

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 Section repealed.** The sixteenth section of the fifth chapter of the act entitled "An act relative to the probate of wills, executors, administrators, etc.," approved Feb. 13th, 1843, is hereby repealed.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

**SEC. 6. To take effect.** This act to take effect and be in force from and after its publication in the weekly newspapers published in Iowa City.

Approved, February 25th, 1847.

Published in the Reporter March 17th, and in the Standard March 18th, 1847.

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## CHAPTER 107.

### REPEAL.

AN ACT to repeal an act herein named.

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

**SECTION 1. Act repealed.** That an act passed at the present session of this general assembly to change the name of Knoxville, in Marion county, be, and the same is, hereby repealed.

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

Approved, February 24th, 1847.

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## CHAPTER 108.

### FERRIES.

AN ACT for extending the powers of the board of county commissioners in regard to licensing and regulating ferries.

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

**SECTION 1. Ferry license—conditions—requirements—to fix rates.** That, in addition to the powers now granted to the board of county [153] commissioners, they are hereby authorized and empowered to grant privilege to any person or persons to keep a ferry on any waters within the state, upon the following conditions and limitations:

First—The board of county commissioners in the several counties in this state may authorize any person or body politic to use and exercise the rights to keep a ferry on any of the waters of this state, or bordering on the same, who may give satisfactory evidence of their ability to comply with such regulations as the county commissioners may prescribe, which privilege may extend as far above, and as far before any given point as they may direct, not exceeding two miles, for any term not exceeding twelve years.

Second—The board of county commissioners shall require of the person to whom they may grant ferry privileges to keep constantly at said ferrying point such suitable boat or boats, with fixtures and hands, as they may think suited to public convenience, which shall be distinctly set forth in the license, and shall also prescribe such other and further duties as may be thought proper for the good of the public.

Third—Said commissioners shall have power to fix the rates of ferriage, and the amount which shall be paid the county annually.

**SEC. 2. License in two counties.** That any person desirous of keeping a ferry across any stream which forms a dividing line between two counties shall, before he establish a ferry or be in any wise authorized to keep one, obtain license from both counties.