

each one hundred (100) additional words or fraction thereof.

Sec. 16. Real Estate - chattel mortgages. Real estate mortgages which create an incumbrance on personal property or which provide for a receivership, shall, after being recorded at length, be indexed, if requested by the holder, in the chattel mortgage index book. Said indexing shall show the book and page where said mortgage is recorded and such record and index shall have the same effect as though said mortgage was retained by the recorder as a chattel mortgage, or as though the same had been recorded at length in the chattel mortgage records and indexed accordingly. When such mortgage is released of record, the recorder shall make entry thereof on said chattel mortgage index book.

Approved April 10, 1924.

CHAPTER 52

CONVEYANCES

H. F. 77

AN ACT to amend, revise, and codify sections sixty-three hundred fifty-five (6355) to sixty-three hundred ninety-seven (6397), inclusive, and sixty-four hundred (6400) to sixty-four hundred five (6405), inclusive, of the compiled code of Iowa, relating to conveyances.

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

That section sixty-three hundred fifty-five (6355) to sixty-three hundred ninety-seven (6397), inclusive, and sixty-four hundred (6400) to sixty-four hundred five (6405), inclusive, of the compiled Code of Iowa are amended, revised, and codified to read as follows:

CHAPTER 2

CONVEYANCES

Section 1. Power of attorney - recording - revocation. All instruments containing a power to convey, or in any manner relating to real estate, shall be held to be instruments affecting the same; and no such instrument, when certified and recorded as in this chapter prescribed, can be revoked as to third parties by any act of the parties by whom it was executed, until the instrument containing such revocation is acknowledged and filed for record in the same office in which the instrument containing such power is recorded.

Sec. 2. Corporate seals - execution - release. In the execution of any written instrument conveying, incumbering, or affecting real estate by a corporation that has adopted a corporate seal, the seal of such corporation shall be attached or affixed to such written instrument. If the corporation has not adopted a corporate seal, such fact shall be stated in such written instrument, except that it shall not hereafter be necessary to attach or affix the corporate seal to any release or satisfaction of any mortgage, judgment, or other lien, that is made or entered by any corporation on the page of the official record where any such lien appears, but the officer executing such release or satisfaction shall therein certify that same is executed with authority of the board of directors of such corporation, and the county recorder or deputy shall attach thereto a statement showing the relation such officer then bears to the corporation.

Sec. 3. Contract or bond - when deemed abandoned. When the record shows that a contract or bond for a deed has been given prior to January first, nineteen hundred (1900), and the record discloses no performance of the same and that more than ten (10) years have elapsed since the contract by its terms was to be performed, such contract shall be deemed abandoned and of no effect and the land freed from any lien or defect on account of such contract.

Sec. 4. Christian names - variation - effect. When there is a difference between the Christian names or initials in which title is taken, and the Christian names or initials of the grantor in a succeeding conveyance, and the surnames in both instances are written the same or sound the same, such conveyance or the record thereof shall be conclusive evidence that the surname in the several conveyances and instruments refers to the same person. This section shall only apply to conveyances executed prior to January first, nineteen hundred (1900).

Sec. 5. Assignment of certificate of entry without deed. When the record shows:

1. That the original entry, certificate of entry, receipt, or duplicate thereof has been assigned, and

2. That prior or subsequent to such assignment, the United States or state issued a patent or conveyance to the assignor, and

3. That no deed of conveyance appears on record from the original entryman or assignor to the assignee, and

4. That the present record owner holds title under such assignment, Such assignment shall have the same force and effect as a deed of conveyance and shall be conclusively presumed to carry all right, title, and interest of the patentee of said real estate, the same as though a deed of conveyance had been subsequently executed by the patentee or assignor to a subsequent grantor.

Sec. 6. Explanatory affidavit filed by owner - effect. Affidavits explaining any defect in the chain of title to any real estate may be recorded as instruments affecting the same, but no one except the owner in possession of such real estate shall have the right to file such affidavit. Such affidavit or the record thereof, including all such affidavits now of record, shall raise a presumption from the date of recording that the purported facts stated therein are true; after the lapse of three (3) years from the date of such recording, such presumption shall be conclusive.

