

the code be and the same is hereby repealed and there is hereby enacted in lieu thereof the following:

“Where either the husband or wife is insane and incapable of executing a deed or mortgage relinquishing, conveying or incumbering his or her right to the real property of the other the other may petition the district court of the county of his or her residence or the county where the real estate to be conveyed or incumbered is situated, setting forth the facts and praying for an order authorizing the applicant or some other person to execute a deed or mortgage and relinquish or incumber the interest of the insane person in said real estate.”

SEC. 2. **Repealed—decree.** That section three thousand one hundred sixty-nine (3169) of the code be and the same is hereby repealed and there is hereby enacted in lieu thereof the following:

“Upon the hearing of the petition the court if satisfied that it is made in good faith by the petitioner and he is a proper person to exercise the power and make the conveyance or mortgage and it is necessary and proper shall enter a decree authorizing the execution of the conveyance or mortgage for and in the name of such husband or wife by such person as the court may appoint.”

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 Daily Capital, newspapers published at Des Moines, Iowa.

Approved February 27, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, February 27, 1904, and the Register and Leader February 29, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 120.

INHERITANCE OF CHILD BORN AFTER THE MAKING OF A WILL.

S. F. 7.

AN ACT governing the right of inheritance of a child born after the making of a will, providing manner of payment of claims and amounts necessary to be paid in disregard of, or opposition to the terms of a will, repealing section thirty-two hundred and seventy-nine (3279) of the code, and amending section thirty two hundred and seventy-six (3276) of the code.

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

SECTION 1. **Posthumous children.** Whenever a testator shall have a legitimate child born after the making of a last will, either in the lifetime or after the death of such testator, and shall die leaving such child so after born, unprovided for by any settlement, and neither provided for nor mentioned in such will, every such child shall succeed to, and inherit the same interest in such parent's real and personal estate as though no will had been made, and the said interest shall be taken ratably from the interests of heirs, devisees, and legatees.

SEC. 2. **Claims.** All claims which it becomes necessary to satisfy, and all amounts necessary to be paid from the estate of a testator in disregard of or in opposition to the provisions of a will, shall be taken ratably from the interests of heirs, devisees, and legatees.

SEC. 3. **Repealed.** Section thirty-two hundred and seventy-nine (3279) of the code is hereby repealed, and all that part of section thirty-two hundred and seventy-six (3276) of the code, from and including the semi-

colon in the fifth line thereof, to the period in the last line thereof is hereby repealed and stricken out.

SEC. 4. In effect. This act, being deemed of immediate importance, shall be and become of full force and effect from and after its publication in the Des Moines Daily Capital, and the Register and Leader, two newspapers published in the city of Des Moines, Iowa.

Approved April 7, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital and the Register and Leader, April 9, 1904.

W. B. MARTIN,
Secretary of State.

CHAPTER 121.

DISTRIBUTIVE SHARE OF SURVIVING SPOUSE AS AFFECTED BY WILL.

H. F. 487.

AN ACT to amend section three thousand three hundred and seventy-six (3376) of the code of Iowa, as to distributive share of surviving spouse as affected by will.

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

SECTION 1. Election made by court. That section three thousand three hundred and seventy-six (3376) of the code be amended by adding at the end of said section the following:

“But when such surviving spouse is mentally incapable of making such election, the court on petition being filed alleging such disability, may set the matter down for hearing at such time and place as it may deem best, and direct what notice thereof shall be given; and at such hearing the court may enter an order electing for such spouse, which shall be the election under this section, of the person under such disability.”

Approved April 12, A. D. 1904.

CHAPTER 122.

TIME OF TRYING APPEAL CASES IN CONTESTED ELECTIONS.

H. F. 198.

AN ACT to amend section three thousand six hundred fifty-six (3656) of the code, relating to the time of trying appeal cases in contested elections.

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

SECTION 1. Trial term. That section three thousand six hundred fifty-six (3656) of the code, be and is hereby amended by adding thereto the following words, to wit: “or appeal cases in contested elections.”

Approved March 7, A. D. 1904.

CHAPTER 123.

RELEASE OF LIENS ON ATTACHED PROPERTY.

S. F. 190.

AN ACT relating to the release of liens on attached property. (Amendatory of chapter one (1), title nineteen (XIX) of the code, relating to attachments.)

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

SECTION 1. Certificate of release. When real estate or an equitable interest therein is attached, in any county, other than that in which the