

LAWS OF IOWA.

ton, Iowa, provided it shall not be at the expense of the State.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Iowa State Register April 23rd, 1862, and in the Burlington Hawkeye, April 28, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 150.

DEFAULT.

AN ACT to amend the Code of Civil Practice.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Sections 3156, 3157, 3158, and 3159, in Chapter 123 of the Revision of 1860, are hereby repealed, and the following is substituted therefor. When judgment by default is rendered against a Defendant who has not been personally served, the Court before issuing process to enforce such judgment, may if deemed expedient, require the plaintiff to give security to abide the future order of the Court as contemplated in Section 3160. **Plaintiff give security.**

SEC. 2. This Act shall take effect from its publication in the Iowa State Register and Des Moines Times, newspapers published at the Seat of Government.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Des Moines Times April 19th 1862, and in the Iowa State Register, April 23d, 1862.

ELIJAH SELLS, Secretary of State.

CHAPTER 151.

DOWER.

AN ACT to amend Article four of Chapter one hundred of the Revision of 1860 in relation to dower.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That Section two thousand four hundred and seven, **Sec. 2477, R. repealed.**

Wife's dower dred and seventy-seven of the Revision of 1860 be and the same is hereby repealed, and that there be enacted in lieu thereof the following, to-wit: Sec. 2477. One-third in value of all the real estate in which the husband at any time during the marriage had a legal or equitable interest, which has not been sold on execution or other judicial sale, to which the wife has made no relinquishment of her right, shall, under the direction of the Court, be set apart by the executor, administrator or heir, as her property in fee-simple, on the death of the husband, if she survive him. Continuous cohabitation as husband and wife is presumptive evidence of marriage for the purpose of giving the right aforesaid.

Cohabitation evidence of marriage.

Sec. 2478, R. repealed.

Widow's dower.

SEC. 2. That Section two thousand four hundred and seventy-eight of the Revision of 1860 be and the same is hereby repealed, and that there be enacted in lieu thereof the following, to-wit: Section 2478. If the referees report that the property or any part thereof cannot be readily divided as above directed, the Court, if satisfied with such report, may order the whole to be sold, and one-third of the proceeds paid over to the widow; but such sale shall not take place if any one interested to prevent it, will give security, to the satisfaction of the Court, conditioned to pay the widow the appraised value of her share, with ten per cent. interest on the same within such reasonable time as the Court may fix, not exceeding one year from the date of such security. If no such arrangement is made, the widow may keep the property, by giving like security to pay off the claims of all others interested, upon the like terms. With any money thus paid to her the widow may procure a homestead which shall be exempt from liability for all debts, past or prospective, from which the former homestead would have been exempt in her hands. And in order that the sale herein provided for may not be forced at unfavorable times, or contrary to the wishes or interests of those interested, it is further provided that such sale shall not be ordered so long as those in interest shall express a contrary desire and shall agree upon some mode of sharing and dividing the rents, profits or use of such property, or shall consent that the Court divide it by rents, profit or use.

Widow's homestead.

Rights of dower applicable to husband.

SEC. 3. Section two thousand four hundred and seventy-nine of the Revision of 1860 is hereby repealed, and the following in place thereof is enacted. Section 2479. All the provisions hereinbefore made in relation to the widow of a deceased husband, shall be applicable to the husband of a deceased wife. Each is entitled to

the same right of dower in the estate of the other, and the like interest shall in the same manner descend to their respective heirs. The estate by courtesy is hereby abolished.

SEC. 2. This Act being deemed of immediate importance shall take effect and be in force from and after its publication in the Daily State Register and Daily Des Moines Times, newspapers published in the City of Des Moines, Iowa.

Approved April 8th, 1862.

I hereby certify that the foregoing Act was published in the Daily State Register April 18, 1862.

ELLJAH SELLS, Secretary of State.

CHAPTER 152.

DEAF AND DUMB AND BLIND ASYLUM.

AN ACT to provide for the support of the Deaf and Dumb and Blind Asylum.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That to meet the ordinary ex-Appropriat'n
penses of the Deaf and Dumb and Blind Asylums, institutions for the education of mutes and the blind, including rents, furniture, books, maps, charts, music and musical instruments, and the compensation of the Principal, Matron, and Teachers of such institutions, there is hereby appropriated from the State Treasury, the sum of three thousand dollars per annum to each of said institutions, or, so much thereof as may be necessary.

SEC. 2. The Superintendent or Principal of each of the above named institutions shall be entitled to receive Salary of Principal
out of the above money appropriated, the sum of seven hundred dollars each.

The Matron of each of said institutions shall be entitled to receive the sum of two hundred and fifty dollars each; and any male teacher or teachers that may be employed by the officers of the Board in either of such institutions, shall receive not to exceed three hundred and fifty dollars per annum, and any female teacher or teachers that may be so employed, shall receive not to exceed two hundred dollars per annum, which several sums shall be paid out of the money above appropriated, quarterly, Pay of Matron and Teachers.