

SEC. 6. Board of trustees to execute all instruments of writing, etc. All deeds or other instruments of writing, or conveyance, shall be made by order of the board of trustees, sealed with the seal of the corporation, signed and acknowledged by the president in his official capacity, in order to render them good and valid in law.

SEC. 7. Power to repeal reserved. That the Legislature shall have power, at any time, to alter, amend, or repeal this act.

SEC. 8. When to take effect. This act shall take effect and be in force from and after its passage.

Approved December 31, 1840.

[19] CHAPTER 24.

AN ACT supplementary to an act for the benefit of settlers, etc., on the Half Breed lands, approved December 6, 1839.

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

SECTION 1. Each settler authorized to select one section of land—proviso—ib. That it shall be lawful for any settler on the Half Breed lands, to select not to exceed one section of land in said tract, a part of which may be prairie and a part timber: Provided, he has an interest in or a title to said land, by paying a tax on the same: And provided further, That he shall not, in his selection, interfere with the claim of any other settler on said land.

SEC. 2. Settler to consult his convenience as to amount inclosed—receipts for taxes evidence of title. And in order that the settler may hold his claim peaceably, quietly and undisturbed, until the perfect title is ascertained and settled by the due course of law, it shall not be deemed necessary for him to enclose more of said land than may suit his convenience; and his receipt for taxes, from the proper officers, shall be regarded as sufficient evidence of title and ownership as to authorize him to commence and sustain his action for any wrongs or trespasses committed upon his claim, as set forth in the first section of this act.

SEC. 3. Proviso. Provided, however, That if any settler shall neglect or refuse to pay the tax on his claim for one year, then and in that case his title shall not be regarded further than his improvements and possession extend.

SEC. 4. Of actions to be commenced under this act. All actions commenced under the provisions of this act, shall be by action of forcible entry and detainer, or by action of trespass, as the case may require.

SEC. 5. When to take effect. This act to take effect and be in force from and after its passage.

Approved December 31, 1840.

CHAPTER 25.

AN ACT to district the county of Linn for the election of county commissioners.

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

SECTION 1. Duty of county commissioners—county to be districted in proportion to population—classification of districts. That the board of county

commissioners in and for the county of Linn, be and they are hereby authorized and required to lay off the county aforesaid into three county commissioners' districts, prior to the first day of August, A. D. eighteen hundred and forty-one, making the division as nearly as possible in proportion to the population of said county; and the [20] districts shall be classified by said commissioners as districts number one, number two, and number three.

SEC. 2. Election of commissioners—commissioners to be elected from each district alternately. That at the next general election there shall be elected from district number one one county commissioner; and alternately thereafter there shall be elected from each district one county commissioner annually, in accordance with the provisions of an act organizing a board of county commissioners in each county in this Territory, approved December 14, A. D. eighteen hundred and thirty-eight, in like manner as though the county had been divided under the provisions of said act.

Approved December 31, 1840.

CHAPTER 26.

AN ACT providing for the service of writs by copy in certain cases.

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

SECTION 1. Writs may be served by reading and delivering copy. That all writs of summons, issuing from any court of record in this Territory, shall be served by reading and delivering a copy thereof, attested by the officer serving the same, to the defendant, if found; and if not found, by leaving an attested copy at his dwelling house or usual place of abode, with some person of the family of fifteen years of age, and stating the contents to said person.

SEC. 2. Suits against corporations, how summons to be served. That in all suits against any corporation, the summons shall be served by leaving an attested copy thereof with the clerk, cashier, secretary, agent, or any other officer having charge of their business; and if there be no such officer found within the county the summons may be served on any member of the corporation.

SEC. 3. Suits against county commissioners. That in all suits against the board of commissioners of any county, or against the inhabitants of any county in this Territory, the summons shall be served by leaving an attested copy thereof with one of the commissioners, or with the clerk of the board of county commissioners.

Approved December 31, 1840.

[21] CHAPTER 27.

AN ACT supplemental to an act regulating practice in the district courts.

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

SECTION 1. Of actions of tort—plaintiff not to recover more costs than damages. That in all actions of tort brought originally in any of the District Courts of this Territory, if the plaintiff or plaintiffs recover less than fifty dollars, such plaintiff or plaintiffs shall recover no more costs than damages.