

Laws of the Territory of Oregon.

[CONTINUED.]

this article, may be given, and upon failure to appoint such agent, such notice may be filed in the office of the court having jurisdiction of the estate.

Sec. 27. Notice given to such agent, or filed, as aforesaid, among the papers relating to the estate against which the demand is claimed, shall be as effectual as if it had been given to the executor, or administrator.

Sec. 28. If the executor, or administrator, shall within four months after any demand shall have been allowed, upon notice given as prescribed in the two preceding sections, file in the office of the court having jurisdiction of the estate, the affidavit of himself, or some other credible person, stating that the affiant has good reason to believe, and does believe, that such demand has been improperly allowed, the court shall vacate such order of allowance, and try the matter anew, and allow, or reject, such demand as shall be right, and if upon such new hearing such demand shall be allowed, it shall be classed and paid as if such new hearing had not been granted.

Sec. 29. It shall be the duty of the probate court at the next term after letters testamentary or of administration are granted on any estate—if in their opinion the interest of the estate require it—to appoint some suitable disinterested person as commissioner, whose duty it shall be to audit and settle all demands exhibited to him against said estate, not exceeding the sum of one hundred dollars. He shall fix upon such times and such places as shall be most convenient to the largest number of creditors of such estate, and give reasonable notice thereof to the executor, or administrator, and to the creditors of the estate: the time and manner of the notice to be prescribed by the court. The commissioner shall make out an exhibit of all demands brought before him, noting thereon which items he allows and which he rejects, or how much of each he allows, or rejects, and in what classes those he allows are to be paid, and file such exhibits with the clerk of the probate court, at its next term, which shall remain in the office of the clerk of the court, until the end of the next following term. The commissioner shall have power to administer oaths to witnesses and shall administer to all claimants, the oath required by the ninth section of this article.

Sec. 30. If any executor, or administrator, or any claimant shall, before the end of the next term after the one at which the commissioner's report shall have been filed in the clerk's office, object, in writing, to the decision of the commissioner, as to any item therein, the same shall be tried before the probate court, as is now provided by law, the court giving to each party reasonable time to procure his witnesses, and such report, as to all such items, not so objected to, shall be confirmed by the court and payment ordered accordingly.

Sec. 31. If any creditor shall have an opportunity to present his demand before such commissioner, and shall fail and neglect to do so, he shall not be prevented from having the same allowed by the probate court, as is now provided for by law, but the court may, in its discretion, compel him to pay all costs attending the establishment and allowance of the same.

Sec. 32. The court shall allow said commissioner out of said estate, a reasonable compensation for his services.

ARTICLE V.

OF THE SETTLEMENTS OF THEIR ACCOUNTS.

Sec. 1. The clerk of the [probate] court shall provide well bound books, and enter therein the accounts and settlements of all executors, and administrators, made in the court, in such manner as to form a complete record of all such accounts settled in that court.

Sec. 2. Every executor, and administrator, shall exhibit a statement of the accounts of his administration for settlement, with proper vouchers, to the probate court, at its first term after the end of one year from the date of his letters, and at the corresponding term of such court every year thereafter, until the administration be completed.

Sec. 3. The clerk of the probate court shall keep a docket, and enter therein a list of all executors, and administrators, who have not made final settlement of their accounts, the date of their letters, and the term at which they are required to make settlement.

Sec. 4. The clerk shall put up at some conspicuous place in his office, thirty days before each term, a list of the executors and administrators whose settlements are required to be made at that term.

Sec. 5. If any executor, or administrator, fail to present such settlement, the clerk shall immediately issue a citation, to any county in the Territory, requiring him to present his accounts for settlement at the next term of the probate court, and show cause why an attachment should not issue against him for not exhibiting his account at the term at which he was required to settle.

Sec. 6. If such citation be not served, the clerk shall under the direction of the court, issue an alias citation, which may be served, or may be published in some newspaper in this Territory, one month before the return thereof.

Sec. 7. If, after such service or publication, no cause to the contrary be shown, such executor, or administrator, may be fined by the probate court, not exceeding twenty-five dollars, to the use of the county, and such executor, or administrator, shall be liable upon his bond for failing to settle.

Sec. 8. The [probate] court may revoke the letters of such delinquent, and may issue attachment and other process to compel such settlement, directed to any county in the Territory, and in all such cases, such delinquent shall pay costs.

