

[138] CHAPTER 110.

EXECUTIONS.

AN ACT requiring all notices of sales by order of courts of record to be advertised in some newspaper.

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

SECTION 1. **Real estate sold by order of court to be advertised in newspapers.** That all sales of real estate made in pursuance of any judgment, decree, or decision of a court of record, shall be advertised by the sheriff or other officer authorized by law to offer the same for sale, in some newspaper published in the county where the said real estate is situated, if there be one, if, not, the same shall be advertised in the manner now required by law.

SEC. 2. **To be advertised not less than three times.** Such advertisement shall be made at least three times in a weekly, and not less than three times in a semi-weekly newspaper, if one is published in the county: *provided*, that the last publication shall in all cases be made two weeks previous to the time of sale.

SEC. 3. **Advertisement to describe property.** The advertisement shall briefly set forth a description of the property intended to be sold, the authority by which the said property is offered for sale, and such other matters as the court ordering sale may deem proper to direct.

SEC. 4. **To post up written notices.** *And be it further enacted*, that three written or printed notices be posted up in the town or township in which the estate to be sold is situated, at least three weeks previous to the time of sale.

SEC. 5. **Fees how paid.** The fees for advertising shall be paid out of the proceeds of the sale of the property advertised: *provided*, that the officers or individuals offering the said property for sale, shall be allowed such fees only as they are now allowed by law.

SEC. 6. **Take effect.** This act shall take effect and be in force from and after its publication in the Iowa City newspapers, and the secretary of state is hereby authorized and required to have this act published immediately after its passage.

Approved, Jan. 15, 1848.

Published in the Republican, Jan. 24th, and Reporter, Jan. 31st, 1849.

[139] CHAPTER 111.

ALLEMAKEE.

AN ACT to organize the county of Allemakee.

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

SECTION 1. **Allemakee organized.** That the county of Allemakee be, and it is hereby organized, from and after the first day of March next, and the

inhabitants of said county be entitled to all the rights and privileges to which, by law, the other inhabitants of other counties in this state are entitled.

SEC. 2. **Special election.** That there shall be a special election held on the first Monday in the month of April next, at which time the county officers of said county shall be elected, and also such number of justices of the peace and constables for said county as may be ordered by the sheriff of said county.

SEC. 3. **Duty of sheriff.** That it shall be the duty of the sheriff of said county to give at least ten days' notice of the time and place of holding such special election in said county, grant certificates of election, and in all respects discharge the duties required by law to be performed by the clerks of the boards of commissioners in relation to elections, until a clerk of the board of commissioners for said county may be elected and qualified: *provided*, that it shall not be necessary for said sheriff to take to his assistance two justices of the peace in opening the poll books and canvassing the votes polled at said special election.

SEC. 4. **Term of office.** That the county officers elected under the provisions of this act, shall hold their offices until the first Monday of August next, and until their successors are elected and qualified.

SEC. 5. **Term of office of justices of the peace.** That the justices of the peace and constables elected under the provisions of this act shall hold their offices until the first Monday of April, A. D. 1851, and until their successors may be elected and qualified.

SEC. 6. **Linton appointed sheriff.** That Thomas C. Linton be and he is hereby appointed sheriff of said county, and shall continue in office until the first Monday of the month of April next, and until his successor may be elected and qualified, and said sheriff shall be qualified to enter upon the discharge of the duties of his said office upon filing his oath of office in the clerk's office of the district court of Clayton county, which oath of office may be administered by said clerk.

SEC. 7. **Suits commenced in Clayton to be prosecuted to final judgment, etc.** That all actions at law or equity in the District Court of Clayton county, commenced prior to the organization of Allemakee [140] county, where the parties or either of them reside in said county of Allemakee, shall be prosecuted to final judgment, order or decree as fully and effectually as if this act had not passed.

SEC. 8. **Commissioners.** That William C. Linton, John Francis and James Jones, of the county of Clayton, be and they are hereby appointed commissioners to locate and establish the seat of justice of said county of Allemakee.

SEC. 9. **When to meet.** That said commissioners or a majority of them shall meet at the house of Thomas C. Linton, in Allemakee county, on the fifteenth day of June next, or within three months thereafter and proceed to locate and establish the seat of justice of said county.

SEC. 10. **Oath.** Said commissioners shall first take and subscribe the following oath, to-wit: "We do solemnly swear (or affirm) that we have no personal interest in the location of the seat of justice of the county of Allemakee, and that we will faithfully and impartially locate the same according to the best interests of said county, taking into consideration the future as well as the present population of said county, which oath or affirmation may be administered by any person authorized to administer oaths, and the officer administering said oath shall certify and file the same in the office of the

clerk of the district court of the county of Allemakee within three months after a clerk of the district court shall have been elected for said county whose duty it shall be to record the same.

SEC. 11. Make report in writing. That as soon as said commissioners shall have come to a determination where said seat of justice shall be located, they shall commit the same to writing, giving a particular description of the place so selected and located upon, and shall file the same in the office of the clerk of the board of commissioners of Allemakee county, whose duty it shall be to record the same, and to keep the same on file in his office, and the place thus designated shall be the seat of justice of said county.

SEC. 12. Compensation. Said commissioners shall each be entitled to receive the sum of two dollars per day while necessarily employed, and the sum of two dollars for every twenty miles travel in going to and from said seat of justice, which sum shall be paid out of the first moneys arising from the sale of town lots in such seat of justice.

SEC. 13. Take effect. This act shall take effect and be in force from and after its publication in the Miner's Express and Jackson county Democrat.

Approved, Jan. 15, 1849.

Published in Democrat Feb. 20th and Miner's Express March 6th, 1849.

[141] CHAPTER 112.

DEEDS.

AN ACT in relation to deeds of collectors of revenue.

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

SECTION 1. All lands, etc., sold for taxes to one person to be included in one deed. That where any lands or town lots have been or shall hereafter be struck off to any county of this state, upon the sale of lands or town lots for the non-payment of taxes, under or by virtue of any of the revenue laws of this state, now or heretofore in force, it shall be and is hereby made the duty of the collector (or the person whose duty it is by law to make deeds for the same) to include all of said lands and town lots in one deed, instead of executing a separate deed for each piece of land or town lot as is now provided by law, for which said deed he shall receive not to exceed the sum of ten dollars, to be paid out of the county treasury after the same shall have been audited and allowed by the county court for the proper county, and no further fee shall be allowed for making a conveyance of the lands or town lots mentioned in said deed.

SEC. 2. This act shall take effect and be in force from and after its publication.

Approved, January 15, 1849.