

CHAPTER 223.

FARMER'S CO-OPERATIVE CREAMERY ASSOCIATION OF TENOLD.

H. F. 448.

AN ACT to legalize the incorporation of the Farmer's Co-operative Creamery Association of Tenold, Worth county, Iowa, and to legalize the acts and transactions of said association under defective articles of incorporation, and to legalize the title to the real estate acquired by said association and to authorize its re-incorporation and succession to all the rights, privileges, property and assets acquired and possessed under the defective articles of incorporation.

WHEREAS on or about the 17th day of February, A. D. 1894, O. O. Harmon and nine other resident citizens of Worth county, Iowa, did organize and incorporate themselves into a farmer's co-operative creamery association, under the corporate name and style of the Farmer's Co-operative Creamery Association of Tenold, Iowa, and did adopt and duly execute and acknowledge articles of incorporation as such, the purpose upon their part being to complete such incorporation in full compliance with all the requirements of the laws of Iowa with reference thereto; and,

WHEREAS such articles of incorporation were on the 9th day of February, 1904, filed for record in the office of the recorder of deeds of Worth county, Iowa, and now appear of record on page 322 of Book "B" of miscellaneous records in said office; and,

WHEREAS by reason of a mistake or oversight on the part of the officers of said association, such articles of incorporation were never filed with the secretary of state and the said corporation was never chartered as by law required; which fact was unknown to the officers and members of said association until the month of March, A. D., 1904; and,

WHEREAS at a regular annual meeting of the members of said association on the sixth day of February, 1904, a resolution was adopted extending the charter of said corporation for an additional period of twenty years, which said resolution was duly certified and filed for record in the office of the recorder of deeds of Worth county, Iowa, and now appears of record on page 322 of Book "B" of miscellaneous records of said office; and,

WHEREAS the time has now expired for which the said association originally adopted articles of incorporation, and the secretary of state now refuses to file the resolution of renewal or issue a charter thereon by reason of the expiration of such time; and,

WHEREAS the members of said association are now desirous of properly incorporating in compliance with all the provisions of the law of the state of Iowa with reference thereto; and,

WHEREAS in the transactions of the business of the said association it acquired in good faith and for the purpose of carrying out the provisions of its articles of incorporation, title to the following described real estate, to-wit:

Commencing ten (10) rods south and three rods two feet and one half (3 R. 2½ feet) east from northwest corner of southwest quarter of southwest quarter (SW of SW ¼) of section seventeen (17) township ninety-nine (99) range twenty-one (21) west of 5th P. M. Thence in a southeasterly direction on the bank of Elk creek sixteen (16) rods. Thence southwesterly ten (10) rods. Thence in a northwesterly direction sixteen (16) rods. Thence northeasterly ten (10) rods to place of beginning. Containing one (1) acre of land.

A parcel of land beginning on the southeast corner of the creamery lot, then running 4 rods east, then 10 rods north, then 4 rods west, then 10 rods south to place of beginning. All in the southwest quarter of the southwest quarter in section seventeen (17) township ninety-nine (99) range twenty-one (21) west of the 5th P. M. Worth county, Iowa; and,

WHEREAS doubts have arisen as to the validity of the aforesaid articles of incorporation and the resolution of renewal by said association, and as to the legality and validity of the acts and transactions of the said association under and by virtue of said articles of incorporation, and as to the validity of the title to the real estate hereinbefore described, and as to the right of succession to all the property rights, privileges and liabilities of the said association which might be acquired upon the adoption of new articles of incorporation; therefore,

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

SECTION 1. Articles of incorporation and acts legalized—pending litigation. That the articles of incorporation heretofore adopted by the said Farmer's Co-Operative Creamery Association of Tenold, Iowa, be and [are] hereby held to be legal and valid and of the same force and effect as if all the provisions of the law had been fully complied with, with reference thereto, and that all of the acts and transactions of said association since its organization are declared and held to be legal, valid and binding and of the same force and effect as if the said association had been duly and properly incorporated as required by the laws of Iowa, and that upon the adoption of new articles of incorporation in strict compliance with the laws of the state of Iowa by the said association within three (3) months from the time of taking effect of this act, the said association as thus incorporated shall succeed to and acquire all rights, privileges, liabilities and property of the said association as confirmed and legalized by this act, including the legal title to the real estate described in the preamble hereto; providing nothing in this act shall affect pending litigation.

Approved April 13, A. D. 1904.

CHAPTER 224.

HARRY C. WRIGHT, NOTARY PUBLIC.

H. F. 445.

AN ACT to legalize the acts of Harry C. Wright, a notary public in and for Wayne county, State of Iowa, and the acts of Harry C. Wright, acting defacto as a notary public from July 4th, 1900, to December 25, 1902.

WHEREAS;—Harry C. Wright, was a duly commissioned notary public in and for Wayne county, Iowa, for the term of three years prior to July 4th A. D. 1900, and,

WHEREAS;—The said Harry C. Wright, prior to the 4th day of July 1900 applied for a new commission as such notary in said county for the three year period from and after July 4th 1900, and was duly notified of his appointment, and was furnished with a blank bond to be filled out and executed,

AND WHEREAS;—He filled out said bond and executed the same, and caused the same to be signed by two responsible and sufficient sureties, and forwarded the same with a check for the sum of six dollars to F. M. Hazelwood clerk of the district court of Wayne county, Iowa, at Corydon, Iowa, for the approval of the said clerk of the said bond, with orders to forward the said bond with the necessary fee of five dollars to the Secretary of state at Des Moines, Iowa, and

WHEREAS;—The said check was cashed, and returned by the bank on which it was drawn, to him, and whereas, he did not notice the fact that the commission was not forwarded to him, but supposed that he was duly appointed, and,