Sec. 7. Recording land grants. Every railroad company which owns or claims real estate in this state, granted by the government of the United States or this state to aid in the construction of its railroad, where it has not already done so, shall place on file and cause to be recorded, in each county wherein the real estate granted is situated, evidence of its title, or claim of title, whether the same consists of patents from the United States, certificates from the secretary of interior, or governor of this state, or the proper land office of the United States or this state. Where no patent was issued, reference shall be made in said certificate to the acts of congress, and the acts of the legislature of this state, granting such lands, giving the date thereof, and date of their approval under which claim of title is made.

Sec. 8. Patents covering land in different counties. Where the certificate of the secretary of the interior or the patents cover real estate situated in more than one county, the secretary of state shall, upon the application of any railroad company or its grantee, prepare and furnish, to be recorded, a list of all the real estate situated in any one (1) county so granted, patented or certified; and all such evidences of title shall be entered by the auditor upon the index, transfer, and plat books.

Sec. 9. Record - constructive notice. The evidence of title shall be filed with the recorder of deeds of the county in which the real estate is situated, who shall record the same, and place an abstract thereof upon the index of deeds. The recording thereof shall be constructive notice to all persons, as provided in other cases of entries upon said index, and the recorder shall receive the same fees therefor as for recording other instruments.

Sec. 10. Transcript of instruments. Any person interested therein may procure from any recorder in this state a transcript of any instrument affecting real estate which is of record in his office. Such transcript shall be certified by the recorder, and the clerk of the district court shall certify under the seal of his office to the signature of such recorder and his official character.

Sec. 11. Transcript recorded same as original. A transcript of the record of any instrument affecting real estate, certified as provided in the preceding section, shall be entitled to record in the office of the recorder of any other county in which is situated any of the real estate affected by such instrument. The effect of the recording of such transcript shall be the same as the recording of the original instrument.

Sec. 12. Conveyances by heirs or spouse - when conclusive. All conveyances or the record title thereof of real estate executed prior to January first, nineteen hundred (1900), wherein the grantor or grantors described herself, himself, or themselves as the surviving spouse, heir at law, heirs at law, surviving spouse and heir at law, or surviving spouse and heirs at law, of some person deceased in whom the record title or ownership of said real estate previously vested, shall be conclusive evidence of the facts so recited as far as they relate to the right of the grantor or grantors to convey, as fully as if the record title of said grantor or grantors had been established by due probate proceedings in the county wherein the real estate is situated.

Sec. 13. Notarial seals of nonresidents. Any notarial seal purporting to have been affixed to any instrument in writing, by any notary public residing elsewhere than in this state, shall be prima facie evidence that the words thereon engraved conform to the requirements of the law of the place where such certificate purports to have been made.

Sec. 14. Records transcribed. The board of supervisors of any county may have copied, indexed, and arranged any deed, probate, mortgage, court or county record, or government survey belonging or relating to said county, and have a complete index thereof made; and may cause any index of deeds, mortgages, or other records to be correctly copied.

Sec. 15. Compensation. The board of supervisors may employ any suitable person to perform the labor contemplated in the preceding section, the amount of compensation therefor to be previously fixed by them, not exceeding six cents (6c) for each one hundred (100) words of the records proper, and twelve and one-half cents (12 1/2) for each one hundred (100) words of indexing.

Sec. 16. Effect. When any such records are copied, the officer to whose office the original records belong shall compare the copy so made with the original, and when found correct, shall attach his certificate in each volume or book of such copied records, to the effect that he has compared such copies with the original and they are true and correct, and such copied records shall thereupon have the same force and effect in all respects as the original records.

Sec. 17. Forms of conveyance. The following or other equivalent forms of conveyance varied to suit circumstances, are sufficient for the purposes herein contemplated:

1. FOR A QUITCLAIM DEED

For the consideration of _____ dollars, I hereby quitclaim to _____ all my interest in the following tract of real estate (describing it).

2. FOR A DEED IN FEE SIMPLE WITHOUT WARRANTY.

For the consideration of _____ dollars, I hereby convey to _____ the following tract of real estate (describing it).

3. FOR A DEED IN FEE WITH WARRANTY.

The same as the last preceding form, adding the words: "And I warrant the title against all persons whomsoever" (or other words of warranty, as the party may desire).

4. FOR A MORTGAGE.

The same as deed of conveyance, adding the following: "To be void upon condition that I pay", etc.

