

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 Appraisement law repealed.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act subjecting real and personal estate to execution," commonly called the valuation law, be and the same, are hereby repealed; and also, so much of the ninth section of said act, as requires the officer to notify in writing the defendant in execution, of the time, and place of sale: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shall be so construed as to affect any rights which may have accrued under and by virtue of the said sections, hereby repealed, but the same shall be prosecuted as though this act had not been passed.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,

the amount of his debt, in full satisfaction thereof, and the amount paid by said judgment creditor, to the clerk as aforesaid, with ten per cent. per annum added thereto, and at the expiration of said fifteen months, from the sale, the sheriff shall make a deed to the purchaser, or to the judgment creditor, who last redeemed, as the case may require.

SEC. 5. In force 1st April, 1846. This act to be in force from and after the first day of April next.

Approved, January 19th, 1846.

[33] CHAPTER 34.

JUDGMENT LIENS.

AN ACT concerning the lien of judgments.

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

SECTION 1. Judgment not a lien upon defendant's equitable interest in real estate if not upon record in county where judgment rendered. That no judgment in the district court in any county in this territory shall be a lien upon the equitable interest of the defendant in real estate: provided, said equitable interest does not appear of record in the county wherein said real estate is situated.

SEC. 2. Not a lien upon real estate after the expiration of ten years. No such judgment shall be a lien upon the real estate of the defendant after the expiration of ten years from the rendition thereof.

SEC. 3. Judgment to be a lien ten years from rendition, upon real estate in county where rendered. Such payment shall be a lien upon the real estate of the defendant situated in any county where such judgment shall be rendered ten years from the rendition thereof.

SEC. 4. Act in force from passage. This act to take effect and be in force from and after its passage.

Approved, January 19th, 1846.

CHAPTER 35.

TERRITORIAL AND COUNTY ROADS.

AN ACT relative to re-locations of territorial and county roads.

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

SECTION 1. Duty of county commissioners in the re-location of roads for less distance than three miles. That when any person or persons present to the commissioners of any county in this territory for an alteration or re-location of any county or territorial road for a less distance than three miles. the commissioners may, at their discretion, appoint [34] viewers and surveyor, as is now provided for by law. Said reviewers, after notification of their appointment, shall at their earliest convenience, meet at such time and place as a majority of them shall agree, and after being sworn according to