

CHAPTER 225

PROOF OF WILLS

H. F. 240

AN ACT to amend chapter five hundred five (505), code, 1939, relating to proof of wills.

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

1 SECTION 1. Amend chapter five hundred five (505), code, 1939, by
2 adding the following:
3 "Where it appears to the court that a will cannot be proven as pro-
4 vided in section eleven thousand eight hundred sixty-six (11866),
5 code, 1939, because all of the subscribing witnesses to the will at the
6 time the will is offered for probate are serving in or are present with
7 the armed forces of the United States or as a merchant seaman, or
8 other persons outside the limits of the United States by permission,
9 assignment, or direction of any department or official of the United
10 States in connection with any activity pertaining to or connected with
11 the prosecution of any war in which the United States is then engaged,
12 or are dead or mentally or physically incapable of testifying or other-
13 wise unavailable, in the course of such service, the court may admit
14 the will to probate upon the testimony in person or by deposition of
15 at least two credible disinterested witnesses that the signature to the
16 will is in the handwriting of the person whose will it purports to be,
17 or upon other sufficient proof of such handwriting. The foregoing
18 provision shall not preclude the court, in its discretion, from requir-
19 ing in addition, the testimony in person or by deposition of any avail-
20 able subscribing witness, or proof of such other pertinent facts and cir-
21 cumstances as the court may deem necessary to admit the will to
22 probate."

1 SEC. 2. This act being deemed of immediate importance shall be
2 in full force and effect from and after its publication in the Audubon
3 County Journal, a newspaper published at Exira, Iowa, and in the
4 Mount Vernon Hawkeye-Record and The Lisbon Herald, a newspaper
5 published at Mt. Vernon, Iowa.

Approved March 22, 1945.

I hereby certify that the foregoing act was published in the Audubon County Journal, Exira, Iowa, March 29, 1945.

I further certify that the Mount Vernon Hawkeye-Record and The Lisbon Herald, Mt. Vernon, Iowa, refused to publish this act and pursuant to section 55 of the Code, at my request, publication was made in the Plain Talk, Des Moines, Iowa, March 29, 1945.

WAYNE M. ROPES, *Secretary of State.*