

CHAPTER 284.

SERVICE OF ORIGINAL NOTICE BY PUBLICATION.

H. F. 347.

AN ACT to amend section thirty-five hundred thirty-four (3534) of the code, relating to service by publication when an affidavit is filed that personal service cannot be made on defendant within this state.

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

SECTION 1. **Quieting title to real estate.** That section thirty-five hundred thirty-four (3534) of the code be, and the same is hereby amended by adding thereto as paragraph 9, the following:—"Where the action is an action to quiet title to real estate if the defendant is a non-resident of the state or his residence is unknown."

Approved April 19 A. D. 1913.

CHAPTER 285.

SERVICE OF ORIGINAL NOTICE BY PUBLICATION.

S. F. 354.

AN ACT to amend the law as it appears in section thirty-five hundred thirty-four (3534) of the code relating to service of original notice by publication.

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

SECTION 1. **Annulment of marriage.** That the law as it appears in section thirty-five hundred thirty-four (3534) of the code be and the same is hereby amended by adding thereto the following:

"9. Where the action is for the annulment of an illegal marriage, if the defendant is a non-resident of the state, or his residence is unknown."

Approved April 12 A. D. 1913.

CHAPTER 286.

LEGALIZING CERTAIN DECREES WHERE NOTICE WAS OBTAINED BY PUBLICATION.

H. F. 657.

AN ACT to legalize decrees obtained prior to January 1st, 1911, where the proof of the publication of an original notice was made by the editor of the newspaper in which the original notice was published. [Additional to chapter six (6), of title eighteen (XVIII) of the code relating to manner of commencing actions.]

WHEREAS, section three thousand five hundred thirty-six (3536) of the code provides that proof of the publication of an original notice must be made by the affidavit of the publisher, or his foreman, of the newspaper in which the original notice is published; and

WHEREAS, in many cases decrees have been obtained in this state in cases in which the affidavit required by the above section has been made by the editor of the newspaper in which such original notice has been published; now, therefore,

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

SECTION 1. **Affidavit by editor legalized.** That in all cases where decrees of court have been obtained prior to January 1st, 1911, in which the proof of the publication of the original notice has been made by the affidavit of the editor of the newspaper in which such original notice was published, are hereby legalized, and such decrees shall have the same force and effect as though the affidavit of the publisher, or his foreman, of the newspaper in which the original notice was published had been filed as provided by section three thousand five hundred thirty-six (3536) of the code, and that all decrees so obtained as aforesaid are hereby legalized and held to have the same force and effect as though the proof of the publication of the original notice had been made by the affidavit of the publisher, or his foreman, of the newspaper in which such original notice was published.

SEC. 2. **Pending litigation.** Nothing in this act contained shall be construed as affecting 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 Des Moines Capital, newspapers published at Des Moines, Iowa.

Approved April 16 A. D. 1913.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Capital April 19, 1913.

W. S. ALLEN,
Secretary of State.

CHAPTER 287.

MANNER OF COMMENCING ACTIONS AGAINST UNKNOWN DEFENDANTS.

H. F. 558.

AN ACT to repeal section three thousand five hundred thirty-eight (3538) of the code, and to enact a substitute therefor, relative to the bringing of actions against unknown defendants.

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

SECTION 1. **Repeal—petition verified—notice.** That section three thousand five hundred thirty-eight (3538) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

“Where it is necessary to make an unknown person defendant, the petition shall be sworn to and state the claim of plaintiff with reference to the property involved in the action, that the name and residence of such person is unknown to the plaintiff, and that he has sought diligently to learn the same. The notice thereof shall contain the name of the plaintiff, a description of the property, the claim of the plaintiff thereto, the relief demanded, the name of the court, and the term in which appearance must be made. Such notice must be entitled in the full name of the plaintiff against the unknown claimants of the property and shall be signed by the plaintiff or his attorney.”

Approved April 18 A. D. 1913.