

Case No. 4,047. DOWNS v. ROCK ISLAND COUNTY.
[4 Biss. 508.]¹

Circuit Court, N. D. Illinois.

Jan., 1869.

SERVICE OP MANDAMUS.

A writ of mandamus against a board of supervisors, whether alternative or peremptory, should be served upon the individual members. An acceptance by the clerk, although "by order of the board," is not sufficient

Alternative writ of mandamus was served on the clerk of the board of supervisors of Rock Island county, and service admitted by such clerk, "by order of the board." Application was made that a peremptory writ issue.

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DRUMMOND, District Judge. This mode of return is objectionable. I think that the officer ought to serve the writ on the parties themselves and return the fact that he has done so. This might give rise to controversy; still, under the special circumstances, I will give you the peremptory writ, but I think that ought to be served on the individual members of the board.

¹ [Reported by Josiah H. Bissell, Esq., and here reprinted by permission.].