Sec. 18. Acknowledgement of conveyances or incumbrances. The acknowledgment of any deed, conveyance or other instrument in writing by which real estate in this state is conveyed or incumbered, if made within this state, must be before some court having a seal, or some judge or clerk thereof, or some county auditor, or justice of the peace within the county, or notary public within the county of his appointment or in an adjoining county in which he has filed with the clerk of the district court a certified copy of his certificate of appointment. Each of the officers above named is authorized to take and certify acknowledgements of all written instruments, authorized or required by law to be acknowledged.

Sec. 19. Out of state - what officers may take. When made out of the state but within the United States, it shall be before a judge of court of record, or officer holding the seal thereof, or a commissioner appointed by the governor of this state to take the acknowledgment of deeds, or some notary public or justice of the peace.

Sec. 20. Signatures - authenticated. When made out of the state but within the United States and before a judge, or justice of the peace, a certificate, under the official seal of the clerk or other proper certifying officer of a court of record of the county or district, or of the secretary of state of the state or territory *within* which such acknowledgment was taken, under the seal of his office, of the official character of said judge, or justice, and of the genuineness of his signature, shall accompany said certificate of acknowledgment.

Sec. 21. Execution out of state. The proof or acknowledgment of any deed or other written instrument required to be proved or acknowledged in order to entitle the same to be recorded or read in evidence, when made by any person without this state and within any other state, territory or district of the United States, may also be made before any officer of such state, territory or district authorized by the laws thereof to take the proof and acknowledgment of deeds, and when so taken and certified as provided in the next section, may be recorded in this state, and read in evidence in the same manner and with like effect as proofs and acknowledgments taken before any of the officers named in the second preceding section.

Sec. 22. Certificate of authority - genuineness of signature. To entitle any conveyance or written instrument, acknowledged or proved under the preceding section, to be read in evidence or recorded in this state, there shall be subjoined or attached to the certificate of proof or acknowledgment signed by such officer a certificate of the secretary of state of the state or territory in which such officer resides, under the seal of such state or territory, or a certificate of the clerk of a court of record of such state, territory or district in the county in which said officer resides or in which he took such proof or acknowledgment, under the seal of such court. Such certificate shall comply substantially with the next section.

Sec. 23. Form. The following form of authentication of the proof or acknowledgment of a deed or other written instrument, when taken without this state and within any other state, territory, or district of the United States, or any form substantially in compliance with the foregoing provisions of this chapter, shall be used:

(Begin with a caption specifying the state, territory or district, and county or place where the authentication is made.)

"I, _____, clerk of the _____ court in and for said county, which court is a court of record, having a seal (or I, _____, secretary of state of such state or territory), do hereby certify that _____, by and before whom the foregoing acknowledgment or proof was taken, was at the time of taking the same _____ residing or authorized to act in said

(Name of office held)

county, and was duly authorized by the laws of said state, territory, or district to take and certify acknowledgments or proofs of deeds of land in said state, territory, or district, and that said conveyance and the acknowledgment thereof are in due form of law; and, further, that I am well acquainted with the handwriting of said _____, and that I verily believe that the signature to said certificate of acknowledgment or proof is genuine. In testimony whereof, I have hereunto set my hand and affixed the seal of the said court or state this _____ day of _____, A.D. 19 _____."

Sec. 24. When out of the United States. When the acknowledgment is made without the United States, it may be before any ambassador, minister, secretary of legation, consul, vice consul, charge d'affaires, consular agent, or any other officer of the United States in a foreign country who is authorized to issue certificates under the seal of the United States.

Sec. 25. Authentication required. Said instruments may also be acknowledged or proven without the United States before any officer of a foreign country who is authorized by the laws thereof to certify to the acknowledgments of written documents; but the certificate of acknowledgment by a foreign officer must be authenticated by one of the above named officers of the United States, whose official written statement that full faith and credit is due to the certificate of such foreign officer shall be deemed sufficient evidence of the qualification of said officer to take acknowledgments and certify thereto, and of the genuineness of his signature, and seal if he have any.

Sec. 26. Certificate of acknowledgment. The court or officer taking the acknowledgment must indorse upon the deed or instrument a certificate setting forth the following particulars:

1. The title of the court or person before whom the acknowledgment was made.
2. That the person making the acknowledgment was known to the officer taking the acknowledgment to be the identical person whose name is affixed to the deed as grantor, or that such identity was proved by at least one (1) credible, ^{WITNESS} naming him.

