

deed or conveyance to property lying within this territory is himself without the territory, such deed may be acknowledged before any court of the United States or before the court of any state or territory having a seal, or the clerk of any such court, or before a notary public.

[54] **SEC. 2. Evidence, what to be competent, in relation to instruments conveying or affecting real estate.** The proof of the execution of any instrument in writing that conveys any real estate, or whereby any real estate may be affected in law or equity shall be

First: By the testimony of a subscribing witness; or,

Second: When all the subscribing witnesses are dead, or cannot be had, by evidence of the hand writing of the party, and of at least one subscribing witness, given by at least two credible witnesses to each signature.

**SEC. 3. Identity of subscribing witness, proof of.** No proof by a subscribing witness shall be taken unless such witness shall be personally known to at least one judge of the court, or to the officer taking the proof, to be the person whose name is subscribed to the instrument as a witness thereto, or shall be proved to be such by at least two credible witnesses.

**SEC. 4. Certificate of proof, when and under what restrictions granted.** No certificate of such proof shall be granted unless such subscribing witness shall prove that the person whose name is subscribed thereto as a party is the person who executed the same, that such person executed the instrument, and that such witness subscribed his name thereto as a witness thereof.

**SEC. 5. Repealing clause.** The twelfth, thirteenth, fourteenth, and fortieth sections of the act of which this is amendatory, be and the same are hereby repealed.

Approved, 15th February, 1844.

## CHAPTER 31.

### MILITIA.

AN ACT amendatory of an act entitled, "An act to organize, discipline, and govern the militia of this territory," approved July 31, 1840.

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

**SECTION 1. Repealing clause.** That section three of title three; section fifteen of article second, title six; section seven of title eight; article first of an act entitled "An act to organize, discipline and govern the militia of this territory," approved July 31st, 1840, and so much of all acts or parts of acts which now require militia drills, musters, trainings, inspections or reviews, in time of peace, be and the same are hereby repealed.

**SEC. 2. Assessor to return the names of those subject to duty; clerk to make abstract and return it to adjutant general.** That it shall be the duty of assessors in the several counties in this territory, at the time they return their assessment rolls, to return to the clerk of the board of county commissioners the names of all able bodied males, between the ages of eighteen and forty-five [55] years, resident in each township or precinct in their respective counties; and it shall be the duty of said clerks to make out and return forthwith to the adjutant general of this territory complete abstracts of the number of such able bodied males, which abstracts the said adjutant general shall file and carefully preserve in his office.

**SEC. 3. This act not to interfere with commander-in-chief.** This act shall in no way interfere with the authority of the commander-in-chief, or any other officer, in calling out the militia, or any portion thereof, whenever, in their opinion, the public safety may require it.

**SEC. 4. Adjutant general, his compensation.** The adjutant general shall receive for his services one hundred dollars per annum.

Approved, 15th February, 1844.

## CHAPTER 32.

### SHERIFFS' DEEDS.

AN ACT to authorize sheriffs to make and execute deeds for land sold on execution under the redemption law.

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

**SECTION 1. Sheriff required to make deeds for land sold under the execution laws, repealed by the act which took effect 20th February, 1843; provided said land shall not have been redeemed.** That the sheriffs of each and every organized county in this territory be and they are hereby authorized and required to make and execute a good and sufficient deed to the purchaser of any real estate at sheriff's sale, under the law subjecting real and personal estate to execution, repealed by an act of the legislative assembly which took effect the 20th day of February, 1843: provided, said real estate shall not have been redeemed in accordance with said redemption law: and provided further, that the sale of said real estate shall have been in strict accordance with said redemption law.

**SEC. 2. Upon return of certificate sheriff to make deed.** That any person holding a sheriff's certificate for land sold by virtue of the last mentioned law, (the same not having been redeemed,) may present the same to the proper sheriff in the county where such real estate is situated; and the said sheriff shall thereupon make out and deliver a deed to the holder of said certificate, in accordance with the law under which the same was sold, the same as though said law had never been repealed.

**SEC. 3. Sheriffs and coroners required to make deeds in certain cases.** The sheriffs and coroners, as the case may be of the several counties in this territory, be and they are hereby authorized and required to make and execute good and sufficient deeds to the purchasers of any real estate at sheriff's or coroner's sale, under the law [56] subjecting real and personal estate to execution now in force in this territory.

**SEC. 4. Time of taking effect.** This act shall be in force from and after its passage.

Approved, 15th February, 1844.

## CHAPTER 33.

### SHERIFFS.

AN ACT amendatory of the several acts regulating the election and duties of sheriffs.

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

**SECTION 1. Time of election.** That an election for sheriff shall take place on the first Monday in August next, and on the same day every second year thereafter.