

to issue to said Albert Husa a land patent in the usual form to lot seven (7), block fifty-five (55) of Iowa City, Iowa, which shall constitute an absolute conveyance of all right, title and interest which the state of Iowa may have in and to said premises.

SEC. 2. **Pending litigation.** This act shall not in any way affect pending litigation.

Approved April 18 A. D. 1913.

### CHAPTER 358.

#### RELIEF OF THE GRANTEES OF DAVID E. FRY.

S. F. 304.

AN ACT for the relief of the grantees of David E. Fry, and for the purpose of having patents issued in the names of W. F. Pomeroy and Arthur Dilley, for certain tracts of land.

WHEREAS, it appears from the records in the auditor's office of Mahaska county, Iowa, that John G. Weaver and Sarah Weaver husband and wife, on the first day of April, 1857, executed a mortgage upon the following described real estate, situated in Mahaska county, Iowa, to-wit:

West one-half ( $w\frac{1}{2}$ ) of the southwest quarter ( $sw\frac{1}{4}$ ) of the southwest quarter ( $sw\frac{1}{4}$ ) of section ten (10) township seventy-five (75), north of range sixteen (16) west of the 5th P. M., and also in the same instrument on the following described tract, to-wit:

One and one-half ( $1\frac{1}{2}$ ) acres off the east side of nineteen (19) acres of the south one-half of northwest quarter of the northeast quarter ( $s\frac{1}{2}$  of  $nw\frac{1}{4}$  of  $ne\frac{1}{4}$ ) of section thirty-five (35), township seventy-six (76) north of range sixteen (16) west, to secure to the school fund of Mahaska county, Iowa, the payment of a note for \$135.41 with interest; and,

WHEREAS, due proceedings in foreclosure of said mortgage default having been made in the same on the 7th day of November, 1862, the district court of said Mahaska county, Iowa, entered a decree foreclosing said mortgage and ordered the sale of said mortgaged property to satisfy said debt amounting to \$201.31, and on the 31st day of October, 1863, in pursuance of said decree, said land was sold and bid off by the state of Iowa, for the use of the school fund of said county, for the sum of one hundred twenty (\$120.00) dollars: that the said John G. Weaver and Sarah Weaver permitted the statutory time for redemption to elapse without making redemption from said sale, and title was obtained by the state of Iowa, for the benefit of said school fund: and,

WHEREAS, after the time of redemption had expired, the board of supervisors of Mahaska county, Iowa, by resolution, permitted the said John G. Weaver to redeem from said sale without, as it now appears, any legal authority so to do, and that the said John G. Weaver did redeem by the payment of the sum necessary to affect redemption at the time of said attempted redemption: and,

WHEREAS, thereafter, on June 7 1864, the following resolution was unanimously adopted by the board of supervisors: and,

"WHEREAS, by a former resolution of the board of supervisors allowing John G. Weaver to redeem certain lands foreclosed by order of court, and sold by the sheriff to the state of Iowa, for the use of the school fund of Ma-

haska county, Iowa, and there appearing that said resolution allowing him to redeem does not legally pass the title vested in the state by virtue of the sale aforesaid: Therefore be it resolved, that in accordance with the request of the said John G. Weaver, a deed be made to David E. Fry to whom said Weaver had previously sold said land passing all the right of the title and interest of the state of Iowa, for the use of the school fund of said county, in and to the lands described in said sheriff's deed to said state, by J. F. Alumbaugh, late sheriff of this county, on behalf of the said John G. Weaver." and,

WHEREAS, the board of supervisors of Mahaska county, Iowa, by its chairman, P. Loughridge, in accordance with said resolution, did execute a warranty deed describing said premises hereinbefore described to the said David E. Fry, said deed being recorded June 28th, 1864, in book U, page 501, of Mahaska county land deed records: and,

WHEREAS, it appears that the said David E. Fry did take immediate possession of said premises relying upon said deed and said acts of the board of supervisors, and that he and his grantees have been in actual, open and undisputed possession of said land claiming title thereto, and improving the same since the execution of said deed: and,

WHEREAS, in the making of said sale to the said David E. Fry, it appears that the board of supervisors of said Mahaska county did not comply with the provisions of law then made and provided for such sales; and,

WHEREAS, the title to said tract in section ten (10) above described is now vested in W. F. Pomeroy, and title to the tract of land in section thirty-five (35) above described, is now vested in Arthur Dilley by conveyance through intermediate grantors from the said David E. Fry; and,

WHEREAS, it appears that no patent from the state of Iowa has been issued to the said David E. Fry or any other person granting the real estate hereinbefore described: Therefore

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Patent.** That the governor and the secretary of the state of Iowa are hereby authorized and directed to issue to the said W. F. Pomeroy a patent for the west half of the southwest quarter ( $w\frac{1}{2}$  of  $sw\frac{1}{4}$ ) of the southwest quarter ( $sw\frac{1}{4}$ ) of section ten (10) township seventy-five (75) north, range sixteen (16) west; and also

To Arthur Dilley a patent for the one and one half acres off the east side of nineteen acres of the south one-half of the northwest quarter of the northeast quarter of section thirty-five (35) township seventy-six (76) north, range sixteen (16) west of the 5th principal meridian.

Approved April 9 A. D. 1913.