

## CHAPTER 226

## PRESUMED DEATH OF MISSING PERSONS

H. F. 217

AN ACT to amend chapter four hundred ninety-four (494), code, 1939, by adding thereto a new section relating to evidence of presumed death of persons missing in action, interned, beleaguered, besieged or captured by an enemy.

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

1 SECTION 1. Amend chapter four hundred ninety-four (494), Code,  
2 1939, by adding thereto a new section as follows:

3 "1. A written finding of presumed death, made by the Secretary of  
4 War, the Secretary of the Navy, or other officer or employee of the  
5 United States authorized to make such finding, pursuant to the Federal  
6 Missing Persons Act (56 Stat. 143, 1092, and P. L. 408, Ch. 371, 2d  
7 Sess. 78th Cong.; 50 U.S.C. App. Supp. 1001-17), as now or hereafter  
8 amended, or a duly certified copy of such finding, shall be received in  
9 any court, office or other place in this state, as evidence of the death  
10 of the person therein found to be dead, and the date, circumstances and  
11 place of his disappearance.

12 2. An official written report or record, or duly certified copy thereof,  
13 that a person is missing, missing in action, interned in a neutral coun-  
14 try, or beleaguered, besieged or captured by an enemy, or is dead, or  
15 is alive, made by any officer or employee of the United States author-  
16 ized by the Act referred to in Section one (1) or by any other law of  
17 the United States to make same, shall be received in any court, office  
18 or other place in this state as evidence that such person is missing,  
19 missing in action, interned in a neutral country, or beleaguered, be-  
20 sieged or captured by an enemy, or is dead, or is alive, as the case  
21 may be.

22 3. For the purposes of sub-sections one (1) and two (2) of this Act  
23 any finding, report or record, or duly certified copy thereof, purport-  
24 ing to have been signed by such an officer or employee of the United  
25 States as is described in said sections, shall prima facie be deemed to  
26 have been signed and issued by such an officer or employee pursuant  
27 to law, and the person signing same shall prima facie be deemed to  
28 have acted within the scope of his authority. If a copy purports to  
29 have been certified by a person authorized by law to certify the same,  
30 such certified copy shall be prima facie evidence of his authority so to  
31 certify.

32 4. If any provision of this act or the application thereof to any  
33 person or circumstance be held invalid, such invalidity shall not affect  
34 any other provision or application of the act which can be given effect  
35 without the invalid provision or application, and to this end the pro-  
36 visions of this act are declared to be severable."

1 SEC. 2. This act being deemed of immediate importance shall be in  
2 full force and effect from and after its publication in The Wapello  
3 Republican, a newspaper published at Wapello, Iowa, and in The Mount

4 Vernon Hawkeye-Record and The Lisbon Herald, a newspaper pub-  
5 lished at Mt. Vernon, Iowa.

Approved March 13, 1945.

I hereby certify that the foregoing act was published in The Wapello Republican, Wapello, Iowa, March 22, 1945, and The Mount Vernon Hawkeye-Record and The Lisbon Herald, Mt. Vernon, Iowa, March 22, 1945.

WAYNE M. ROPES, *Secretary of State.*

## CHAPTER 227

### DISTRIBUTION OF LEGACIES TO INCOMPETENTS

H. F. 11

AN ACT to amend section twelve thousand seventy-seven and one tenth (12077.1), code, 1939, relating to small legacies in estates payable to minors and incompetents and distribution thereof.

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

1 SECTION 1. Section twelve thousand seventy-seven and one tenth  
2 (12077.1), Code, 1939, is amended by inserting in line one (1) after  
3 the word "minor" the words "or an incompetent"; and by inserting  
4 in line nine (9) after the word "minor" the words "or incompetent";  
5 and by inserting in line seventeen (17) after the word "minor", and  
6 before the comma, the words "or incompetent"; and by inserting in  
7 line eighteen (18) after the first word "minor" the words "or incom-  
8 petent"; and by inserting in said line eighteen (18) after the words  
9 "for the use of such minor", and before the comma, the words "or  
10 incompetent"; and by inserting after the word "minor" in the last  
11 line of said section and before the period, the words "or incompetent".

Approved February 1, 1945.

## CHAPTER 228

### ACTIONS OF FORCIBLE ENTRY AND DETENTION

H. F. 21

AN ACT to amend chapter three hundred three (303) of the acts and laws of the Forty-ninth General Assembly of the state of Iowa, with reference to actions of forcible entry and detention of real property, in order to give jurisdiction in equity to the municipal and superior courts of the state of Iowa in such cases.

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

1 SECTION 1. Section two (2) of Chapter three hundred three (303)  
2 of the Acts and Laws of the Forty-ninth General Assembly of the  
3 State of Iowa is hereby amended by adding a comma (,) after the  
4 word "district" in line four (4) of said section and by adding the  
5 following words, "superior or municipal".

Approved February 1, 1945.