

[Chap. 14.]

AN ACT relative to Landlords and Tenants.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the executors or administrators of any tenant for life, who shall have demised any lands or tenements so held, and shall die on or before the day when any rent on such demise shall become payable, may recover,

Rent on demise paid to executors.

First. If such tenant for life die on the day, the whole rent;

Second. If he die before the day, such proportion of the rent as shall have accrued before his death.

SEC. 2. Every person entitled to any rents dependent upon the life of any other may, notwithstanding the death of such other person, have the same remedy by action for the recovery of all arrears of such rent that are due and unpaid at the death of such other person, as he might have had if such other person was in full life.

Lessee for life dying, rents may be recovered.

SEC. 3. Every person having in right of his wife any freehold estate in any rents, may, if such rent is due and unpaid at the time of the wife's death, have the same remedy by action for the recovery of such arrears as he might have had if the wife was in full life.

Rents in right of wife deceased, may be recovered.

SEC. 4. Any person having any rent due upon any lease for life may have the same remedy by action for the recovery thereof, as if such lease were for years.

SEC. 5. The executors or administrators of any person to whom any rent shall have been due and unpaid at the time of the death of such person, may have the same remedy by action against the tenant, his executors or administrators for the recovery thereof that their testator or intestate might have had.

Executors, &c. to have remedy.

SEC. 6. Every tenant on whom a summons in an action of right to recover the tenements held by him shall be served, shall forthwith give notice thereof to the person or the agent of the person of whom such tenant holds, under the penalty of forfeiting to such person the value of two years' rent of the premises occupied by him.

Tenant summoned to give notice.

SEC. 7. If any tenant shall give notice in writing, of his intention to quit the premises held by him at a time specified in such notice, and shall not deliver

Tenant holding over, to pay double.

up the possession thereof at such time, such tenant, his executors or administrators shall, from thenceforward, pay to the landlord, his heirs or assigns, double the rent reserved during all the time such tenant shall so continue in possession.

How recovered.

SEC. 8. Such double rent shall be recovered in the same manner that the single rent is recoverable.

Under tenant holding over, to pay double.

SEC. 9. If any tenant for life or years, or if any other person who may have come into the possession of any lands or tenements, under, or by collusion with such tenant, shall wilfully hold over the same, after the termination of such term, and after demand made, and notice in writing given, requiring the possession thereof by the person entitled thereto, such person so holding over shall pay to the person so kept out of possession double the yearly value of the lands or tenements so detained, for all the time he shall keep the person entitled out of possession.

No relief in equity.

SEC. 10. There shall be no relief in equity against any recovery had at law, under the preceding section.

Attornment void unless.

SEC. 11. The attornment of a tenant to a stranger shall be void, and shall not in any wise affect the possession of his landlord, unless it is made,

First. With the consent of the landlord; or,

Second. Pursuant to, or in consequence of a judgment at law or a decree in equity; or,

Third. To a mortgagee after the mortgage has been forfeited.

Use and occupation.

SEC. 12. A landlord may recover in an action on the case, a reasonable satisfaction, for the use and occupation of any lands or tenements held by any person under an agreement not made by deed.

Parol demise evidence in suit for use and occupation.

SEC. 13. If a parol demise or other agreement not by deed, by which a certain rent is reserved appears in evidence on the trial of such action, the plaintiff shall not, on that account, be debarred from a recovery, but may make use thereof as evidence of the amount of damages to be recovered.

Landlord to have lien on crop.

SEC. 14. Every landlord shall have a lien upon the crop grown upon the demised premises in any year, for the rent that shall accrue for such year, and such lien shall continue for eight months after such rent shall become payable, and until the decision of any suit for such rent brought within that time.

And in towns, on furniture.

SEC. 15. In every surveyed or incorporated town, the landlord shall have a lien on such household furniture of the tenant as is not exempt from execu-

tion, for any rent that may be due from such tenant, for the rent of a house or house and lot, and shall continue for three months after such rent shall fall due, and until the decision of any suit that may be brought within that time for such rent.

SEC. 16. Whenever a half year's rent or more is in arrear from a tenant, the landlord, if he has a subsisting right by law, to re-enter for the non-payment of such rent, may bring an action of right to recover the possession of the demised premises.

When half year in arrear may bring action of right.

SEC. 17. If the summons, in such action, cannot be served in the ordinary mode provided by law, it may be served by affixing a copy of the declaration and summons on a conspicuous part of the demised premises, where it may be conveniently read.

How served.

SEC. 18. The service of the summons in such action of right, shall be deemed and stand instead of a demand of the rent in arrear, and of a re-entry on the demised premises.

To be instead of demand.

SEC. 19. If, upon the trial of such action, it is proved or upon judgment by default it appears to the court by affidavit, that the plaintiff had a right to commence such action according to the provisions of this act, he shall have judgment to recover the possession of the demised premises and costs.

Judgment.

SEC. 20. If the defendant, before judgment is given in such action, either tenders to the landlord or brings into the court where the suit is pending all the rent then in arrear, and all costs, all further proceedings in the action shall cease.

Proceedings when to cease.

SEC. 21. If the rent and costs remain unpaid for six months after execution upon such judgment in an action of right is executed, and no bill for relief in equity is filed within that time, the lessee and his assigns, and all other persons deriving title under the lease from such lessee, shall be barred from all relief in law or equity, (except for error in the record or proceedings) and the landlord shall, from thenceforth, hold the demised premises discharged from the lease.

After six months, no relief.

SEC. 22. A mortgagee of such lease, not in possession of such demised premises, who, within six months after execution of any such judgment in an action of right is executed, shall pay all rent in arrear, and all costs, and the charges incurred by the landlord, and shall perform all the agreements which ought to be performed by the first lessee,

Mortgagee, when not affected.

shall not be affected by the recovery in such action of right.

Approved December 30, 1839.

[Chap. 15.]

AN ACT to establish a seminary of learning at Parkhurst, in Scott county.

Persons in-
corporated.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That there shall be established at the town of Parkhurst, in Scott county, a seminary of learning, for the instruction of young persons of both sexes, in science and literature, to be called "The Union Academy, at Parkhurst," and that Robert Carlton, Ralph Letton, Sterling Parkhurst, Eleazar Parkhurst, Washington B. Woodward, William Hopson, and Laurel Summers, and their associates and successors are hereby declared a body politic and corporate in law by the name and style of the Union Academy, at Parkhurst.

Powers.

SEC. 2. And the corporation before named, shall have perpetual succession and power to acquire, possess, and retain and enjoy property, real, personal, and mixed, and the same to sell, grant, convey, rent, or otherwise dispose of, at pleasure, and they shall have power to contract and be contracted with, sue and be sued, pleaded and be impleaded, in all courts of justice, and they shall have and use a common seal, with power to alter it at pleasure.

Stock.

SEC. 3. That the stock of said academy shall consist of shares of ten dollars each, which shall be deemed personal property, and shall be transferable on the books of said corporation, in such manner as may be prescribed by the board of trustees: *Provided,* That the annual income of the said corporation, (not including tuition however,) shall not exceed the sum of two thousand dollars, and that its funds, privileges and immunities shall be used for no other purpose than that of education.

Income not to
exceed.

To be used
only for.

Trustees.

SEC. 4. The corporation concerns of said academy, shall be managed by a board of trustees, consisting of five members, three of whom shall constitute a quorum for the transaction of business; they shall be elected by the stockholders on the first Monday in April annually, and shall hold their offices for the term of one year, and until their successors are