

to pay the interest thereon as prescribed in the 9th section of the act to which this is supplemental, it shall be the duty of the school fund commissioner to report the name of said delinquent to the prosecuting attorney of the county, within five days thereafter, who shall immediately commence suit against said delinquent for the collection of said interest.

SEC. 14. **Repealing section.** All acts and parts of acts contravening the provisions of this act, are hereby repealed.

SEC. 15. **Take effect.** This act shall take effect and be in force from and after its publication in the Iowa Capital Reporter and Iowa Republican.

Approved, Jan. 15, 1849.

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

[152] CHAPTER 124.

HOMESTEAD.

AN ACT to exempt a homestead from forced sale.

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

SECTION 1. **Real estate exempt from sale by execution—proviso.** That a homestead consisting of any quantity of land not exceeding forty acres used for agricultural purposes, and the dwelling house thereon and its appurtenances to be selected by the owner thereof, and not included in any recorded town plat, or city, or village, or instead thereof at the option of the owner, a quantity of land not exceeding in amount one fourth of an acre, being within a recorded town plat, or city, or village, and the dwelling house thereon, and its appurtenances owned and occupied by any resident of the state, shall not be subject to forced sale on execution or any other final process from a court, for any debt or liability, contracted after the fourth day of July in the year 1849: *provided*, that the value of such exempted homestead, or town lot and dwelling thereon shall in no case exceed the sum of five hundred dollars.

SEC. 2. **Exemption not affect mechanic's liens, or extend to mortgages, etc** Such exemption shall not affect any laborer's or mechanic's lien, or extend to any mortgage thereon lawfully obtained; but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same.

SEC. 3. **Execution defendants to notify officer what he regards as his homestead.** Whenever a levy shall be made upon the lands or tenements of a householder whose homestead has not been selected and set apart by metes and bounds, such householder may notify the officer at the time of making such levy, of what he regards as his homestead with a description thereof within the limits above prescribed; and the remainder alone shall be subject to sale under such levy.

SEC. 4. **Officer to have property surveyed.** If the plaintiff in execution shall be dissatisfied with the quantity of land selected and set apart as aforesaid, the officer making such levy shall cause the same to be surveyed, beginning at a point to be designated by the owner and set off in a compact

form, including the dwelling house and its appurtenances, the amount specified in the first section of this act, and the expenses of said survey shall be chargeable on the execution and collected thereupon, if it shall appear after such survey that the owner of said land did not correctly [153] state his metes and bounds; otherwise the expenses of survey shall be borne by the person directing the same.

SEC. 5. Officer to sell balance of said real estate. After the survey shall have been made, the officer making the levy may sell the property levied upon, and not included in the set off, in the same manner as provided in other cases for the sale of real estate on execution; and in giving a deed of the same, he may describe it according to his original levy, excepting therefrom by metes and bounds according to the certificates of survey, the quantity set off as aforesaid.

SEC. 6. Persons owning house on land not his own such house exempt from sale. Any person own[ing] and occupying any dwelling house on land not his own, which land he shall be rightfully in possession of, by lease or otherwise, and claiming such house as his homestead, shall be entitled to the exemption of such house.

SEC. 7. Not exempt lands from sale for taxes. Nothing in this act shall be considered as exempting any real estate from taxation or sale for taxes.

Approved Jan. 15, 1849.

CHAPTER 125.

APPORTIONMENT.

AN ACT to re-apportion the state and define the boundaries of senatorial and representative districts therein.

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

SECTION. 1. Lee. That the county of Lee shall have two (2) senators and five (5) representatives.

SEC. 2. Van Buren. That the county of Van Buren shall have two (2) senators and three (3) representatives.

SEC. 3. Davis, etc. That the counties of Davis, Appanoose and Wayne shall have one (1) senator and two representatives.

SEC. 4. Wapello, etc. That the counties of Wapello, Monroe and Lucas shall have one (1) senator and the county of Wapello two (2) representatives and the counties of Monroe and Lucas one (1) representative jointly.

SEC. 5. Marion, etc. That the counties of Marion, Polk, Dallas, Jasper, Marshall, Story, Boone, Warren and Madison shall have one (1) senator and two (2) representatives jointly.

SEC. 6. Des Moines. That the county of Des Moines shall have two (2) senators and three (3) representatives.

[154] **SEC. 7. Henry.** That the county of Henry shall have one (1) senator and two (2) representatives.

SEC. 8. Jefferson. That the county of Jefferson shall have one (1) senator and three (3) representatives.