

Commission-
ers appointed.

SEC. 8. S. B. Umstead, of Clayton county, Shadrach Burliston, of Jackson county, and Paul Cain, of Du Buque county, shall [be] and they are hereby appointed commissioners to locate said county seat under the provisions of this act.

Approved December 20, 1839.

[Chap. 8.]

AN ACT to district the county of Henry into three county commissioners' districts.

Districts
defined.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the said county shall be divided into three county commissioners' districts, as follows, to wit: That all that portion of the county of Henry that is included in range five, shall be known as district number one, and all that portion of said county that is included in range six shall be known as district number two, and that portion of said county which is included in range seven shall be known as district number three.

Mode of elect-
ing commis-
sioners.

SEC. 2. *Be it further enacted,* That at the next general election there shall be elected from district number one, one county commissioner, and that thereafter annually there shall be elected from each district one county commissioner alternately, according to provision of the law regulating general elections.

Approved December 23, 1839.

[Chap. 9.]

AN ACT to authorize evidence by the oath of parties.

Party in suit
witness for his
antagonist.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That either party in any suit in any court within this territory, such suit being founded on contract, may cause the opposite party, or any person of such party, to be subpoenaed as a witness, in the same manner, and with like effect, as any other person. If the party after being personally subpoenaed, fail to attend the trial personally, and such failure be not accounted for, the court may allow the other party to be sworn and examined as a witness in all cases and with like effect as if the subpoenaed party had been personally present and had refused to testify.

Party witness
for himself.

SEC. 2. If no evidence shall be given to establish any demand founded upon contract, or to establish any set off, or if the evidence given be insufficient for that purpose, the court may, upon the application of the party offering such demand or set off, order the opposite party, or any person of such party, to be sworn in relation thereto. If the party thus required refuse to testify, the court shall allow the party offering such demand or set off to be sworn and examined in relation to the same matter. After examination of either party, no further evidence shall be given in relation to such demand or set off.

Opposite party to be sworn.
If he refuse to testify, the other party his own witness.
No further evidence.

Approved December 23, 1839.

[Chap. 10.]

AN ACT relative to Coroners and their duties.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That there shall be elected in each of the organized counties of this territory, at the time and place of holding the general election, a coroner who shall hold his office for two years and until his successor is elected and qualified. He shall, before exercising any of the duties of his office, take an oath faithfully to fulfil the duties of such office; and when called upon to exercise the duties of sheriff he shall execute such bond and security as the clerk of the district court may require.

Election and term of office.
Oath and bond.

SEC. 2. It shall be the duty of the coroner to execute all process in his county in all cases when just exception can be taken to the sheriff or his deputy, or when there is no sheriff.

Duty when sheriff concerned.

SEC. 3. In all cases upon affidavits being made and filed in any court of record in this territory, of the partiality, prejudice, consanguinity or interest of the sheriff or of the deputy of the sheriff of any county when suit is about to be brought or shall have been commenced, it shall be the duty of the clerk to issue and direct original or other process in the suit that would regularly go to such sheriff or deputy, to the coroner, who shall execute the same and attend to the same throughout in the same manner as the sheriff could or ought to have done.

Same.

SEC. 4. The partiality, prejudice, consanguinity or interest of the sheriff or deputy, shall not be cause for change of venue, but the coroner shall per-

Same.