

CHAPTER 101.

S. F. 109.

AN ACT to repeal section thirty-nine hundred and twelve (3912) of the code, and to enact a substitute therefor, relating to the sale of perishable property when seized under a writ of attachment.

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

SECTION 1. When to be sold. That section three thousand, nine hundred and twelve (3912) of the code be repealed and the following enacted in lieu thereof:

“When the sheriff thinks the property attached in danger of serious and immediate waste and decay, or when the keeping of the same will necessarily be attended with such expense as greatly to depreciate the amount of proceeds to be realized therefrom, or when the plaintiff makes affidavit to that effect, the sheriff may summon three persons having the qualifications of jurors to examine the same. The sheriff shall give the defendant, if within the county, three days’ notice of such hearing, and he may appear before such jury and have a personal hearing. If they are of the opinion that the property requires soon to be disposed of, they shall specify in writing a day beyond which they do not deem it prudent that it should be kept in the hands of the sheriff. If such day occurs before the trial day, he shall thereupon give the same notice as for sale of goods on execution, and for the same length of time, unless the condition of the property renders a more immediate sale necessary. The sale shall be made accordingly. If the defendant gives his written consent, such sale may be made without such finding.”

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and the Des Moines Leader, newspapers published at Des Moines, Iowa.

Approved March 9, 1898.

I hereby certify that the foregoing act was published in the Iowa State Register and the Des Moines Leader, March 10, 1898.

G. L. DOBSON,
Secretary of State.

CHAPTER 102.

H. F. 219.

AN ACT to amend section thirty-nine hundred and forty-seven (3947) of the code, relating to notice to defendant in case of garnishment.

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

SECTION 1. Notices substituted for motions. That section three thousand nine hundred and forty-seven of the code be and the same is hereby amended, by striking out the word “motions” in the fourth line of said section and substituting in lieu thereof the word “notices.”

Approved March 19, 1898.

CHAPTER 103.

S. F. 5.

AN ACT to amend section three thousand nine hundred and forty-eight [3948] of the code, relating to garnishment.

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

SECTION 1. Discharge of garnishee. That section three thousand nine hundred and forty-eight of the code be amended by striking out the period at the end of said section, and by adding to said section the following, “As to that part which is exempt or not liable.”

SEC. 2. In effect. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register and Des Moines Leader, newspapers published in Des Moines, Iowa.

Approved January 28, 1896.

I hereby certify that the foregoing act was published in the Iowa State Register and the Des Moines Leader, January 29, 1896

G. L. DOBSON,
Secretary of State.

CHAPTER 104.

S. F. 214.

AN ACT to amend section three thousand nine hundred and eighty-eight (3988) of the code, relating to levy of attachment or execution on mortgaged personal property.

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

SECTION 1. Character of bond required. That section three thousand nine hundred eighty eight (3988) of the code be amended as follows: Strike out of lines six (6) and seven (7) the following: "Conditioned for the payment of any sum to be found due to the person entitled thereto," and insert in lieu thereof the following: "Or double the value of the property levied upon, conditioned either for the payment of any sum found due on said mortgage to the person entitled thereto, or for the value of the property levied upon; as the party ordering the levy may elect." Also insert in line thirteen (13) after the word "mortgage" the following: "The value of the property levied upon."

Approved April 7, 1898.

CHAPTER 105.

H. F. 269.

AN ACT to amend section four thousand one hundred and forty-two (4142) of the code, relative to costs of translating shorthand notes in appeal to supreme court.

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

SECTION 1. Costs taxed. That section four thousand one hundred and forty-two (4142) of the code be amended by adding at the end of said section the following: "And also any translation of the shorthand notes which has been made of record in the court below, upon the certificate of the clerk of such court as to the amount of such costs."

Approved March 28, 1898.

CHAPTER 106.

H. F. 88.

AN ACT to amend sections four thousand two hundred and fifty-nine (4259) and two thousand nine hundred and thirty (2930) of the code, relating to partition of real estate, and to transfers in the county-auditor's office, and to make transfers by partition a matter of record in the offices of the county recorder and county auditor:

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

SECTION 1. Decrees of partition to be recorded. That section four thousand two hundred and fifty-nine (4259) of the code be, and the same is, hereby amended, by adding thereto the following:

"Upon the rendition of such decree the clerk shall file with the county recorder of the county a duly certified transcript of such part of the entire decree, in the case in which partition has been ordered, as may be necessary to show the volume and page where such decree is recorded, and the confirmation of the shares and interests of the parties in the property of which partition is made, and the names of the parties who are found entitled to such shares, and an accurate description of each of the shares allotted to the several owners; and such transcript shall be presented to the county