

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 That all acts and parts of acts which contravene the provisions of this act, be and the same are hereby repealed.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.

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.