

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.

SEC. 2. When to take effect. This act shall take effect and be in force from and after the third day of March, A. D. one thousand eight hundred and forty-one.

Approved December 31, 1840.

CHAPTER 28.

AN ACT to amend an act establishing certain territorial roads therein named.

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

SECTION 1. Commissioners appointed to lay out road—route of road—time and place of meeting. That Luman M. Strong and Israel Mitchell, of Linn county, and John West, of Johnson county, be and they are hereby appointed commissioners to lay out and establish a territorial road from Iowa City by the way of Marion, (the seat of justice of Linn county,) the seat of justice of Delaware county, and the mouth of Elk creek, in Clayton county, to the Mississippi river, opposite to Prairie du Chien. Said commissioners shall meet at Iowa City on the first Monday in May, eighteen hundred and forty-one, or at such other time within three months thereafter as said commissioners shall agree upon.

SEC. 2. Commissioners to take oath—form of oath. That each of the commissioners appointed under the provisions of this act, shall, before he enters on the duties required of him, take and subscribe, before some justice of the peace or other officer authorized to administer oaths, the following affidavit: "I do solemnly swear (or affirm, as the case may be) that I will faithfully and impartially, without prejudice or favor, perform the duties of commissioner to lay out and establish a road from Iowa City to the Mississippi river, opposite to Prairie du Chien, according to the provisions of the first section of this act."

SEC. 3. Compensation to commissioners, surveyors, etc. That each of the commissioners above appointed, together with each of the surveyors, chain carriers, and markers, employed by them, shall receive for their services each day they may be necessarily employed in the discharge of the duties enjoined in this [22] act, the following sums, to-wit: Commissioners, each three dollars; the surveyor two dollars and fifty cents; chain carriers and markers, each one dollar and fifty cents; which several sums shall be paid according to the provisions of an act for laying out and opening territorial roads.

SEC. 4. Vacancies—how to be filled—proviso. That should any of the commissioners appointed by this act die, or refuse to serve, the commissioners of the county wherein such vacancies shall happen are hereby empowered and authorized to fill the same: Provided, however, that two of them shall have the power to perform the duties herein named.

SEC. 5. Repealing section. That all that part of section one after the enacting clause of an act establishing certain territorial roads therein named, approved January 14, 1840, is hereby repealed.

Approved December 31, 1840.