

of incorporation covering a period of twenty years, said certificate to be dated, and term to commence on, the 10th day of April, 1888.

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 and the Des Moines Capital, newspapers published in Des Moines, Iowa. Said publication to be without expense to the state.

Approved January 26 A. D. 1906.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, January 27, 1906.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 256.

### INCORPORATION OF POSTVILLE CEMETERY ASSOCIATION.

Æ. F. 102.

AN ACT legalizing the incorporation of the Postville cemetery association and the acts and proceedings thereof, particularly with reference to the title to real estate acquired by the said cemetery association in the transaction of its business.

WHEREAS, On the 24th day of March, 1860, one T. Stiles, and certain other persons, did organize and incorporate themselves into "A corporation other than for pecuniary profit," under the name and style of the "Postville Cemetery Association", for the purpose of establishing a cemetery for the use of the community in and contiguous to the town of Postville, in Allamakee county; and,

WHEREAS, The articles of incorporation of said Postville cemetery association recites that such corporation was formed "For the purchase of two acres of land in the county of Clayton, and preparing, fencing and disposing of same for cemetery purposes only"; and,

WHEREAS, The said Postville cemetery association upon its organization acquired the two acres of land contemplated by the organizers thereof at the time of the adoption of its articles of incorporation, and has continued as a cemetery association in the ownership, control and management of a cemetery in Clayton county near Postville, Iowa, from the time of its organization to the present time; and,

WHEREAS, For the purpose of keeping, maintaining and enlarging such cemetery, the said association has from time to time acquired other tracts of land in addition to the two acres of land originally procured by it, and contemplated in its articles of incorporation; all of which said land has been used by said association for the improvement, addition to, and enlargement of its cemetery, and has been acquired by the said association in good faith, and with the belief that it was authorized to acquire, own and hold said real estate under and by virtue of its articles of incorporation; and,

WHEREAS, Doubts have arisen as to the validity of the articles of incorporation of the said Postville cemetery association, and the validity and legality of its title to the real estate acquired by it subsequent and in addition to the two acres of land first procured and owned by said association; therefore,

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

**SECTION 1. Incorporation and acts legalized—pending litigation.** That the articles of incorporation of the Postville cemetery association are hereby declared to be valid, legal and sufficient to constitute said Postville cemetery association a corporation other than for pecuniary profit under the laws of the State of Iowa; that the title to all lands

purchased or otherwise acquired by the Postville cemetery association since it was organized, or that it may hereafter acquire under its present name and style, is and shall be a valid, legal title in the said Postville cemetery association; and that the said Postville cemetery association takes the title to said land the same as though its articles of incorporation had complied with the law in all respects, and there had been no limitation therein as to the amount of land which said association might acquire and own for cemetery purposes; and that said association has the right to transfer the title to such land to any successor thereto, or to any corporation that may be brought into existence by the re-organization or re-incorporation of the said association. Provided, that nothing herein contained shall in any way affect pending litigation.

Approved February 14, A. D. 1906.

## CHAPTER 257.

### ADMINISTRATOR'S DEED TO CERTAIN REAL ESTATE IN ALLAMAKEE COUNTY.

H. F. 432.

AN ACT to legalize an administrator's deed to certain real estate situated in Allamakee county, Iowa.

WHEREAS, On or about the 3d day of January, A. D. 1853, the United States, by patent, did grant and convey unto one Frost Gerry the following described real estate situated in Allamakee county, to-wit:

East half ( $\frac{1}{2}$ ) of southwest quarter ( $\frac{1}{4}$ ), and west half ( $\frac{1}{2}$ ) of southeast quarter ( $\frac{1}{4}$ ), of section 17, town. 98, north of range 5, west of 5th principal meridian, a certified copy of which said patent now appears of record in the recorder's office of Allamakee county, Iowa; and,

WHEREAS, Subsequent to obtaining title to the said real estate, the said Frost Gerry then and at the time obtaining said title, and at all other times prior thereto, was a resident of the state of Maine, departed this life, and one Henry K. Dexter was appointed administrator of his estate by the proper probate authority of the state of Maine; and,

WHEREAS, Pursuant to his appointment and qualification as such administrator, and for the purpose of settling the estate of the said Frost Gerry and make distribution thereof, the said Henry K. Dexter as such administrator did convey said premises in the year 1853 to one Aseph H. Hersey, which deed of conveyance recites that said Henry K. Dexter was the lawful administrator of said Frost Gerry, and was duly authorized to sell said real estate; and,

WHEREAS, There never was any administration upon the estate of said Frost Gerry in the state of Iowa, and the said Henry K. Dexter never qualified as such administrator within the state of Iowa, and the said deed hereinbefore referred to was not submitted to any court within the state of Iowa, and did not receive the approval or sanction of any court within the state of Iowa; and,

WHEREAS, The said Aseph H. Hersey pursuant and by virtue of said administrator's deed entered into the possession of said premises and he and his heirs and grantees, have for a period of more than fifty years been in the open, notorious, undisputed and adverse possession of said premises under a chain of title based upon the said administrator's deed; and,

WHEREAS, The said premises are now the property of John G. Ratcliffe, B. F. Ratcliffe, M. J. Barthell, Mrs. Martha M. Barthell, and the surviving widow, legatees and heirs at law of one Thomas Maroney, deceased; and,