

Change of
venue.

Sec. 7. Changes of venue may be had from said court in all civil actions to the district court of the county, in the same manner, for like causes and with the same effect as the venue is changed from the district court as now or hereafter may be provided by law. All criminal actions, including those for the violation of the city ordinances shall be tried summarily and without a jury, saving to the defendant right of appeal to the district court, which appeals shall be taken in the same time and manner as appeals are taken from justices' courts in criminal actions.

Sec. 3. That section sixteen of chapter 143 of the acts of the Sixteenth General Assembly, as amended by section six (6) of chapter twenty-four of the acts of the Nineteenth General Assembly be amended by striking out the word "one," in the thirteenth line, and inserting in lieu thereof the word "two."

Number of
terms each
year.

Sec. 4. Said court shall hold at least eight, and not to exceed eleven terms each year, the times thereof being arranged by the judge of the court in such manner as shall least conflict with the terms of the district court of the county where said superior court is held, the terms to be fixed by the general order made of record at least ten days before the first term of that year, but no term need be held in the month of August.

Jury in civil
cases.

Sec. 5. In all civil cases where the jury shall consist of six jurors the challenges allowed to either party shall be limited to three each, but where the jury shall consist of twelve jurors the same number of challenges shall be allowed to either party as is now or may hereafter be allowed in the district court.

Approved March 23, 1888.

CHAPTER 41.

SETTLEMENT OF ESTATES.

S. F. 207.

AN ACT to Facilitate Settlement of Estates, and to Enable Administrators, Guardians, Trustees and Referees to Deposit Funds and Securities Subject to Approval of Court, and Making the Clerk and Treasurer Liable Therefor in Certain Cases.

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

Final report of
administrator.

SECTION 1. Whenever any administrator, guardian, trustee or referee shall desire to make his final report as such and who shall then have in his possession or under his control in his fiduciary capacity, any funds, moneys, or securities due, or to become due to any heir, legatee, devisee, or other person, the payment of which might then be made to such heir, legatee, devisee or other person if living or present within the county

where such appointment as administrator, guardian, trustee or referee was made, such funds, moneys or securities may be deposited with the clerk of the district court of the county wherein such appointment was made, and if he shall otherwise discharge all the duties imposed upon him by such appointment he may take the receipt of the clerk of the district court for such funds, moneys or securities so deposited, which receipt shall specifically set forth from whom said funds, moneys or securities were derived, the amount thereof, and the name of the person to whom due or to become due, if known. Thereupon said administrator, guardian, trustee or referee may file such receipt with his final report, and if it shall be made to appear to the satisfaction of the court, that he has in all other respects complied with the law governing his appointment and duties, the court may approve such final report and enter his discharge. *Provided*, that notice of such contemplated deposit, and if final report shall be given for the same time and in the same manner as now required in case of final report by administrators.

Funds, moneys or securities may be deposited with clerk of district court.

Discharge.

SEC. 2. The clerk of the district court with whom any deposit of funds, moneys or securities shall be made as provided in the preceding section, shall enter in a book to be provided and kept for the purposes hereof, the amount of such deposit, the character thereof, the date of its deposit, from whom received, from what source derived, to whom due or to become due, if known. He shall be liable upon his bond for all funds, moneys, or securities which may be deposited with him, under the provisions hereof. If the funds, moneys or securities so deposited with the clerk shall not be paid to the person to whom the same is due, or to become due, within *one* year from the date of its deposit the clerk shall then deposit such funds, moneys or securities with the county treasurer for the use of the county wherein such appointment was made, taking the treasurers receipt therefor, countersigned by the county auditor, who shall thereupon charge upon the books of his office and against the treasurer the amount named in such receipts.

Clerk of district court shall keep a book account of deposit.

Clerk may deposit with county treasurer.

SEC. 3. Whenever any funds, moneys or securities shall be deposited with the county treasurer, as provided in this act, he shall enter in a book provided and kept for that purpose, the date of such deposit, the amount thereof, from whom received, the source from which derived, and the name of the person to whom the same is due or to become due if known. Whenever the claimant therefor, upon proper application made to the district court, shall satisfactorily show to such court that he is the rightful owner of said funds, moneys or securities and entitled thereto, the court by order entered of record shall direct the county auditor to issue a warrant on the county treasurer for said money, funds or securities, and upon such order the said treasurer shall pay to the person named in such order the funds, moneys or securities to which the claimant shall have shown himself entitled.

Treasurer to keep a book account of deposit.

Warrants issued for the deposit.

Approved April 3, 1888.