

be held in the several and respective wards, wherein the inhabitants would be called upon to vote whether said incorporation be repealed or not. If a majority of the legal voters vote for repeal, the same is hereby repealed; if such majority should be against repeal, the charter of said corporation shall continue and be in full force. Said election [150] to be conducted in the same manner as other elections of said corporation.

SEC. 4. In case of repeal. In case a majority of the said inhabitants shall vote for a repeal of said corporation, then and in such case the said town shall become part and parcel of the township of Madison, to be governed by the same laws as other townships are governed.

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

Approved, February 24th, 1847.

CHAPTER 104.

JONES COUNTY.

AN ACT to provide for the place of holding district courts in Jones county.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Where court to be held. That the place of holding courts in Jones county shall be at the old court house in Edinburgh, in said county, until another place is provided by the county commissioners.

SEC. 2. To take effect. This act is to take effect and be in force from and after its passage.

Approved, February 24th, 1847.

CHAPTER 105.

POOR OF LEE COUNTY.

AN ACT for the relief of the poor.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Act repealed as to Lee county. That the act of the territorial legislature entitled "An act amendatory of an act for the relief of the poor," approved February the 12th, 1844, be, and the same is, hereby suspended, repealed and declared to be of none effect in the county of Lee, anything in said act of a general nature to the contrary notwithstanding.

SEC. 2. Duty of commissioners—vote to be taken. That the board of commissioners of said county may, and they are hereby authorized and empowered, at their discretion to order, time after time, at any general election hereafter to be held, that the legal voters in said county shall vote for or against the erection of a poor house in said county; and if a majority of votes at any election as aforesaid, be for a poor house, then all elections for or against a poor [151] house under this act in said county shall cease; and the board of commissioners shall proceed according to the provisions of an act of the territorial legislature, entitled "An act to authorize the establishment of poor houses," approved February 17th, 1842.

SEC. 3. Notice and returns. The manner of giving notice of and conducting said elections under this act, and the manner of making returns thereof to the board of county commissioners of the result of said election, shall in all respects be conducted, as nearly as may be, in accordance with the laws now in force regulating general elections.

SEC. 4. To take effect. This act shall take effect and be in force from and after its publication once in the Lee County Democrat, at the expense of said county.

Approved, February 25th, 1847.

CHAPTER 106.

WILLS, EXECUTORS, ETC.

AN ACT to amend an act relative to the probate of wills, executors, administrators, etc., approved Feb. 13th, 1843.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Failure to pay—duty of court. That if any executor or administrator shall fail to pay the amount due to any creditor of the estate, or other person entitled thereto, in compliance with the written order of the judge of probate, such executor or administrator and his securities, shall be cited to appear before the probate court, at a time specified in the citation, giving at least ten days notice thereof, to show cause why he has so failed as aforesaid; and if no sufficient cause be shown, the probate court is hereby authorized and required to render judgment against such executor or administrator, and his securities, for the amount due in any such case, together with the costs of suit, and to issue execution therefor.

SEC. 2. Effect of judgment. Judgments rendered by the courts of probate shall have the same force and effect as judgments rendered in the district courts of this state: provided, that nothing herein contained shall prevent an appeal therefrom to the district court, as in other cases.

SEC. 2. Section repealed. The sixteenth section of the fifth chapter of the act entitled "An act relative to the probate of wills, executors, administrators, etc.," approved Feb. 13th, 1843, is hereby repealed.

SEC. 4. Section amended—letters revoked—liability. The ninth section of the sixth chapter of the act to which this is amendatory, is hereby so amended as to read as follows: "When any executor or administrator, after being duly cited by the judge of [152] probate, shall neglect to render any account of his administration, the judge of probate may revoke his letters and appoint a new administrator, with the will annexed, or otherwise, as the case may be; and the executor or administrator so neglecting to render his account, shall, with his securities, be liable in an action on the administration bond, before the probate or district court, for the value of the goods and chattels, rights and credits, for which he is justly chargeable.

SEC. 5. Section amended—costs. That the twelfth section of the said act of the 13th of Feb. 1843, be so amended as to read as follows, to wit: "That if judgment shall be recovered against an executor or administrator for costs in any suit commenced or prosecuted by him in that capacity, execution shall not be awarded against him, as for his own debts, unless it shall appear to the court that the suit was commenced or prosecuted unnecessarily, or without any reasonable cause.