

J. M. PARKER, from the committee on judiciary, submitted the following report:

MR. SPEAKER :

Your committee on judiciary, to whom was referred house file No. 102, a bill for an act to legalize the incorporation, ordinances and acts of the officers of the town of Malvern, in the county of Mills, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the house with the recommendation that it do pass.

J. M. PARKER, *Chairman.*

Ordered passed on file.

HOUSE FILE NO. 102.]

[BY LEWIS OF MILLS.

## A BILL

FOR AN ACT TO LEGALIZE THE INCORPORATION, ORDINANCES, AND ACTS OF THE OFFICERS OF THE TOWN OF MALVERN, IN THE COUNTY OF MILLS.

WHEREAS, The town of Malvern, in the county of Mills, was incorporated in the year A. D. 1872, under the provisions of chapter sixty-one, of the laws of 1868. Said incorporation exercised all the rights and privileges of an incorporated town: passing ordinances, making by-laws, and levying taxes, etc., as authorized by law, until September, A. D. 1878, at which time it was ascertained that the commissioners of incorporation had failed to file for record the preliminary measures taken by the voters of said town, as required by law.

WHEREAS, The legal voters of said town continuously, after the adoption of said charter in 1872, and up to the year 1878, elected officers as provided thereby, and by said officers continuously conducted the municipal affairs of said town, as though it had been regularly incorporated, up to the year 1878; and

WHEREAS, In the year 1878, and after the taking effect of chapter 10, title IV, of the Code of 1873, at which time it was ascertained that the commissioners of incorporation had failed to place on record the preliminary measures taken by the voters of said town; and also there was an error in the location of said town, the same being incorporated on sections twenty-nine and thirty, whereas the town was in fact located on sections twenty-nine and thirty-two; and

WHEREAS, There were doubts as to the legality of said incorporation, and of the acts of all the officers of the same during that time; and

19       WHEREAS, The legal voters did, at the November term, A. D. 1878, at the circuit court of  
20 the state of Iowa, and in accordance with chapter 10, title IV, of the Code of 1873, present  
21 to the circuit court a petition to re-incorporate said town. An order was duly issued and  
22 commissioners duly appointed, and said town was duly incorporated, and has since that time  
23 exercised all the rights and privileges of an incorporated town, under chapter 10, title IV,  
24 of the Code of 1873, and all amendments thereof; but doubts having arisen as to the regu-  
25 larity of the original incorporation of said town, and its subsequent re-organization under  
26 said chapter 10, of the Code of 1873; therefore,

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the original  
2 incorporation of the town of Malvern, in Mills county, with all amendments and changes  
3 made in the incorporation of said town, including its re-organization under said chapter 10,  
4 of the Code of 1873; and all ordinances, resolutions and by-laws, except so much thereof as  
5 is contained in ordinance No. 10, passed April 14, 1879; and of all the officers acting by vir-  
6 tue of authority thereby conferred, be and the same are hereby ratified and legalized, and  
7 declared to have the same force and effect as if the original incorporation, and subsequent re-  
8 organization of said town, had been regular and in strict and full compliance with the laws  
9 then in force.

SEC. 2. This act, being deemed of immediate importance, shall take effect from and after  
2 its publication in the *Daily State Register*, a newspaper published at Des Moines, Iowa, and  
3 the *Mills County Republican*, published at Malvern, Iowa; said publication to be without ex-  
4 pense to the state.