

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 Sections 8 and 9 of amended act, and all conflicting parts, repealed.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of the act to which this is amendatory which conflict with the provisions of this act, be, and the same are, hereby repealed.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.

SEC. 3. Claimant to make oath as to what payments have been made. Before any executor or administrator shall allow or pay any debt demanded as due from the deceased, founded on any judgment, decree, bond, note, bill or bills or [of] account, the person claiming such debt shall make affidavit that nothing has been paid or delivered towards the satisfaction of the same, except what is mentioned or credited, and that the sum demanded is justly due, which affidavit shall be attached to and filed with the instrument of writing or account, (upon which the claim is founded,) in the probate office.

SEC. 4. If refused, claimant to apply to probate court, giving 10 days notice—if court rejects claim, claimant to pay costs. If any executor or administrator shall refuse to allow any claim or demand against the deceased after the same may have been [40] exhibited to him, in accordance with the provisions of this act, such claimant may present his claim to the court of probate for allowance, giving the executor or administrator ten days notice of such application to the court: provided, that if said court should also reject such claim, then and in that case, the said claimant shall pay all the cost of such appeal.

SEC. 5. Executors to administer oaths. The executor or administrator is hereby authorized to administer oaths to witnesses or creditors and examine them touching the validity of any claim presented to him against the estate of his testator or intestate.

SEC. 6. Widows dower secured. The dower of widows shall be and remain as fixed by the common law.

SEC. 7. Vacancy in office of probate judge, county commissioners to appoint one for the remainder of the term. That when any vacancy shall happen in the office of judge of probate by death, resignation, removal from the county or otherwise, it shall be the duty of the clerk of the county commissioners court to immediately inform the county commissioners of such vacancy, who shall appoint some suitable person to discharge the duties of said office until the next annual election.

SEC. 8. No claims less than \$25 to be presented to judge until administrator refuses to allow. No demands for a less sum than twenty-five dollars shall be presented to the court of probate for allowance, until after the executor or administrator shall have refused to allow and class the same; and in all such cases, if the claimant be allowed his claim by the court, he shall be entitled to his costs.

SEC. 9. Conflicting portions of amended act, repealed. That all of the seventh chapter of an act to which this is amendatory, except the first section; and all other parts of said act that conflict with the provisions of this act, be, and the same are, hereby repealed.

Approved, June 10th, 1845.

[41] CHAPTER 22.

TITLES TO HALF BREED LANDS.

AN ACT to provide for the better settling and adjudicating of the several titles set up to the Half Breed Lands in the county of Lee.

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

Whereas, the public tranquility in Lee county, requires that the fee simple title to the tract of land in said county, commonly known as the Sac and