

SEC. 14. Process may be served on any officer. Legal process may be served upon any officer of the association, or if there are no officers, then upon any member thereof.—This shall be deemed a sufficient service upon the partnership.

SEC. 15. Payment of dividends. The payment of dividends which shall leave insufficient funds to meet the liabilities of the partnership, shall be deemed fraudulent.

SEC. 16. Civil suits for fraud. The perpetration of any fraud, shall render the individual property of all those engaged in, or cognizant of, such perpetration, liable for the partnership debts.

SEC. 17. Execution against company, how served. Whenever an execution shall be issued against the company, and after reasonable inquiries no partnership property can be found sufficient to satisfy the same, it shall be lawful to levy in the first instance upon the individual property of any of the partners. This property shall only be released from the effects of the levy, by either.

First—Pointing out sufficient partnership property whereon to levy; in which case the costs thus far made by the first levy shall be added to the amount to be collected from the company by the execution, or,

Second—By informing the officer who made the levy, that the funds of the partnership are wholly exhausted. In this latter case the officer shall forthwith make return of that fact to the court from whence the [29] execution issued. He shall thereupon suspend all further proceedings under the execution, and the property shall be treated as though held by virtue of a writ of attachment, until the further order of the court.

SEC. 18. Plaintiff may direct release of property. The plaintiff may direct a release of the property thus taken in execution, or he may appear before the court at the return day of the execution, or as early as practicable afterwards, and in answer to a rule to show cause why the property should be sold, may allege such matters as will render the private property of the partners liable, or that the funds of the partnership are not exhausted; and issue shall thereupon be joined to be tried by a jury.

SEC. 19. Company to exhibit books and papers. Upon such trial, it shall be necessary for the company to exhibit their books and papers if required, and to explain by those, or some other means, the fairness and regularity of their business transactions.

SEC. 20. Remedy for partner when he pays a firm debt. Whenever the private property of one of the partners is thus held, he shall have a claim for indemnity against the company.

SEC. 21. Any of the partners may sue company at law. Any of the partners may sue the company at law for a private demand against the partnership.

Approved, January 17th, 1846.

CHAPTER 31.

GARNISHEES.

AN ACT to amend an act entitled "An act regulating practice in the district courts of the territory of Iowa."

Be it enacted by the Council and House of Representatives of the Territory of Iowa,

SECTION 1. Garnishee required to appear—facts to be tried by jury. That a garnishee clause in an execution issued from any court of record, shall re-

quire the garnishee to appear at the next term of the court from which said writ issued, and the plaintiff in execution may deny the answer of such garnishee, and the issue shall be tried in the same manner as other issues of fact are tried; and if it shall be found that such garnishee had under his control, or in his possession, any money, property, right or credit of any name, kind or description, or any right, either legal or equitable, to any real estate be- [30] longing to said defendant in execution, the same shall be bound for the payment of such judgment from the day of the service of such summons of garnishee. And the said garnishee shall be responsible for the same to the plaintiff in execution, and the court shall adopt such rules, and make such orders, as shall be necessary to compel a full and complete exhibition of the rights of the defendant in execution of every kind, kept or held back, or which may be in any manner in the hands of the garnishee for the present or future benefit of the defendant in execution.

SEC. 2. Fees of witnesses to be taxed on party against whom judgment is rendered, unless otherwise ordered by court. All necessary witnesses, summoned, sworn and examined, or sworn and examined without being summoned, shall be taxed in the general bill of costs, and paid by the party against whom judgment is given, unless the court for good cause shown, shall otherwise order.

SEC. 3. Act in force from passage. This act shall take effect and be in force from and after its passage.

Approved, January 19th, 1846.

CHAPTER 32.

ELECTORAL DISTRICTS.

AN ACT to amend an act entitled "An act to district the territory of Iowa into electoral districts, and to apportion the representatives of each."

Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. Third, fourth, fifth sixth electoral district apportioned. That the third district composed of the county of Des Moines, shall be entitled to one member of the council and four members of the house of representatives.

The fourth district composed of the county of Henry, shall be entitled to one member of the council, and two members of the house of representatives.

The fifth district composed of the counties of Jefferson, Wapello and Kishkekosh, shall be entitled to one member of the council, and two members of the house of representatives.

The county of Jefferson shall elect one member, and the counties of Wapello and Kishkekosh one member to the house of representatives.

That the sixth district, composed of the counties of Louisa, Washington, Keokuk, Mahaska and Marion shall be entitled to one member of the council, and three members of the house of representatives; the [31] county of Louisa shall elect one member; the counties of Washington and Keokuk shall elect one member, and the counties of Mahaska and Marion shall elect one member of the house of representatives.

SEC. 2. Davis and Appanoose set apart. That the counties of Davis and Appanoose are hereby set apart from the county of Van Buren in the election of members of the house of representatives, and shall be entitled to one