

9 mechanical husking, baling or corn shelling for hire, shall have a first
 10 lien on grain and seed threshed, or any farm product baled, or on corn
 11 shelled or husked, for the reasonable value of such services.”.

Approved March 19, 1941.

CHAPTER 288

LIEN FOR BOAT CHARGES AND STORAGE

H. F. 13

AN ACT to amend section ten thousand three hundred forty-five (10345), Code, 1939, relating to liens for keeping stock and motor vehicles, and to provide for liens for keeping boats and boat engines and motors.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section ten thousand three hundred forty-five (10345),
 2 Code, 1939, is hereby amended by striking from line two (2) thereof
 3 the word “and”, and inserting in line four (4) thereof, after the word
 4 “vehicles”, the following: “, boats and boat engines and boat motors”.

1 SEC. 2. This act being deemed of immediate importance shall be
 2 in full force and effect from and after its passage and publication in
 3 the Spirit Lake Beacon a newspaper published at Spirit Lake, Iowa,
 4 and in the Clear Lake Mirror a newspaper published at Clear Lake,
 5 Iowa.

Approved March 11, 1941.

I hereby certify that the foregoing act was published in the Spirit Lake Beacon, Spirit Lake, Iowa, March 13, 1941, and the Clear Lake Mirror, Clear Lake, Iowa, March 13, 1941.

EARL G. MILLER, *Secretary of State.*

CHAPTER 289

LEGALIZING NOTICES, JUDGMENTS AND DECREES

S. F. 103

AN ACT to amend, revise, and codify chapter four hundred sixty-two (462), Code, 1939, relating to legalizing judgments and decrees.

Be It Enacted by the General Assembly of the State of Iowa:

Chapter four hundred sixty-two (462), Code, 1939, is hereby amended, revised, and codified to read as follows:

1 SECTION 1. (10375) All decrees of court obtained in actions against
 2 unknown defendants in which the notice was entitled in the initial or
 3 initials of the plaintiff instead of his full christian name are hereby
 4 legalized, and said decrees shall have the same force and effect as if
 5 such notice had been entitled in the full name of the plaintiff as was
 6 provided for in section three thousand five hundred thirty-eight

7 (3538), code of 1897, and as is provided for in section three thousand
8 five hundred thirty-eight (3538) of the supplement to the code, 1913.

1 SEC. 2. (10376) No action in which unknown persons were made
2 parties defendant pursuant to the requirements of section three thou-
3 sand five hundred thirty-eight (3538), supplemental supplement to
4 the code, 1915, and in which notice of such action was given by publica-
5 tion between July 1, 1913, and July 1, 1915, for four consecutive weeks,
6 the last publication being ten days prior to the first day of the term for
7 which said action was brought as shown by proof on file in the office
8 of the clerk of the court where said action was pending, shall be held
9 ineffectual, void, or insufficient because the records fail to show that
10 the court or judge approved said notice before publication or failed to
11 indorse his approval on said notice or failed to designate in which paper
12 said notice should be published as required by section three thousand
13 five hundred thirty-nine (3539), code of 1897.

1 SEC. 3. (10376.1) All judgments and decrees heretofore entered by
2 default prior to January 1, 1941, in causes wherein the original notices
3 set out the date when and the place where the court would convene
4 are hereby declared legal and binding, notwithstanding the fact that
5 said original notices fail to name the term at which defendant or de-
6 fendants was or were required to appear. Nothing contained in this
7 section shall affect pending litigation.

1 SEC. 4. (10377) In all cases where decrees and orders of court have
2 been obtained for the sale of real estate by a guardian prior to January
3 1, 1941, where the original notice shows that service of notice pertain-
4 ing to the sale of such real estate was made on the minor or ward out-
5 side of the state of Iowa, such services of notices are hereby legalized.
6 All decrees so obtained as aforesaid are hereby legalized and held to
7 have the same force and effect as though the service of such original
8 notice had been made on the minor or ward within the state of Iowa.

1 SEC. 5. (10378) No judgment or decree purporting to set aside any
2 will or the provisions of any will, or to place any construction upon any
3 will or terms of any will, or to aid in carrying out the provisions of
4 any will, and no contract or agreement purporting to be a settlement
5 of any suit or action to set aside any will or the terms of any will, or to
6 place any construction upon any will or any of the terms thereof, shall
7 be held ineffectual, void or insufficient because the records fail to show
8 proper service of notice on all parties interested, that persons under
9 disability affected by the action were not properly served with notice
10 or represented by guardian or guardian ad litem, either in suit, action
11 or in a settlement thereof, that all persons interested participated in
12 the settlement, or that any other provisions of law had been complied
13 with which are necessary to make a valid decree, judgment or settle-
14 ment; provided more than ten years had elapsed since the judgment,
15 decree, contract or agreement was filed, entered or placed on record
16 in the county where the real estate affected thereby is situated. Said
17 decree, judgment, contract or agreement shall be conclusive evidence of
18 the right, title or interest it purports to establish or adjudicate insofar
19 as it affects the title to such real estate, and said proceedings therein
20 are hereby made legal and effectual the same as though all provisions

21 of law had been complied with in the obtaining of said decree, judgment
22 or execution of said contract or agreement, and any judgment, decree,
23 contract or agreement such as above described which is now of record
24 less than ten years in the county in which the real estate is situated
25 shall, at the expiration of ten years from date of filing, entering, or
26 recording thereof, have the same force and effect as is above given to
27 those now in effect more than ten years.

