

the person so offending shall, on conviction thereof before any justice of the peace, forfeit and pay for every such offence a sum not exceeding ten dollars, and shall moreover pay to the party injured double damages.

Fees of clerk.

SEC. 3. That the Clerks of the Board of County Commissioners shall be entitled to receive for recording any mark or brand, twelve and a half cents, and for giving a certificate of the same, when required, twelve and a half cents.

CHAP. XI.VIII.—An Act requiring certain Officers to keep their offices at the County Seat.

Sheriff, Register, etc.

SEC. 1. That the Sheriff, the Register of Deeds, the Clerk of the District Court, and the Clerk of the Board of County Commissioners of each county of this Territory, are hereby required to keep their offices at the county seat of their respective counties; and if any of said officers shall neglect to comply with this provision, he shall forfeit for each and every day's neglect, the sum of ten dollars.

CHAP. XLIX.—An Act concerning the admission of Attorneys at Law.

Qualification necessary to admission to practice.

SEC. 1. Whenever any person shall apply to any of the District Courts, or to the Supreme Court to be admitted to practice therein as an attorney, and shall show satisfactorily to such court, that he is a resident of the Territory, and is of good moral character and possesses the requisite knowledge of the science and practice of law, the judge or judges thereof, may grant to such applicant a license to practice in the said courts respectively, in which he or they may preside: *Provided*, That nothing herein contained shall be so construed, as to preclude the judge or judges of either of said courts, from granting special authority to attorneys or counsellors, residing without this Territory, to practice in particular cases when any application may be made for that purpose.

Limitation.

CHAP. L.—An Act concerning Amendments.

Court may amend process.

SEC. 1. The court in which any action shall be pending, shall have power to amend any process, pleading or proceeding in such action, either in form or substance, for the furtherance of justice, on such terms as shall be just, at any time before judgment rendered therein.

Party allowed to answer.

SEC. 2. If such amendment be made to any pleading in matter of substance, the adverse party shall be allowed an opportunity, according to the course and practice of the court, to answer the pleading so amended.

Process not amended on return day.

SEC. 3. Process by which any action shall have been commenced, and on which any defendant shall have been arrested, shall not be amended on the return day thereof.

SEC. 4. After judgment rendered in any cause, any defects or imperfections in matter of form, contained in the record, plead-

ings, process, entries, returns or other proceedings in such cause, may be rectified and amended by the court in affirmance of the judgment, so that such judgment shall not be reversed or annulled; and any variance in the record from any process, pleading or proceeding had in such cause, shall be reformed and amended according to such original process, pleading or proceeding.

Defects in form amended after judgment.

SEC. 5. All returns made by any Sheriff or other officer, or by any court or subordinate tribunal, to any court, may be amended in matter of form by the court to which such returns shall be made, in their discretion, as well before as after judgment.

Officer's return may be amended.

SEC. 6. Any imperfection or defect in the award of any venire, or any omission to award such venire on the record, may be amended or supplied by the court in which such record is.

Defect in award of venire.

SEC. 7. When a verdict shall have been rendered in any cause, the judgment thereon shall not be stayed, nor shall the judgment upon such verdict, or any judgment upon confession, default, nihil dicit or non sum informatus, be reversed, impaired or in any way affected by reason of the following imperfections, omissions, defects, matters or things, or any of them, in the pleadings, process, proceedings or record, namely:

What imperfections not to affect cause after verdict.

1. For want of any writ original or judicial.

2. For any default or defect in process, or for misconceiving any process or awarding the same to a wrong officer, or for the want of any suggestion for awarding process, or for any insufficient suggestion.

3. For any imperfect or insufficient return of any Sheriff or other officer, or that the name of such officer is not set to any return actually made by him.

4. For any variance between the original writ, bill, plaint and declaration, or between either of them.

5. For any mispleading, miscontinuance or discontinuance, insufficient pleading, lack of color, joiful or misjoining of issue.

6. For the want of any warrant of attorney by either party, except in cases of judgment by confession, where such warrant is expressly required by law.

7. For any party under twenty-one years of age, having appeared by attorney, if the verdict or judgment be for him.

8. For the want of any allegation or averment, on account of which omission a special demurrer could have been maintained.

9. For omitting any allegation or averment of any matter, without proving which the jury ought not to have given such verdict.

10. For any mistake in the name of any party or person, or in any sum of money, or in the description of any property, or in reciting or stating any day, month or year, when the correct name, time, sum or description shall have been once rightly alleged in any of the pleadings or proceedings.

11. For mistake in the name of any juror or officer.

12. For the want of a right venue, if the cause was tried by a jury of the proper county.

13. For any informality in entering a judgment or making up the record thereof, or in any continuance or other entry upon such record.

14. For any other default or negligence of any clerk or officer of the court, or of the parties or their counsellors or attorneys, by which neither party shall have been prejudiced.

SEC. 8. The omissions, imperfections, defects and variances in

What omissions
may be supplied.

the preceding section enumerated, and all other of the like nature, not being against the right and justice of the matter of the suit, and not altering the issue between the parties on the trial, shall be supplied and amended by the court where the judgment shall be given, or by the court into which such judgment shall be removed by writ of error.

Process how
amended.

SEC. 9. No process, pleading or record shall be amended or impaired by the clerk or other officer of any court, or by any other person, without the order of such court, or of some other court of competent authority.

To what actions
this act to extend.

SEC. 10. The provisions of this act shall extend to all actions in courts of law, and to all suits for the recovery of any debt due to this Territory, or for any debt, duty or revenue belonging to it; and also to all actions for penalties and forfeitures, to all writs of mandamus and prohibition, to all informalities [informations] in the nature of a quo warranto, to writs of scire facias and to the proceedings therein.

CHAP. 11.—An Act to prevent stallions in certain cases from running at large.

Stallions not to
run at large

SEC. 1. That it shall be unlawful for the owner or owners of any stallion to permit or suffer any such stallion over two years of age to run at large on the public highways, uninclosed grounds or commons, and out of the proper enclosure of such owner or owners; and the owner or owners of any such stallion who shall permit or suffer the same to run at large contrary to the provisions of this act, shall be fined in a sum not exceeding twenty-five dollars, and not less than ten dollars for each offence, to be recovered by action of debt, together with costs of suit, in any court having jurisdiction of the same, in the name of any person who will sue therefor; the one moiety of the penalty so recovered, to be paid to the prosecutor, and the other moiety to go to the use of the proper county.

Penalty.

Liability of
owner.

SEC. 2. The owner or owners of any such stallion who shall suffer or permit the same to run at large, contrary to the provisions of this act, shall be further liable for and pay all damages which any person may sustain in consequence of such horse running at large.

Act to take of
fact.

SEC. 3. This act shall take effect on the first day of May, A. D. 1839.

CHAP. 111.—An act relating to strays.

May be taken up,
where, by whom.

SEC. 1. That no person shall take up any stray, unless such person shall be at the time, a resident of the same township, wherein such stray shall be found upon the land owned or occupied by the taker up.

Notice to owner
if known.

SEC. 2. Any person taking up any stray, shall within seven days thereafter, notify the owner thereof, if to him known, and request such owner to pay all reasonable damages and charges, and take such stray away.

If known, how

SEC. 3. If the owner of any stray be unknown, the taker up shall