

one per cent. be hereby repealed, and the maximum tax to be raised upon real and personal property in said town, for corporation purposes, shall be two per cent. upon the assessed valuation of such property.

**SEC. 2. Assessor to assess property irrespective of improvements.** That the assessors, in making out an assessment of real estate within said town, for corporation purposes, shall return the assessed value of the same irrespective of improvements thereon.

**SEC. 3. Repealing section.** That so much of said act of incorporation as conflicts with the provisions of this act, be, and the same are hereby repealed.

Approved, Jan. 12, 1849.

## CHAPTER 54.

### HALF BREED TRACT.

AN ACT concerning claimants on the Half Breed Tract, in Lee county.

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

**SECTION 1. Persons in possession of real estate upon the half-breed tract entitled to pay for improvements.** That all persons, their heirs and assigns respectively, being possessed of any lands, town lots, or tenements, upon the half breed tract, in Lee county, and upon which there are improvements, shall be entitled to the full and appraised value of said improvements.

[69] **SEC. 2. In actions of right jury to find value of improvements.** That in any action of right or ejectment, for the recovery of any such lands, town lots, or tenements, the jury before whom such suit is tried, shall, if they find a verdict for the plaintiff, also find and return in such verdict, whether the defendant was possessed of any valuable improvements upon such lands, town lots, or tenements, which shall be entered on record as part of said verdict.

**SEC. 3. When defendant possessed of valuable improvements, the duty of clerk—duty of sheriff—oath—duty of appraisers—copy of appraisement to be deposited with the clerk.** That in case the jury shall render a verdict that the defendant is possessed of valuable improvements upon said land, tenements and town lots, the clerk of the court before whom such action of right or ejectment shall have been tried, shall, within twenty days after the term of said court at which any such judgment was rendered, issue a precipie to the sheriff of said county, commanding him, the said sheriff, to cause said improvements to be appraised, whose duty it shall be to call an inquest of five disinterested householders, having the qualifications of jurors, who shall be residents within the county where the improvements are situated, and administer to them an oath or affirmation as follows, to wit: "Do you and each of you solemnly swear, or affirm, that you will impartially appraise said improvements at a fair and reasonable valuation." And said appraisers, after appraising said improvements as aforesaid, shall return to said officer, under their hands and seals, an estimate of the real value of said improvements forthwith after such view, and the officer receiving such return shall deposite a copy thereof, with a particular description of the lands, town lots, and tenements upon which said improvements are situated, with the clerk of the court from which said writ issued, within thirty days after the date of said writ. The clerk of said court from which said writ was issued shall file said copy as a paper in the said cause, and it shall be taken and considered as part of the record.

**SEC. 4. Compensation—whom to pay fees.** The sheriff and appraisers shall receive the same fees for their services rendered in appraising said improvements, that they would be entitled to in case of appraisement of lands levied upon by virtue of an execution, including traveling fees; which fees shall be equally paid by the plaintiff and defendant in said suit, and shall be taxed by the clerk of said court in his bill of costs.

**SEC. 5. Writ of possession not to issue until ten days after the value of improvements shall have been paid.** That in all such cases, no writ of possession shall issue until the expiration of ten days after the amount of the appraised value of such improvements, as aforesaid, shall be deposited with the clerk of said court, for the use and benefit of the defendant, his heirs and assigns, whose duty it shall be to pay the same over to the defendant or his legal representatives on demand, taking a receipt therefor.

**SEC. 6. Benefit of this act to apply in all cases pending.** That the benefits and provisions of this act shall apply to all actions of right or ejectment pending and undetermined in said [70] county, at the taking effect of this act, as well as all others hereafter brought.

**SEC. 7. Repealing section.** That all acts and parts of acts which contravene the provisions of this act, be and the same are hereby repealed.

**SEC. 8. Take effect.** This act to take effect and be in force from and after its passage.

Approved, Jan. 12, 1849.

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## CHAPTER 55.

### HALF BREED TRACT.

AN ACT relative to the Record of the Decree of Partition of the Half Breed Tract of land in Lee county.

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

**SECTION 1.** In actions of ejectment or right relative to half breed tract in supreme court, a record of the decree of partition of said land to be taken as sufficient evidence in all cases. That in all actions of right or ejectment or other case relative to the half breed tract of land, situated in the county of Lee, which may be taken to the supreme court of this state by writ of error, appeal or otherwise, if a full and complete transcript of the record of the decree of partition of the said half breed tract of land shall be, or may heretofore have been filed in any one case in the office of the clerk of the supreme court, it shall be considered and taken by said court as sufficient evidence of said decree, and shall be received for all purposes for which said decree can be legally used in the trial of every other case in said supreme court.

**SEC. 2. Take effect.** This act to take effect and be in force from and after its passage.

Approved, January 12, 1849.