1 SEC. 6. (10379) In all cases where matters or proceedings in pro-
2 bate have been heard by the circuit* courts or judges outside the county
3 in which such matters or proceedings were pending, and in all cases
4 where orders and judgments in probate matters and proceedings have
5 been made by the circuit* courts and judges outside the county in which
6 such proceeding or matter was pending, and where such hearing was
7 had or order or judgment made within the circuit* to which the county
8 belonged in which such proceeding or matter was pending, such hear-
9 ing, order or judgment shall be held and deemed to be of the same
10 validity and force and effect as if such hearing was had or such order
11 or judgment was made within the county in which such proceeding or
12 matter was pending, and all titles and rights acquired under such
13 orders and judgments shall be held and deemed to be of the same legal
14 force and effect and to be as valid as if such order or judgment had been
15 made within the county in which the proceeding or matter was pending.

1 SEC. 7. (10380) No existing judgment or decree quieting title to
2 real estate as against defects arising prior to January 1, 1936, and
3 purporting to sustain the record title shall be held ineffectual because
4 of the failure to properly set out in the petition or notice the derivation
5 or devolution of the interest of the unknown defendants, or on account
6 of the failure of the record to show that such notice was approved by
7 the court or that the same was published as directed by the court, or
8 because of the failure of the record to show that an affidavit was
9 filed by plaintiff showing that personal service could not be made on
10 any defendant in the state of Iowa, or because of the failure of defense
11 by a guardian ad litem for any defendant under legal disability, or
12 where there was more than one tract of real estate described in the
13 same petition and decree, or where the plaintiffs have no joint or com-
14 mon interest in the property or defects of title, or because of failure to
15 comply with any other provision of law. All such decrees are hereby
16 made legal and effectual the same as if all provisions of law had been
17 complied with in obtaining them.

1 SEC. 8. (10381) In all cases where decrees of court have been ob-
2 tained prior to January 1, 1935, upon publication of notice before the
3 filing of the affidavit of nonresidence, as provided by section three
4 thousand five hundred thirty-four (3534), code of 1897, or section
5 eleven thousand eighty-one (11081), codes of 1924, 1927, 1931 and
6 1935, and the same have not been filed as provided by law, but have
7 been filed during the time that the notice was being published, on
8 which such decrees are based, are hereby legalized and such decrees
9 shall have the same force and effect as though the affidavit of non-
10 residence, as provided in said section, was filed at the time of or prior

*Note: In accordance with the enrolled bill.

11 to the first publication of such notice. All decrees so obtained, as afore-
 12 said, are hereby legalized and held to have the same force and effect
 13 as though the affidavit of nonresidence had been filed, as by law re-
 14 quired.

1 SEC. 9. (10382) In all cases where decrees of court have been ob-
 2 tained prior to January 1, 1939, in which the proof of publication of
 3 the original notice has been made by the affidavit of the editor of the
 4 newspaper or the publisher, manager, cashier or foreman thereof in
 5 which such original notice was published, the same are hereby legalized
 6 and such decrees shall have the same force and effect as though the
 7 affidavit of the publisher or foreman of the newspaper in which
 8 original notice was published had been filed as provided by section
 9 three thousand five hundred thirty-six (3536), code of 1897, or sec-
 10 tion eleven thousand eighty-five (11085), codes of 1924, 1927, 1931
 11 and 1935, that all decrees obtained as aforesaid are hereby legalized
 12 and held to have the same force and effect as though the proof of the
 13 publication on the original notice had been made by the affidavit of
 14 the publisher or foreman of the newspaper in which such original
 15 notice was published.

1 SEC. 10. (10383) All decrees of the courts of this state made and
 2 entered of record in actions brought to annul a marriage in which the
 3 service of the original notice was made by publication in the manner
 4 provided by law for actions for divorce are hereby legalized and
 5 validated as fully and to the same extent as if the statute at the time
 6 such suit was instituted had provided for service of the original notice
 7 by publication in the time and manner aforesaid.

Approved April 23, 1941.

CHAPTER 290

NOTICE OF APPOINTMENT OF EXECUTORS

S. F. 107

AN ACT to amend, revise and codify section ten thousand four hundred seven (10407), Code, 1939, relating to the legalization of the notice of appointment of executors and administrators.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section ten thousand four hundred seven (10407),
 2 Code, 1939, is hereby amended, revised and codified to read as follows:
 3 "In all instances prior to January 1, 1935, where executors or admin-
 4 istrators have failed to publish notice of their appointment as required
 5 by section three thousand three hundred four (3304), code of 1897,
 6 and section eleven thousand eight hundred ninety (11890), codes of
 7 1924, 1927 and 1931, but have published a notice of appointment, such
 8 notice of appointment is hereby legalized and shall have the same force
 9 and effect as though the same had been published as directed by the
 10 court or clerk."

Approved March 10, 1941.