

notice was made by publication in the manner provided by law for actions for divorce, be and the same are hereby legalized and validated as fully and to the same extent as if the statute at the time such suit was instituted had provided for service of the original notice by publication in the time and manner aforesaid.

Approved April 8 A. D. 1913.

CHAPTER 271.

LIABILITY FOR FAMILY EXPENSES.

H. F. 22.

AN ACT to repeal section three thousand one hundred sixty-five (3165) of the code and to enact a substitute in lieu thereof, relating to liability for family expenses.

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

SECTION 1. Repeal—family expenses. That the law as it appears in section three thousand one hundred sixty-five (3165) of the code be, and the same is hereby repealed and the following enacted in lieu thereof:

“The reasonable and necessary expenses of the family and the education of the children are chargeable upon the property of both husband and wife, or either of them, and in relation thereto they may be sued jointly or separately.”

Approved February 18th, 1913.

CHAPTER 272.

CONVEYANCE OF REAL ESTATE BY EXECUTORS OR TRUSTEES UNDER FOREIGN WILLS.

H. F. 417.

AN ACT amending chapter one hundred fifty-seven (157) of the acts of the thirty-fourth general assembly relative to legalizing certain conveyances by foreign administrators and executors; regulating the proof of titles to real property and legalizing certain instruments and proceedings as against defects arising prior to 1900; legalizing certain proceedings and instruments when of record ten (10) years and regulating proof of title as affected by such defects; legalizing certain instruments executed by executors, administrators, trustees, guardians, referees and commissioners prior to 1910; declaring certain bonds and contracts for deeds void; giving certain assignments the same force and effect as a deed of conveyance; providing that pending litigation shall not be affected by the provisions of this act and giving claimants one (1) year in which to commence actions and barring their rights thereafter.

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

SECTION 1. Conveyances executed prior to January 1, 1900, made legal. That all conveyances of real estate executed prior to January 1st, 1900, wherein the grantor or grantors described herself, himself or themselves as the surviving spouse, heir at law, heirs at law, surviving spouse and heir at law, or surviving spouse and heirs at law of some person deceased in whom the record title or ownership of said real estate previously vested, shall be conclusive evidence of the facts purported to be so recited as far as they relate to the right of the grantor or grantors to convey, and said conveyance or the records thereof shall be conclusive evidence of the facts purported to be recited so far as

they relate to the right of said grantor or grantors to convey and the said conveyance or the records thereof shall be conclusive evidence of his, her or their rights to convey the entire estate, title or interest of such purported deceased person as fully as though the record title of said grantor or grantors has been established by due probate proceedings in the county where the real estate is situated; provided, however, that where any such conveyance in express terms purports to convey less than the entire estate or a limited estate, the recitals above referred to shall be conclusive evidence of the facts purported to be recited so far as they relate to the right of said grantor or grantors to convey and said conveyance or the records thereof shall be conclusive evidence of his, her or their right to convey that portion, title or interest which said conveyance purports to convey as fully as though the record title of said grantor or grantors had been established by due probate proceedings in the county where the real estate is located.

SEC. 2. Judgment—decree quieting title—legalized. No existing judgment or decree quieting title to real estate as against defects arising prior to January 1st, 1900, and purporting to sustain the record title shall be held ineffectual because of the failure to properly set out in the petition or notice the derivation or devolution of the interest of the unknown defendants or on account of the failure of the record to show that such notice was approved by the court or that the same was published as directed by the court or because of the failure of the record to show that an affidavit was filed by plaintiff showing that personal service could not be made on any defendant in the state of Iowa, or because of the failure of defense by a guardian ad litem for any defendant under legal disability, or where there was more than one tract of real estate described in the same petition and decree, or where the plaintiffs have no joint or common interest in the property or defects of title or because of failure to comply with any other provision of law, but all such decrees are hereby made legal and effectual the same as if all provisions of law had been complied with in obtaining them.

SEC. 3. Limitation of action. No action shall be brought to set aside a judgment or decree quieting title to real estate unless the same shall be commenced within ten years from and after the rendition thereof.

SEC. 4. Sheriff's deed—legalized. No foreclosure proceeding or sale of real estate on execution prior to January 1st, 1900, wherein a sheriff's deed was executed and which purports to sustain the record title shall be held ineffectual on account of the failure of the record to show that any of the steps in obtaining said judgments or in the sale of said property were complied with, that such proceedings are hereby legalized and made valid as if the record showed that all the provisions of the law had been complied with.

SEC. 5. Affidavits—prima facie evidence. Affidavits on record in the office of any county recorder at the time of taking effect of this act explaining any defect in the chain of title to real estate arising prior to January 1st, 1900, or the records thereof made under section two thousand nine hundred fifty-seven (2957) of the code shall be conclusive evidence of the facts purported to be stated therein in all actions involving the title to said real estate and affidavits thereafter made and recorded as provided in section two thousand nine hundred fifty-seven (2957) of the code shall be prima facie evidence of the facts therein contained for three (3) years next succeeding the recording thereof and thereafter the same shall be conclusive evidence of the facts therein contained.

SEC. 6. **Certain contract for bond or deed—abandoned.** In all cases where the record shows that a contract or bond for a deed has been given prior to January 1st, 1900, and the record discloses no performance of the same and that more than ten (10) years have elapsed since the contract by its terms was to be performed, that such contract shall be deemed abandoned and of no effect and the land freed from any lien or defect on account of such contract.

