

J. M. PARKER, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER :

Your Committee on Judiciary, to whom was referred house file No. 148, a bill for an act to provide for the sale and distribution of the proceeds of specific articles of personal property owned by two or more persons who disagree in regard to the use thereof, beg leave to report that they have had the same under consideration and have adopted a substitute therefor, and have instructed me to report the same back to the house with the recommendation that it do pass.

J. M. PARKER, *Chairman.*

Ordered passed on file.

SUBSTITUTE FOR HOUSE FILE NO. 148.]

A BILL

FOR AN ACT TO PROVIDE FOR THE SALE AND DISTRIBUTION OF THE PROCEEDS
OF SPECIFIC ARTICLES OF PERSONAL PROPERTY OWNED BY TWO OR MORE
PERSONS WHO DISAGREE IN REGARD TO THE USE THEREOF.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That when two or
2 more persons are the owners of any specific article of personal property of less value than
3 one hundred dollars, either party desiring to have the same partitioned may do so.

SEC. 2. The party so desiring to have the same divided shall file a petition under oath
2 before any justice of the peace in the township where either of the other owners of the prop-
3 erty may reside, setting forth a description of such article of personal property, the date of
4 purchase, the extent of the interest of the petitioner, and of the other parties who claim or
5 have any interest therein, that he desires a division thereof, the value of the article, and in
6 whose possession the same is: whereupon the justice shall issue a notice to the other owners
7 of said article of property as shown by such petition, the same as is required in civil actions
8 before a justice of the peace, which notice shall inform such other parties of the nature of
9 the action and the time and place set for trial; such notice shall be served in the same man-
10 ner as other original notice in justice courts, and the same length of time shall be given for
11 appearance as in other civil actions in said court.

SEC. 3. At the time set for hearing, the case shall be tried the same as any other civil
2 cause, before a justice of the peace, and subject to same rights of appeal; and the only issues
3 that shall be determined on such trial shall pertain to the ownership of such article of per-
4 sonal property, and the interests of the respective owners therein.

SEC. 4. When it shall have been ascertained who are the owners of such article, and that
2 the plaintiff in the action is an owner of an interest therein, and the extent of the ownership
3 of all the parties is determined, the justice of the peace shall issue his mandate to a constable
4 of the same township, directing the said constable to take immediate possession of said arti-
5 cle of personal property, which mandate shall be sufficient authority to such constable to
6 take possession of the same. The said mandate of such justice shall also authorize such con-
7 stable, after taking the said property, to make a sale of the same, in the same manner that
8 personal property taken on execution by such officer is sold, except that no appraisalment
9 thereof shall be made.

SEC. 5. It shall be the duty of the constable serving such mandate without delay to take
2 possession of such article of property and sell the same in the manner hereinbefore provided,
3 and make return of his doings to the justice who issued such mandate.

SEC. 6. When the constable shall have made return to the justice as hereinbefore pro-
2 vided, the said justice shall, out of the proceeds of the sale of such property, pay all costs of
3 the proceeding, and distribute the remainder of the proceeds to the persons who have been
4 found to be the owners thereof, according to their respective shares therein: *provided, how-*
5 *ever,* that when, in the opinion of the justice, either party has made any unnecessary costs,
6 such costs shall be taxed up to the party making them, and not taken out of the proceeds of
7 the sale of property.