2. That such person acknowledged the execution of the instrument to be his voluntary act and deed.

Sec. 27. Proof of execution and delivery. Proof of the due and voluntary execution and delivery of a deed or other instrument may be made before any officer authorized to take acknowledgments, by one (1) competent person other than the vendee or other person to whom the instrument is executed, in the following cases:

1. If the grantor dies before making the acknowledgment.
2. If his attendance can not be procured.
3. If, having appeared, he refuses to acknowledge the execution of the instrument.

Sec. 28. Certificate - must state what. The certificate indorsed by the officer upon a deed or other instrument thus proved must state:

1. The title of the officer taking the proof.
2. That it was satisfactorily proved that the grantor was dead, or that for some other reason his attendance could not be procured in order to make the acknowledgment, or that, having appeared, he refused to acknowledge the same.
3. The name of the witness by whom proof was made, and that it was proved by him that the instrument was executed and delivered by the person whose name is thereunto subscribed as a party.

Sec. 29. Subpoenas. An officer having power to take the proof hereinbefore contemplated may issue the necessary subpoenas, and compel the attendance of witnesses residing within the county, in the manner provided for the taking of depositions.

Sec. 30. Form. The certificate of proof or acknowledgment may be given under seal or otherwise, according to the mode by which the officer making the same usually authenticates his formal acts.

Sec. 31. By married women. The acknowledgment of a married woman, when required by law, may be taken in the same form as if she were sole, and without any examination separate and apart from her husband.

Sec. 32. Attorney in fact. The execution of any deed, mortgage, or other instrument in writing, executed by any attorney in fact, may be acknowledged by the attorney executing the same.

Sec. 33. Certificate. The person taking the acknowledgment must indorse upon such instrument a certificate, setting forth the following particulars:

1. The title of the person before whom the acknowledgment was taken.
2. That the person making the acknowledgment was known to the officer taking the acknowledgment to be the identical person whose name is subscribed to the instruments as attorney for the grantor therein named, or that such identity was proved to him by at least one (1) credible witness, to him personally known and therein named.
3. That such person acknowledged said instrument to be the act and deed of the grantor therein named, by him, as such attorney thereunto appointed, voluntarily done and executed.

Sec. 34. By officers of corporation. If the acknowledgment is made by the officers of a corporation, the certificate shall show that such persons as such officers, naming the office of each person, acknowledged the execution of the instrument as the voluntary act and deed of such corporation, by each of them voluntarily executed.

Sac. 35. Forms of acknowledgment. The following forms of acknowledgment shall be sufficient in the cases to which they are respectively applicable. In each case where one (1) of these forms is used, the name of the state and county where the acknowledgment is taken shall precede the certificate, and the signature and official title of the officer shall follow it as indicated in the first form, and the seal of the officer shall be attached when necessary under the provision of this chapter.

1. In the case of natural persons acting in their own right:

State of _____
County of _____ ss.

On this _____ day of _____, A.D. 19____, before me

_____, personally appeared _____
(Insert title of acknowledging officer)
_____, to me known to be the person _____ named in
and who executed the foregoing instrument, and acknowledged that _____
_____ executed the same as _____ voluntary act and deed.

Notary public in and for said county.

2. In the case of natural persons acting by attorney:

On this _____ day of _____, A.D. 19____, before me _____

_____, personally appeared _____
(Insert title of acknowledging officer)
_____ to me known to be the person who executed the fore-
going instrument in behalf of _____, and
acknowledged that he executed the same as the voluntary act and deed of said _____

3. In the case of corporations or joint stock associations:

On this _____ day of _____, A.D. 19____, before me, a _____

_____, in and for said county, personally appeared _____
(Insert title of acknowledging officer)
_____, to me personally known, who being by me
duly (sworn or) did say that he is _____
(affirmed) (Insert title of executing officer)

of said (corporation), that (the seal affixed to said instrument is the seal of said)
(association) (no seal has been procured by the said)

(corporation) and that said instrument was signed and sealed on behalf of the said
(association)

(corporation) by authority of its board of (directors) and the said _____
(association) (trustees)

_____ acknowledged the execution of said instrument to be the
voluntary act and deed of said (corporation) by it voluntarily executed.
(association)

(In all cases add signature and title of the officer taking the acknowledgment, and strike from between the parentheses the word or clause not used as the case may be.)

