

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.

letters, when so certified and produced, shall be conclusive evidence of the ability of such person to institute such suit.

Letters to be recorded.

SEC. 3. Any foreign executor or administrator may produce his letters testamentary or of administration to any court of probate in any county in this territory, wherein there is any estate belonging to the testate or intestate, and have the same recorded therein, and thereafter shall be as fully empowered to administer upon the estate of his testate or intestate within this territory, as if letters testamentary or of administration had been originally granted by some court of probate within this territory.

Empowered to administer.

When to take effect.

SEC. 4. This act to take effect from and after its passage.

Approved December 20, 1839.

[Chap. 7.]

AN ACT to provide for the organization of the county of Delaware, and to locate the seat of justice thereof.

County organized.

SECTION I. *Be it enacted by the Council and House of Representatives of the Territory of Iowa,* That the county of Delaware shall be organized for county purposes, as other counties of this territory have heretofore been organized.

Seat of justice.

SEC. 2. The seat of justice of said county shall be located by three commissioners non-residents of said county, which said commissioners shall meet together on or before the first day of May next, eighteen hundred and forty, and forthwith proceed to examine into and determine upon the most eligible point for the county seat of said county, having reference, as far as practicable, to a central situation, and also to the convenience of the present and prospective population.

Commissioners to take oath.

SEC. 3. The said commissioners shall, before they enter upon the performance of their said duties, take and subscribe before some district judge or justice of the peace the following oath, to wit: "I

one of the commissioners appointed to locate the seat of justice in and for the county of Delaware, do hereby swear before Almighty God, the searcher of all hearts, that I will perform the duties imposed by said appointment honestly and faithfully according to the best of my understanding and abilities, and according to the law relative to locating said county seat. And I do further swear as