

SEC. 4. Treasurer with proceeds to pay debt and interest to bank. And be it further enacted, that at the maturity of said bonds, the territorial treasurer shall proceed to collect the same as soon as possible and apply the proceeds of the same to the payment of the debt, principal and interest due to the Miners' Bank of Du Buque contracted under the provisions of the act of 15th January, 1841.

SEC. 5. Treasurer to re-sell forfeited lots sold prior to 28th June, 1841—to apply proceeds to pay any debt for erection of capitol. And be it further enacted, that if any lot or lots sold prior to the 28th day of June, 1841, have been forfeited to the territory in consequence of non-payment for the same, it shall be the duty of the territorial treasurer to re-sell the same at the time, with the notice and upon the conditions aforesaid, collect the proceeds of the sale as [37] aforesaid, and apply the proceeds of the same to the payment of any debt or debts contracted by the territorial agent for the erection of the capitol at Iowa city, exclusive of the debt now due to the Miners' Bank of Du Buque.

SEC. 6. Repeals acts and parts of acts contravening the intent hereof. And be it further enacted, that all acts and parts of acts contravening the provisions of this act, be, and the same are hereby, repealed.

SEC. 7. This act to take effect and be in force from and after its passage. Approved, June 10th, 1845.

CHAPTER 19.

COUNTY COMMISSIONERS.

AN ACT to amend an act entitled "An act organizing a board of county commissioners in each county," approved, February 15, 1843.

Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. Spring term of commissioners to be held 2d Monday in April. That so much of the fifth section of said act as makes it the duty of the county commissioners to hold their spring term on the first Monday in April in each year, be, and the same is hereby repealed; and that the said spring term shall be holden hereafter on the second Monday in April in each and every year.

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

Approved, June 10th, 1845.

[38] CHAPTER 20.

CHANGING VENUE.

AN ACT amendatory of an act to provide for changing the venue in civil and criminal cases, approved 13th February, 1843.

Be it enacted by the Council and House of Representatives of the Territory of Iowa.

SECTION 1. Clerk to transmit copy of record to proper court. That when any order shall be made by the court or judge thereof, in vacation, award-

ing a change of venue, the clerk of such court shall immediately make out and transmit to the proper court a copy of the order, petition and affidavit, and a full transcript of the record and proceedings in such cause, with certified copies of such original papers filed therein and comprising a part of the record; and said certified copies of such original papers shall have the same force, and be as valid in the court to which they shall have been transmitted, as the original papers; but said original papers shall remain in the office of the clerk of the court where such suit was instituted.

SEC. 2. The affidavit of the criminal to be verified by two witnesses under oath. That when a change of venue is prayed for in criminal cases, the truth of the affidavit of the party wishing the same, shall be verified by the affidavit of at least two respectable disinterested persons, before such change is allowed by the judges.

SEC. 3. Sections 8 and 9 of amended act, and all conflicting parts, repealed. That sections eight and nine, and all other parts of the act to which this is amendatory which conflict with the provisions of this act, be, and the same are, hereby repealed.

SEC. 4. 15th section of said act changed so as to require county where the crime was committed, to pay costs, etc. That the 15th section of said act be so amended as to require the costs and fees of prosecution, and the costs incident to the change of venue, to be taxed to, and paid by the county where the same was committed.

SEC. 5. Takes effect after 1st July next. This act to take effect from and after the first day of July next.

Approved, June 10th, 1845. .

[39] CHAPTER 21.

PROBATE COURTS, ETC.

AN ACT to amend "An act relative to the probate of wills, executors, administrators, guardians, trustees of minors and probate courts, and for defining their duties." Approved, February 13, 1843.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Claimant to serve written notice on administrator, who, if satisfied, shall approve and allow. That any person may exhibit his demand against any estate of a less sum than twenty-five dollars, by serving on the executor or administrator a notice in writing, stating the nature and amount of his claim, with a copy of the instrument of writing or account upon which the claim is founded; and if the executors or administrators shall be satisfied that the claim thus exhibited against the estate of his testator or intestate, is just, he shall endorse thereon his approval and allowance of the same and the time it was exhibited.

SEC. 2. List to be kept and bills paid once a year. All executors and administrators shall keep a list of all demands legally exhibited against the estate of his testator or intestate, and class the same and make returns of such list to the court of probate, once in every year, or oftener if the judge of probate shall direct, which demands shall be paid as provided for by the act to which this is an amendment.