

GEORGE CARSON, from the Committee on Judiciary, submitted the following report:

MR. SPEAKER:

Your Committee on Judiciary, to whom was referred house file No. 551, a bill for an act to require the payment of costs in advance, beg leave to report that they have had the same under consideration, and have instructed me to report the same back to the house with the recommendation that it do pass.

Ordered passed on file.

HOUSE FILE NO. 551.]

[BY LAKE.

## A BILL

### FOR AN ACT TO REQUIRE THE PAYMENT OF COSTS IN ADVANCE.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa, That the clerk of*  
2 every court of record in this state shall collect in advance all fees allowed by law to be  
3 charged by him in civil cases, and shall be responsible to the county for all fees earned in his  
4 office in such cases, whether collected by him or not, and shall every ninety days make an  
5 itemized statement of such costs and file the same in the office of the county auditor, and  
6 shall thereafter settle with the county therefor when and as required by the board of super-  
7 visors of the county. And if a jury is demanded the party requiring the jury shall pay to  
8 the clerk, for the use of the county, a jury fee of twelve dollars; and no one shall be enti-  
9 tled to have any service performed by the clerk, or to have a jury, except as herein provided,  
10 unless he brings himself within the provisions of the following section.

SEC. 2. If any court shall, before or after the commencement of any suit, be satisfied that  
2 the plaintiff is a poor person, and unable to prosecute his suit and pay the costs and expenses  
3 thereof, the court may, in its discretion, permit him to commence and prosecute his action  
4 as a poor person; and thereupon such person shall have all the necessary writs, process and  
5 proceedings as in other cases, and all costs shall abide the event.

SEC 3. If, in any suit brought before a justice of the peace, or other court inferior to the  
2 district or circuit courts, a person desiring to commence suit file an affidavit stating that he  
3 is a poor person and unable to pay costs, and that he has a meritorious cause of action, he

4 shall have the right to commence his suit and prosecute it in such courts, the costs to abide  
5 the event; otherwise, costs in such cases shall be paid in advance, as provided in courts of  
6 record.

SEC. 4. That whenever a defendant in an action in a court of record in this state shall  
2 file a motion, accompanied by an affidavit, that such defendant has a good defense to said ac-  
3 tion, and that unless the plaintiff is required to give security for costs he will not be able to  
4 recover the same, the court shall, after hearing the argument on the motion and any testi-  
5 mony that may be offered in support or rebuttal of said motion, make an order that the  
6 plaintiff give security for costs, if the court believes the motion should be sustained.