

CHAPTER 223.

ISSUANCE OF PATENT TO JOSEPH TUCKER.

H. F. 321.

AN ACT to authorize the governor of the state to execute to Joseph Tucker, a patent, conveying to him the south-west quarter (S. W. 1-4) of the south-east quarter (S. E. 1-4) of section five (5), township eighty-seven (87) north, range one (1), west of the 5th P. M. in Dubuque county, Iowa.

Whereas, on the 1st day of February, 1858, Mordecai Mobley and Martha Mobley, his wife, executed and delivered to Amos Matthews, school fund commissioner, a mortgage on the south-west quarter (s. w. 1-4) of the south-east quarter (s. e. 1-4) of section 5, township 87, north, range one (1), west of the 5th p. m. and other property, all in Dubuque county, Iowa, to secure the payment of the promissory note of the said mortgagors in the sum of \$500.00 which mortgage was filed for record February 3rd, 1858, and recorded in book 10 M., page 300 of mortgage records of Dubuque county, Iowa; and

Whereas, in an action in the district court of the state of Iowa, in and for Dubuque county, by the state of Iowa for the use and benefit of the school fund of the state against said Mordecai Mobley and said Martha Mobley and others, judgment was rendered on said note against said Mobeys on December 20th, 1862, for the sum of \$718.48, and a decree of foreclosure entered as against all said defendants on said mortgage and note, on which execution was issued March 10th, 1863, and said real estate sold thereon by the sheriff of said county to the state of Iowa, for the use and benefit of the school fund on the 17th day of April, 1863, and a sheriff's deed issued and delivered by said sheriff to said state of Iowa, which deed was filed for record October 1st, 1863, and recorded in book "Y", page 297, of Dubuque county records, the consideration of said deed being the sum of eighty dollars (\$80.00) and

Whereas, the records of Dubuque county, Iowa, to-wit, the school fund ledger in the auditor's office of said county, under the heading of "school fund notes in judgment" shows that said judgment was settled with the state auditor of Iowa, under the provisions of section 1, chapter 86, of the laws of 1872; and

Whereas, under chapter 148, laws of 1862, the clerk of the board of supervisors entered into an agreement with James Stokes for the purchase of said land and was authorized to sell the same to said James Stokes, and

Whereas, no patent or conveyance of said lands was ever issued by the state of Iowa, and said property has been continuously listed for taxation and was sold for taxes by V. J. Williams, treasurer of Dubuque county, Iowa, to one G. Salot, who afterward conveyed to James Stokes and has been continuously occupied by said James Stokes and his grantees including the said Joseph Tucker since 1876 in good faith and valuable improvements having been made thereon under the belief that a patent had been issued therefor and that said tax title was valid, now, therefore.

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

SECTION 1. Patent—pending litigation. That upon the payment of eighty dollars (\$80.00) by the said Joseph Tucker to the secretary of state of the state of Iowa, for the use and benefit of the school fund as by law provided, the governor of the state of Iowa be and he is hereby empowered and authorized to execute a patent to the said Joseph Tucker conveying to him the right, title and interest of the state of Iowa in and to the south-west quarter (s. w. 1-4) of the south-east quarter (s. e. 1-4) of section five (5), township eighty-

seven (87) north, range one (1) west of the 5th p. m., in Dubuque county, Iowa: provided however that this act shall not affect pending litigation.

SEC. 2. **In effect.** This act being deemed of immediate importance shall take effect and be in force from and after and its publication in the Cascade Pioneer, a newspaper published in the town of Cascade, Iowa, and in the Register & Leader, a newspaper published at Des Moines, Iowa.

Approved April 6, A. D. 1911.

I hereby certify that the foregoing act was published in the Register and Leader April 8, 1911, and in the Cascade Pioneer April 13, 1911.

W. C. HAYWARD,
Secretary of State.