

LEGALIZING ACTS

CHAPTER 224.

LEGALIZING CERTAIN DECREES OF COURT.

S. F. 381.

AN ACT to legalize decrees, obtained prior to January 1st, 1907, based on notice of publication where affidavit of non-residence was not filed, as by law provided.

Whereas, section thirty-five hundred thirty-four (3534) of the code provides that service may be made by publication when affidavit is filed, that personal service cannot be made on the defendant within this state in certain cases, as enumerated in said section, and

Whereas, it has been held and determined that said affidavit provided in said section must be filed at the time of or prior to the first publication of notice provided for in said section, and

Whereas, in many cases where decrees have been obtained in this state by publication of notice, the affidavit required by the above section has not been filed until after the first publication of notice or during the time of the publication of the notice, as provided by law, now, therefore,

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

SECTION 1. Decrees legalized. That in all cases where decrees of court have been obtained prior to the first day of January, 1907, upon publication of notice before the filing of the affidavit of non-residence, as provided by section thirty-five hundred thirty-four (3534) of the code, and the same has not been filed, as provided by law, but has been filed during the time that the notice was being published, on which such decrees are based, are hereby legalized and such decrees shall have the same force and effect as though the affidavit of non-residence, as provided in said section, was filed at the time of or prior to the first publication of such notice, and that all decrees so obtained, as aforesaid, are hereby legalized and held to have the same force and effect as though the affidavit of non-residence had been filed, as by law required.

SEC. 2. Pending litigation. Nothing in this act contained shall be construed as to affect pending litigation.

SEC. 3. 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.

Approved April 10. A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital, April 11, 1911.

W. C. HAYWARD,
Secretary of State.