Sec. 36. Liability of officer. Any officer, who knowingly misstates a material fact in either of the certificates mentioned in this chapter, shall be liable for all damages caused thereby, and shall be guilty of a misdemeanor, and fined any sum not exceeding the value of the property conveyed or otherwise affected by the instrument on which such certificate is indorsed.

Sec. 37. Recording. No instrument affecting real estate is of any validity against subsequent purchasers for a valuable consideration, without notice, unless filed in the office of the recorder of the county in which the same lies, as hereinafter provided.

Sec. 38. Acknowledgment. It shall not be deemed lawfully recorded, unless it has been previously acknowledged or proved in the manner prescribed in this chapter, except that affidavits need not be thus acknowledged.

Sec. 39. Assignment by separate instrument or on margin of record. Recorded mortgages upon real estate may be assigned of record by the mortgagee or the record holder thereof, by the execution of an appropriate written instrument duly acknowledged and recorded in the county in which such real estate is situated. If such mortgage is recorded, an assignment thereof may be made by the mortgagee or the record holder of such mortgage executing an assignment on the margin of the record of such mortgage, and the assignor shall be identified and his signature to such assignment witnessed and attested by the recorder or his deputy.

Sec. 40. Index books. The recorder must keep index books, the pages of which are so divided as to show in parallel columns:

1. Each grantor.
2. Each grantee.
3. The time when the instrument was filed.
4. The date of the instrument.
5. The nature of the instrument.
6. The book and page where the record thereof may be found.
7. The description of the real estate conveyed.

Sec. 41. Index for affidavits. In case of affidavits each and every affidavit filed for record shall be indexed in appropriately ruled columns as follows:

Affidavit: of	Concerning Whom	Lot:	Blk.:	Addi: tion:	Town:	Sec.:	Twp.:	Rng.:	Remarks

Affiant.	Date of filing.			Date of Instrument.			Where Recorded.	
	Month	Day	Year	Month	Day	Year	Book	Page
			A.M.P.M.					

Sec. 42. Separate indexes required. Separate index books shall be kept for mortgages and satisfactions or releases of same, one (1) for those containing descriptions of lots, and one (1) for those containing lands; and separate books for other conveyances of real estate, one (1) for lots, and one (1) for lands; and an index book shall be kept for powers of attorney and affidavits; all of above indexes to be arranged alphabetically as provided in the next section.

Sec. 43. Names arranged alphabetically. The entries in such book shall show the names of the respective grantors and grantees, arranged in alphabetical order. When such instrument is executed by an administrator, executor, guardian, referee, commissioner, receiver, sheriff, or other person acting in a representative capacity, the recorder shall enter upon the index book the name and representative capacity of each person executing the instrument and the owner of the property if disclosed therein.

Sec. 44. Town lot deeds and mortgages in separate record. The recorder shall index and record all deeds, mortgages, and other instruments affecting lots in cities, towns, or villages, the plats whereof are recorded, in separate books from those in which other conveyances of real estate are recorded.

Sec. 45. Deeds covering both lands and lots - indexing. Where any instrument contains a description of land or lots in cities, towns, or villages, the plats whereof are recorded, and other land, he shall record such instrument in but one (1) record and charge but one (1) fee, but shall index in both land and town lot indexes.

Sec. 46. Filing - constructive notice. The recorder must indorse upon every instrument properly filed for record in his office, the day, hour and minute of such filing, and forthwith enter in the index book the entries required to be made therein, except the book and page where the complete record will appear, and such filing and indexing shall constitute constructive notice to all persons of the rights of the grantees conferred by such instruments.

Sec. 47. Deeds - transferred before recorded. The recorder shall not record any deed or other instrument unconditionally conveying real estate until the proper entries have been made upon the transfer books in the auditor's office, and indorsement made upon the deed or other instrument properly dated and officially signed, in substantially the following form:

Entered upon transfer books and for taxation this _____ day of _____

_____, 19____. My fee 25c paid by recorder.

Auditor.

