

Pay of com-
missioners.

SEC. 9. The commissioners appointed by the court for the purposes aforesaid, shall each receive the sum of three dollars per day while actually engaged in their duty, and two dollars for drawing up their inventory and appraisal and filing the same in court, which amount shall be taxed in the bill of costs against the respondent.

SEC. 10. No want of form shall, in any way, vitiate or retard any of the proceedings authorized by this act.

Approved December 6, 1839.

[Chap. 5.]

AN ACT for the relief of the Administrators of the Estate of the late Benjamin W. Clarke.

Administra-
tors may pur-
chase claims.

SECTION 1. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That James Grant and James Davenport, administrators of the estate of the late Benjamin W. Clarke, of Scott county, be and they are hereby authorized and empowered to purchase, for the benefit of the heirs at law of said Clarke, all claims upon the public lands which were held by the said Clarke, and pay for the same out of any moneys which they may receive as administrators of his estate, or which they may borrow for that purpose.

May borrow
money.

SEC. 2. The said administrators are hereby authorized to borrow any sum of money not exceeding one thousand dollars, for any period not exceeding five years, at any rate of interest not exceeding twenty per cent, and to use the money so borrowed for the purpose of purchasing the claims aforesaid, and they may give as security for the payment of the money so borrowed, a mortgage on any of the estate purchased, or such personal security as they now have or hereafter may have belonging to the estate of the said Clarke, and of all their acts in virtue hereof, they shall make a return to the judge of probate.

And mort-
gage estate.

Lands to be
held in trust.

SEC. 3. The said lands, when purchased as aforesaid, shall be held by said administrators in trust to pay the debts of said Clarke, or to be divided among the heirs of said Clarke, as in other cases of persons dying intestate in this territory.

May lease
property.

SEC. 4. The administrators are hereby authorized to lease the tavern house in the town of Buffalo, and

the materials belonging thereto, and the ferry privilege at Buffalo, on such terms as will procure the completion of said tavern house, or the said administrators may complete said tavern house out of any moneys which they may receive belonging to the said estate.

SEC. 5. The said administrators, after paying the Same. debts of said Clarke, shall have the power of leasing all or a part of said claims either by private contract or public auction for any term not exceeding three years; and for all services performed under this act they shall receive, by order of the judge of probate, a commission of not more than six per cent Compensation. on the moneys received and paid out, and they shall also receive their necessary travelling expenses to and from the land office.

SEC. 6. Nothing in this act contained shall be construed to affect the right of dower of the widow of the deceased. Not to affect dower.

SEC. 7. This act to be in force from and after its passage.

Approved December 14, 1839.

[Chap. 6.]

AN ACT to regulate the institution of suits by foreign executors, administrators and guardians, within this territory.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That when any letters testamentary or of administration may have been or shall be granted on the estate of any deceased person who may have been a resident in any one of the United States or territories thereof, except this Territory, any person or persons to whom either of said letters may have been or shall be granted shall be enabled to prosecute suits in any court in this territory in the same manner as if such letters had been granted to such person or persons by any court in this territory. Executor, or administrator to prosecute suits.

SEC. 2. That such person or persons shall, upon the trial of any suit in this territory instituted under such letters, produce a copy of the same authenticated by the certificate of the officer who may have granted the same, or his successor in office, under the official seal of his court, that such letters were granted in conformity with the laws of the state or territory where the same were granted. And such To produce copy of letters.