

CHAPTER 97.

AN ACT supplementary to an act regulating marriages, approved January 6, 1840.

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

SECTION 1. That all marriages which may have been solemnized by any regularly ordained or licensed minister of the gospel in this territory, previous to the taking effect of this act, shall be in all respects as valid in law, as though the same had been solemnized by a minister licensed as required by the third section of the act to which this is a supplement.

SEC. 2. This act to take effect from and after its passage.

Approved, February 17, 1842.

CHAPTER 98.

AN ACT to amend an act relative to divorce, alimony, and for other purposes.

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

SECTION 1. **When a husband abandons his wife.** That when the husband is about to abandon, or has abandoned his wife, with the intention of leaving the territory, and neglects or refuses to provide for her maintenance, upon a statement filed by her of that fact, with the clerk of the district court, supported by the affidavit of some creditable person, the clerk shall thereupon, issue a *capias*, to hold the said husband to bail, and endorse thereon, that bail is required, and in what sum, according to the circumstances of the case.

[88] SEC. 2. **Held to bail.** That when the husband is held to bail, the undertaking of the bail shall be, that the defendant appear at the next term of the district court, to abide by, and perform the decrees of the court, in the case, and at the next term of the court such order shall be taken in the premises as is provided for in the eighth section of the act to which this is amendatory.

SEC. 3. **Amendment.** That the third section of the act, to which this is amendatory, be and is hereby so amended, that only three months residence in the territory, is required, previous to filing a bill for a divorce by any person under the said act.

SEC. 4. **Proceedings against a non-resident for divorce.** That in all cases of proceedings, against a non-resident defendant for divorce, the plaintiff may cause personal service of the bill and subpoena to be made on the defendant by some disinterested person, and by proof of service, so made by the affidavit of the person making the same, or by his testimony in open court, the plaintiff may proceed to a decree in the same manner as if publication had been duly made, and the defendant had not appeared: provided, such service shall have been made in time for the defendant to reach the place where the suit is pending, by travelling at the rate of twenty miles per day, before the decree is made.

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

Approved, February 17, 1842.