be retired and paid a pension
 15 under the provisions of this act on account of being mentally or physi-
 16 cally disabled, unless such disability was contracted while engaged in
 17 the performance of his duties, or by reason of following his occupa-
 18 tion as a police officer. Provided further, that the chief of police of
 19 any police department shall have the power to assign any member of
 20 the department, retired or drawing pensions under this act to the per-
 21 formance of light duties in such police department. The question of
 22 disability shall be determined by the trustees upon the advice of a
 23 physician appointed by the board of trustees for that purpose. Upon
 24 the death of any member of such police department while in the serv-
 25 ice, or of any member who shall have been retired, leaving a widow
 26 or minor children, or dependent father or mother surviving him, there
 27 shall be paid out of said fund as follows: To the surviving widow,
 28 so long as she remains unmarried and of good moral character, a pen-
 29 sion of twenty dollars a month. If there be no surviving widow, or
 30 upon the death or re-marriage of such widow, then to his dependent
 31 father or mother, if both survive, or to either dependent parent, if one