

5 dollars, dated December 1, 1936, and making provision for the levy  
6 of taxes upon all of the taxable property within the boundaries of the  
7 Fifth Ward of said city of Cedar Falls, Iowa, for the purpose of pay-  
8 ing the principal and interest of said bonds as the same mature, are  
9 hereby legalized, validated and confirmed, and said refunding bonds  
10 when issued and delivered as contemplated by said proceedings are  
11 hereby declared to be legal and to constitute valid and binding obliga-  
12 tions payable out of taxes levied and/or to be levied upon all of the  
13 taxable property within the boundaries of the Fifth Ward of said city  
14 of Cedar Falls, Iowa.

1 SEC. 2. This act, being deemed of immediate importance, shall be  
2 in full force and effect from and after its passage and publication in  
3 the Waterloo Courier, a newspaper published in the city of Waterloo,  
4 Iowa, and in the Daily News and Waterloo Herald, a newspaper pub-  
5 lished in the city of Cedar Falls, Iowa, all without expense to the state.

House File 291. Approved March 17, 1937.

I hereby certify that the foregoing act was published in the Cedar Falls Daily News  
and Waterloo Herald, March 20, 1937, and the Waterloo Courier, March 22, 1937.

ROBERT E. O'BRIAN, *Secretary of State.*

## CHAPTER 242

### LEGALIZING ACT

#### S. F. 52

AN ACT to legalize the action of the county board of supervisors of Wapello county, Iowa, in making expenditures and approving claims against the secondary road maintenance fund and construction fund of said county; to make the expenditures and the approving of the claims by the board of supervisors legal, valid and binding obligations of said county; to authorize the county auditor of said county to issue anticipatory warrants in 1937 against the maintenance fund and the construction fund, and to authorize the county treasurer of said county to pay said warrants out of any funds coming into his hands in 1937 and belonging to the secondary road maintenance fund and the construction fund.

WHEREAS, the board of supervisors of Wapello county, Iowa, in the year 1936 incurred indebtedness for items payable from the maintenance fund and the construction fund of said county, and in 1937 allowed and authorized the payment of these claims against the maintenance and construction funds and authorized the county auditor of said county to issue anticipatory warrants against the maintenance and construction funds of said county in payment of said claims.

AND WHEREAS, said expenditures were for the purpose of maintaining roads, bridges, culverts, repairs of machinery and to carry on with the sponsor's share that the county had to pay in order to keep W. P. A. work in progress in Wapello county, Iowa,

AND WHEREAS, the board of supervisors in 1937 authorized the county auditor to pay the expenditures incurred in 1936,

AND WHEREAS, said claims so allowed were bona fide claims against said county and should be paid,

AND WHEREAS, at the time of the incurring of the indebtedness there was no money in the secondary road maintenance fund and the construction fund of said county adequate to pay said indebtedness,

AND WHEREAS, a question has been raised as to the right and authority of the county auditor of said county to write said warrants,

AND WHEREAS, a question has been raised as to the right and authority of the county treasurer of said county to pay said claims out of funds received and paid into the secondary road maintenance fund of said county and the construction fund of said county in the year 1937,

AND WHEREAS, there is no authority for the board of supervisors to incur said indebtedness or to approve said claims, nor is there any authority for the county auditor to issue the warrants in payment of said claims or for the county treasurer to cash said warrants.

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

1 SECTION 1. That the action of the county board of supervisors of  
2 Wapello county, Iowa, in making expenditures and allowing claims  
3 against the secondary road maintenance fund in a sum in excess of  
4 twenty-six thousand dollars (\$26,000) and not to exceed twenty-seven  
5 thousand dollars (\$27,000) and against the construction fund in a  
6 sum in excess of eight thousand (8,000) and not to exceed nine thou-  
7 sand (9,000) dollars is hereby legalized and validated, and said claims  
8 are hereby declared to constitute legal, valid and binding obligations  
9 and indebtedness of said county.

1 SEC. 2. That the proceedings heretofore taken by said county board  
2 of supervisors for the incurring of the expenditures in 1936 in the ap-  
3 proving of the claims in the year 1937 are hereby validated and con-  
4 firmed.

1 SEC. 3. The county auditor of Wapello county, Iowa, is hereby au-  
2 thorized to issue anticipatory warrants out of the secondary road main-  
3 tenance fund and secondary road construction fund of said county.

1 SEC. 4. The county treasurer of Wapello county, Iowa is hereby  
2 authorized to pay said anticipatory warrants out of any funds coming  
3 into his hands in 1937 and belonging to the secondary road mainte-  
4 nance fund of said county and the construction fund of said county.

1 SEC. 5. Nothing in this act shall affect pending litigation.

1 SEC. 6. This act being deemed of immediate importance shall take  
2 effect and be in full force from and after its passage and publication  
3 in *The Democrat And Leader*, a newspaper published in Davenport,  
4 Iowa, and the *Ottumwa Daily Courier*, a newspaper published in Ot-  
5 tumwa, Iowa, without expense to the state of Iowa.

Senate File 52. Approved January 28, 1937.

I hereby certify that the foregoing act was published in the *Ottumwa Daily Courier*,  
January 30, 1937, and the *Davenport Democrat and Leader*, February 1, 1937.

ROBERT E. O'BRIAN, *Secretary of State*.