

quire the garnishee to appear at the next term of the court from which said writ issued, and the plaintiff in execution may deny the answer of such garnishee, and the issue shall be tried in the same manner as other issues of fact are tried; and if it shall be found that such garnishee had under his control, or in his possession, any money, property, right or credit of any name, kind or description, or any right, either legal or equitable, to any real estate be- [30] longing to said defendant in execution, the same shall be bound for the payment of such judgment from the day of the service of such summons of garnishee. And the said garnishee shall be responsible for the same to the plaintiff in execution, and the court shall adopt such rules, and make such orders, as shall be necessary to compel a full and complete exhibition of the rights of the defendant in execution of every kind, kept or held back, or which may be in any manner in the hands of the garnishee for the present or future benefit of the defendant in execution.

SEC. 2. Fees of witnesses to be taxed on party against whom judgment is rendered, unless otherwise ordered by court. All necessary witnesses, summoned, sworn and examined, or sworn and examined without being summoned, shall be taxed in the general bill of costs, and paid by the party against whom judgment is given, unless the court for good cause shown, shall otherwise order.

SEC. 3. Act in force from passage. This act shall take effect and be in force from and after its passage.

Approved, January 19th, 1846.

CHAPTER 32.

ELECTORAL DISTRICTS.

AN ACT to amend an act entitled "An act to district the territory of Iowa into electoral districts, and to apportion the representatives of each."

Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. Third, fourth, fifth sixth electoral district apportioned. That the third district composed of the county of Des Moines, shall be entitled to one member of the council and four members of the house of representatives.

The fourth district composed of the county of Henry, shall be entitled to one member of the council, and two members of the house of representatives.

The fifth district composed of the counties of Jefferson, Wapello and Kishkekosh, shall be entitled to one member of the council, and two members of the house of representatives.

The county of Jefferson shall elect one member, and the counties of Wapello and Kishkekosh one member to the house of representatives.

That the sixth district, composed of the counties of Louisa, Washington, Keokuk, Mahaska and Marion shall be entitled to one member of the council, and three members of the house of representatives; the [31] county of Louisa shall elect one member; the counties of Washington and Keokuk shall elect one member, and the counties of Mahaska and Marion shall elect one member of the house of representatives.

SEC. 2. Davis and Appanoose set apart. That the counties of Davis and Appanoose are hereby set apart from the county of Van Buren in the election of members of the house of representatives, and shall be entitled to one

member, and the county of Van Buren to two members of the house of representatives, and the three shall elect two members of the council; as directed in the act to which this is amendatory.

Sec. 3. In force from its passage. This act to take effect and be in force from and after its passage.

Approved, January 19th, 1846.

CHAPTER 33.

APPRAISEMENT and REDEMPTION.

AN ACT to amend an act entitled "An act subjecting real and personal estate to execution."

Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. Appraisement law repealed. That the third and fourth sections of an act entitled "An act subjecting real and personal estate to execution," commonly called the valuation law, be and the same, are hereby repealed; and also, so much of the ninth section of said act, as requires the officer to notify in writing the defendant in execution, of the time, and place of sale: provided, that nothing in this act contained, shall be so construed as to affect any rights which may have accrued under and by virtue of the said sections, hereby repealed, but the same shall be prosecuted as though this act had not been passed.

SEC. 2. Duty of sheriff on sales under execution. When any real estate shall be sold on execution, under this act, the sheriff shall give to the purchaser a certificate, showing the amount for which said real estate was sold and, that the purchaser will be entitled to a deed, at the expiration of fifteen months from said sale, unless redeemed, as hereinafter provided: and the said purchaser shall not be required to have said certificate recorded.

SEC. 3. Right of redemption in one year. It shall be lawful for any defendant in execution, whose [32] real estate may be sold on execution, to redeem the same within one year after the sale thereof; by paying to the clerk of the court, who issued the same, for the use of the purchaser, the amount of said sale, with ten per cent per annum added thereto; and the said clerk shall give said defendant a certificate of redemption, which shall be a full satisfaction of said sale; and said clerk shall enter on his judgment docket, a memorandum, stating said real estate was redeemed, and the date of such redemption.

SEC. 4. Judgment creditors may redeem. That, if the real estate so sold, shall not be redeemed, by the defendant in execution, within one year from the sale as above:—provided, any judgment creditor may, within three months thereafter redeem the same, by paying to the clerk of the court, from which the execution issued, for the use of the purchaser the amount of the purchase money, with ten per cent. per annum, added thereto; and the said clerk, shall give said judgment creditor, a certificate of redemption, showing the amount paid by him, and that he will be entitled to a deed, at the expiration of fifteen months from the sale, if not redeemed from him by some other judgment creditor; and the said clerk shall enter a memorandum of the same on his judgment docket; and any other judgment creditor may in the same manner, within the said three months, redeem from the first or any other judgment creditor, by paying to the said judgment creditor,