

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verified—notice.** That section three thousand five hundred thirty-eight (3538) of the code be and the same is hereby repealed and the following enacted in lieu thereof: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

## CHAPTER 288.

## NOTICE OF LIS PENDENS.

H. F. 346.

AN ACT to repeal sections thirty-five hundred forty-three (3543) and to enact a substitute in lieu thereof relative to the filing of a lis pendens.

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

SECTION 1. **Repeal—real estate—notice of pending action—indexed by clerk.** That section 3543 of the code be and the same is hereby repealed and the following enacted in lieu thereof.

“When a petition affecting real estate is filed, the clerk of the district court where filed shall forthwith index same in an index book to be provided therefor, under the name of the parties plaintiff and defendant, entering a memorandum at each place where indexed, giving the description of the premises involved, the number of the case and the nature of the claim made.

If the petition be amended to include other parties or other lands, same shall be similarly indexed.

When the cause is finally determined the result shall be indicated in said book wherever indexed. When so indexed said action shall be considered pending so as to charge all third persons with notice of its pendency, and while pending no interest can be acquired by third persons in the subject matter thereof as against the plaintiff's rights.

If the real property affected be situated in the county where the petition is filed it shall be unnecessary to show in said index lands not situated in said county, and if the description be lengthy the clerk may give same in full in one place and refer thereto at all other places in said index book.”

Approved April 18 A. D. 1913.

## CHAPTER 289.

## INSTRUCTIONS TO JURIES BY THE DISTRICT COURT.

H. F. 158.

AN ACT to repeal section three thousand seven hundred and five (3705) of the code, and to enact a substitute in lieu thereof relative to the instructions of the district court.

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

SECTION 1. **Repeal.** That section three thousand seven hundred and five (3705) of the code be and the same is hereby repealed and the following enacted in lieu thereof:

SEC. 2. **Instructions to be in writing.** Either party may request instructions to the jury on points of law which shall be given or refused by the court. All instructions asked and the charge of the court shall be in writing.

SEC. 3. **Request for instructions—when and how made—exceptions—when taken—motion for new trial.** All requests for instructions must be presented to the judge before the argument to the jury is commenced and before reading his charge to the jury. The judge, before reading his charge to the jury,