

CHAPTER 3.

CONSTABLES.

AN ACT to amend an act entitled "An act for the election of constables, and defining their duties," approved January 24th, 1839.

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

SECTION 1. Constables to give bond, when and to whom given—security, penal sum of, conditions of, and where filed. That it shall be the duty of every constable, previous to taking the oath required in the second section of the act to which this is an amendment, to execute to the acceptance of the township trustees of the proper township for which such constable may be elected, a bond with good and sufficient security, payable to the township treasurer and his successors in office, in the penal sum of five hundred dollars, conditioned for the faithful performance and discharge of the duties of his office as constable, and for the safe keeping and paying over according to law to the proper persons, all sums of money that may come into his hands by virtue of his said office, which bond shall be filed by the Clerk of the proper township.

SEC. 2. In counties where townships not organized, bond to be given to the board of county commissioners, when so given to whom payable, and by whom filed. That it shall be the duty of every constable in the counties where the townships are not organized, to execute his bond according to the provisions of the first section of this act to the acceptance of the board of county commissioners of the proper county, which bond shall be made payable to the county treasurer and his successors in office, and be filed in the office of the clerk of such board of county commissioners.

SEC. 3. Misconduct in office—remedy for, how obtained. That any person or persons, bodies politic or corporate, who may sustain injury by reason of the official conduct of any constable, may cause such bond to be put in suit for his or their benefit, which suit and all subsequent proceedings by any other person or persons, bodies politic or corporate, on writs of enquiry to assess damages for breaches of the condition of such bond, shall be governed [3] by the provisions of the sixteenth section of an act regulating practice in the district courts in the territory of Iowa, approved February 10th, 1843.

SEC. 4. Repealing clause. That the third section of the act to which this is amendatory, and the twenty-third section of an act entitled "An act for the organization of townships," approved February 17th, 1842, be and the same are hereby repealed.

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

Approved, 5th February, 1844.