

[32] CHAPTER 42.

AN ACT to amend an act relative to practice in the district courts.

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

SECTION 1. **All persons competent to institute suits, etc.—how to proceed—duty of clerk.** That hereafter it shall be competent for any person or persons, when they wish to institute suit in any of the courts of record of this territory, (if their demand shall be founded on contract,) to file their account, single bill, promissory note, or due bill, with the clerk of said court, whose duty it shall be to issue process against the defendant or defendants, in the same manner as if a declaration and preceipe had been filed in the usual form.

Sec. 2. Parties may prosecute and defend in person. That upon the return of the writ, served, the plaintiff and defendant may appear and prosecute and defend, in proper person, and proceed to final judgment in said suit, as in other actions conducted by attorneys in the district courts.

Sec. 3. Non-residents to give security for costs, etc.—security may be demanded for costs paid—proviso. In all suits hereafter commenced in any of the courts of record in this territory, when the plaintiff is a non-resident of the county, the clerk of the court may, if he think it expedient, demand of him security for costs, before the institution of the suit; and the court shall, at any time before the trial, and on the application of the defendant, and his affidavit filed, stating that he is not indebted to the plaintiff in the sum aforesaid, or any less amount, order the plaintiff to give security for costs paid; if he fail to do so, the suit shall be dismissed at his costs: provided, the security for costs shall in no case be extravagant, but moderate.

Sec. 4. Repealing clause—when to take effect. That the seventh section of an act amendatory to "An act regulating practice," passed at the session of eighteen hundred thirty-nine and forty, be and the same is hereby repealed. This act to take effect and be in force from and after its passage.

Approved January 9, 1841.

CHAPTER 43.

AN ACT to establish a territorial road from the north part of Washington county to the Missouri line.

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

SECTION 1. Names of commissioners—road from Washington to southern boundary of territory—meeting of commissioners—pay of commissioners, surveyor, etc. That E. C. Fairchilds, of Washington county, Alexander Winsel, of Jefferson county, and Jesse Belknap, of Van Buren county, be and they are hereby appointed commissioners to lay out and establish a territorial road, commencing in Washington county, where the north line of said county crosses [33] the military road leading from Iowa City to Mount Pleasant; thence to Washington, the county seat of said county; thence to Brighton, in said county; thence to Fairfield, the seat of justice of Jefferson county; thence to Iowaville, in Van Buren county; thence to a suitable point on the southern boundary of the territory. Said commissioners shall meet at the town of Washington on the third Monday in June, A. D. eighteen hundred and forty-one, or at such subsequent time during the year as they shall agree. The com-