SEC. 7. **Conclusive evidence where differences exist between christian names or initials.** In the proof of title to real estate derived from deeds or other conveyances or instruments affecting real estate, executed prior to January 1st, 1900, wherein there is a difference between the christian name, names, initial or initials in which title is taken, and the christian name, names, initial or initials of the grantor or grantors in a succeeding conveyance, the surname in both instances being written the same or sounding the same, such conveyances or the records thereof shall be conclusive evidence that the same surname refers to the same person in the several conveyances and instruments.

SEC. 8. **Deeds given by executors, administrators, etc. showing certain irregularities, made legal.** In all cases where, prior to the year A. D. 1900, an executor, administrator, trustee, guardian, referee or commissioner, acting as such in this or any state, has conveyed in such trust capacity real estate lying in this state and such conveyance has been of record since prior to the first day of January, A. D. 1900, in the county where the real estate so conveyed is located and which conveyance purports to sustain the title in the present record owner or owners thereof, such conveyance shall not be held void or insufficient by reason of the fact that due and legal notice of all proceedings with reference to the making of any such conveyance was not served upon all interested or necessary parties or that such executor, administrator, trustee, guardian, referee or commissioner is not shown to have been duly authorized by an order of court to make and execute such conveyance, that a bond was not given therefor, or that no report of the sale was made: or such sale or deed of conveyance was not approved by order of court or that any such foreign executor, administrator, trustee, guardian, referee or commissioner was not appointed or qualified in the state of Iowa prior to the making of such conveyance or that the record thereof fails to disclose compliance with any other provisions of law, and all such conveyances are hereby legalized and declared valid, legal and binding and of full force and effect.

SEC. 9. **After ten years certain judgments, decrees and contracts made legal.** No judgment or decree purporting to set aside any will, or the provisions of any will, or to place any construction upon any will or terms of any will, or to aid in carrying out the provisions of any will and no contract or agreement purporting to be a settlement of any suit or action to set aside any will or the terms of any will or to place any construction upon any will or any of the terms thereof shall be held ineffectual, void or insufficient because the records fail to show proper service of notice on all parties interested, that persons under disability affected by the action were not properly served with notice or represented by guardian or guardian ad litem, either in suit, action or in a settlement thereof, that all persons interested participated in the settlement, or that any other provisions of law had been complied with which are necessary to make a valid decree, judgment or settlement, provided more than ten (10) years have elapsed since the judgment, decree, contract or agreement was filed, entered or placed on record in the county where the real estate affected thereby is situated. And said decree,

judgment, contract or agreement shall be conclusive evidence of the right, title or interest it purports to establish or adjudicate in so far as it affects the title to such real estate, and said proceedings therein are hereby made legal and effectual the same as though all provisions of law has [had] been complied with in the obtaining of said decree, judgment or execution of said contract or agreement. And that any judgment, decree, contract or agreement such as above described which is now of record less than ten (10) years in the county in which the real estate is situated, shall, at the expiration of ten (10) years from date of filing, entering or recording thereof, have the same force and effect as is above given to those now in effect more than ten (10) years.

SEC. 10. Certain assignments to carry same force as deeds of conveyance. That in the event the record title to any parcel of real estate discloses that the original entry, certificate of entry, receipt or duplicate thereof has been assigned, that prior to such assignment or thereafter, the United States or state issued a patent or conveyance to the assignor, that no deed of conveyance appears on record from the original entryman or assignor to the assignee, that the present record owner holds title by, through or under such assignment, such assignment shall have the same force and effect as a deed of conveyance and shall be conclusively presumed to carry all right, title, and interest of the patentee of said real estate, the same as though a deed of conveyance had been subsequently executed by the patentee or assignor to a subsequent grantor.

SEC. 11. Tax deeds showing certain irregularities made legal. No sale of real property for taxes made prior to January 1st, 1895, wherein the tax deed was executed and which deed purports to sustain the record title, shall be held ineffectual on account of the failure of the record to show that any of the steps in the sale and deeding of said property were complied with; that said proceedings are hereby legalized and made valid and effectual as if the record showed that all the provisions of law had been complied with.

SEC. 12. Conveyances legalized. That chapter one hundred fifty-seven (157) of the acts of the thirty-fourth general assembly is hereby amended as follows: by striking out the figures "1911" in the second line of section 1 and inserting in lieu thereof the figures "1913".

SEC. 13. Rights terminated by this act—limitation of action. Any grantee, grantor, surviving spouse, heirs, legatees, devisees, assignees, assignors, personal representative or any other person or persons having or claiming any right, title or interest in any real estate which right, title or interest may be terminated, divested or cut off by the terms of this act, or whose right, title or interest this act purports to terminate, divest or cut off, but for any reason it would not be thereby terminated, divested or cut off, shall have one (1) year from and after the taking effect of this act in which to commence actions to establish any right, title or interest claimed. But after one (1) year from the taking effect of this act no action shall be maintained and in all matters of evidence made conclusive by this act shall, in actions commenced under this section, be presumptive evidence.

SEC. 14. Period of limitation in certain cases not applicable. That the provisions of section three thousand four hundred fifty-three (3453) of the code extending the period of limitations in favor of minors and insane persons shall not be applicable to any of the provisions of this act.

SEC. 15. Pending litigation. This act shall not affect pending litigation.

Approved April 16 A. D. 1913.