Sec. 48. Recorder to collect fee and deliver to auditor. At the time of filing any deed or other instrument mentioned in the preceding section, the recorder shall collect from the person filing the same the recording fee provided by law, also the auditor's transfer fee, and forthwith deliver the deed and the transfer fee to the county auditor, after indorsing upon said instrument the following:

Filed for record, indexed and delivered to county auditor this _____ day of _____, 19____, at _____ o'clock _____ M.
Recorder's and auditor's fee \$ _____ paid.

Recorder.

Sec. 49. Final record. Every such instrument shall be recorded, as soon as practicable, in a suitable book to be kept by the recorder for that purpose, after which he shall complete the entries aforesaid, so as to show the book and page where the record is to be found.

Sec. 51. Transfer and index books. The county auditor shall keep in his office books for the transfer of real estate, which shall consist of a transfer book, index book, and plat book.

Sec. 52. Form of transfer book. Said transfer book shall be ruled and headed substantially after the following form; and entries therein shall be in numerical order, beginning with section one (1):

Section No. _____, Township _____, Range _____

GRANTEE.	GRANTOR.	DATE OF INSTRUMENT.	DESCRIPTION.	PAGE OF PLATS.

Sec. 53. Form of index book. Said index book shall be ruled and headed substantially after the following form:

NAMES OF GRANTEES.	PAGES OF TRANSFER BOOK.

Sec. 54. Book of plats - how kept. The auditor shall keep the book of plats so as to show the number of lot and block, or township and range, divided into sections and subdivisions as occasion may require, and shall designate thereon each piece of real estate, and mark in pencil the name of the owner thereon, in a legible manner; which plats shall be lettered or numbered so that they may be conveniently referred to by the memoranda of the transfer book, and shall be drawn on the scale of not less than four (4) inches to the mile.

Sec. 55. Entries of transfers. When a deed of unconditional conveyance of real estate or transcript of decree in a partition proceeding is presented, the auditor shall enter in the index book, in alphabetical order, the name of the grantee, and opposite thereto the number of the page of the transfer book on which such transfer is made; and upon the transfer book he shall enter in the

proper columns the name of the grantee, the grantor, date, and character of the instrument, the description of the real estate, and the number or letter of the plat on which the same is marked.

Sec. 56. Council's approval of plats - required before transfer. No conveyances or plats of additions to any city or town or subdivision of any lands lying within or adjacent to any city or town in which streets and alleys and other public grounds are sought to be dedicated to public use, or other conveyances in which streets and alleys are sought to be conveyed to such city or town, shall be so entered, unless such conveyances, plats or other instruments have indorsed thereon the approval of the council of such city or town, the certificates of such approval to be made by the city clerk.

Sec. 57. Judgments fixing title certified. Upon receipt of a certificate from the clerk of the district or supreme court, that the title to real estate has been finally established in any named person by judgment or decree of said court, or by will, the auditor shall enter the same upon the transfer books, upon payment of a fee of twenty-five cents (25c), which fee shall be taxed as costs in the cause, collected by the clerk, and paid to the auditor at the time of filing such certificate.

Sec. 58. Corrections of books, and instruments. The auditor from time to time shall correct any error appearing in the transfer books, and shall notify the grantee of any error in description discovered in any instrument filed for transfer, and permit the same to be corrected by the parties before completing such transfer.

Approved April 1, 1924.

CHAPTER 53

OCCUPYING CLAIMANTS

H. F. 78

AN ACT to amend, revise, and codify chapter three (3) of title twenty-three (23) of the compiled code of Iowa, relating to occupying claimants.

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

That chapter three (3) of title twenty-three (23) of the compiled Code of Iowa is amended, revised, and codified to read as follows:

CHAPTER 3

OCCUPYING CLAIMANTS

Section 1. Occupying claimants - right to improvements. Where an occupant of real estate has color of title thereto and has in good faith made valuable improvements thereon, and is thereafter adjudged not to be the owner, no execution shall issue to put the owner of the land in possession of the same, after the filing of a petition as hereinafter provided, until the provisions of this chapter have been complied with.

Sec. 2. Color of title - defined. Persons of each of the classes hereinafter enumerated shall be deemed to have color of title within the meaning of this chapter, but nothing contained herein shall be construed as giving a tenant color of title against his landlord:

1. A purchaser in good faith at any judicial or tax sale made by the proper officer, whether said officer had sufficient authority to make said sale or not, unless want of authority in such officer was known to the purchaser at the time of the sale.