

erty against existing creditors or subsequent purchasers, without notice, unless the bill of sale or other instrument of writing conveying the same be acknowledged before some justice of the peace for the county where the same is executed and recorded, within ten days, in the office of the recorder of deeds for the county where the holder of the property resides.

SEC. 9. *And be it enacted*, That the recorders of ^{And recorded.} deeds in the several counties in this territory be and they are hereby required to record all such conveyances of personal property in a separate book to be kept by them for this purpose; and for the recording of any such conveyances of personal property, the recorders shall receive the same fees for every one hundred words as they are entitled to receive for recording other deeds.

Approved January 16, 1840.

[Chap. 55.]

AN ACT to amend "An act relative to mechanics' liens, and for other purposes," approved December seventeenth, in the year eighteen hundred and thirty-eight.

SECTION 1. *Be it enacted by the Council and House of* ^{Summons to issue.} *Representatives of the Territory of Iowa*, That upon filing the bill or petition or account provided for in the act to which this is amendatory, the clerk of the district court of the proper county, or justice of the peace, shall issue a summons against the debtor in the usual form, with an endorsement signed by said clerk, justice, or plaintiff, or his attorney, stating the nature of the action.

SEC. 2. That said writ shall be served in like man- ^{How served.} ner as a summons in an ordinary suit upon the person therein named, if to be found in the county, if not to be found, then by fixing a copy of the writ and endorsement upon some conspicuous place upon the building or other property to which the lien attaches.

SEC. 3. That upon return of service and failure of ^{Defendant may plead.} the defendant to appear, the court or justice of the peace shall render judgment according to the justice and equity of the case; but if the defendant shall appear, he may plead and make defence, as in personal actions for the recovery of debts.

SEC. 4. This act to be in force from and after its passage.

Approved January 16, 1840.