Sec. 9. When any executor, or administrator, shall present his accounts for settlement, the [probate] court shall settle the same according to law, allow all reasonable charges for the expenses of administration, funeral expenses, and all disbursements and appropriation made by order of the court, and a reasonable compensation for the trouble and expenses of the executor, or administrator.

Sec. 10. Upon every settlement, the executor, or administrator, shall show that every claim for which disbursements have been made, has been allowed by the court according to law, or shall produce such proof of the demands as would enable the claimant to recover in a suit at law.

Sec. 11. At every settlement, the court shall ascertain the amount of money of the estate which has come to the hands of such executor, or administrator, from all sources, and the amount of debts allowed against such estate, and if there be not sufficient to pay the whole of the debts, and expenses of administration, the money remaining after paying the expenses of administration, shall be apportioned among the creditors, according to this act, and the court shall order that such executor, or administrator, pay the claims allowed by the court, according to such apportionment, reserving apportionments made on claims which remain undecided, until decision be had thereon.

Sec. 12. The probate court, upon every settlement, shall proceed in like manner till all the debts be paid, or the assets exhausted, and if upon such settlement, there shall be money enough to satisfy all demands of any one class, legally exhibited against such estate, the court shall order the whole to be paid.

Sec. 13. If any executor, or administrator, fail to pay any claim thus ordered to be paid, according to the two preceding sections, when demanded, the clerk of the probate court, on application of such creditor, and being satisfied that such demand has been made, shall issue execution for the amount ordered to be paid and costs, against the property, goods, chattels and real estate of such executor, or administrator.

Sec. 14. If any such execution be returned unsatisfied, the creditor may sue out of the probate court a *scire facias* against any one, or more, of the securities of such executor, or administrator, referring to the bond, the order of payment, the execution and return, and requiring such security to show cause why judgment should not be rendered against him for the amount ordered to be paid and still unsatisfied.

Sec. 15. Such *scire facias*, may be directed to, and served, in any county in this Territory, and if upon the return thereof, good cause to the contrary be not shown, the court shall render judgment against such security for the amount unpaid, and costs, and award execution therefor.

Sec. 16. If any executor, or administrator, wish to make final settlement, he shall publish for four weeks in some newspaper in this Territory, a notice to all creditors and others interested in the estate, that he intends to make final settlement at the next term of the court.

Sec. 17. If it appear to the court that such notice was duly published, and that the estate of the deceased has been fully administered, the court shall make final settlement, which shall be conducted as annual settlements.

Sec. 18. At its final settlement, the court shall give credit to the executor, or administrator, for debts which have been charged in the inventory as due to the estate, if the court be satisfied that such debt was not really due to the estate, or that it has been balanced, or reduced, by offsets in any court of competent jurisdiction, or the debtor was insolvent, or that from any other cause it was impossible for the executor, or administrator, to have collected such claim by the exercise of due diligence.

ARTICLE VI.

OF THE DISTRIBUTION OF THE ESTATE.

Sec. 1. Executor and administrators shall not be compelled to make distribution or pay legacies until one year after the date of the letters, unless the legacies specified would be perishable or subject to injury if retained one year.

Sec. 2. No executor or administrator shall be compelled to pay legacies, or make distribution within three years after the date of his letters, unless ordered so done by the court, until bond and security be given by the legatee, or distributee, to the executor, or administrator, of any debt which may afterwards be established against the estate, and the costs attending the recovery thereof; but the widow shall not be required to give such bond unless she remove the property selected by her under this act.

Sec. 3. If upon any settlement it appears that there is sufficient money to satisfy all the legacies, and distributions, the court shall order the payment of legacies, and distributions, as in the case of debts, except that special provisions shall be made therefor.

Sec. 4. If personal property of an individual in equal division cannot be made in kind, the [probate] court may order the sale of such property—providing that the same shall be sold to the highest bidder—and cause the money to be distributed according to the rights of those entitled to distribution.

Sec. 5. Each person entitled to distribution, not applying therefor, shall be notified in writing of such application ten days before such order shall be made, or if such person do not reside in this Territory, a notice of such application shall be published, in some newspaper in this Territory, eight weeks before such order shall be made.

Sec. 6. If any distributee becomes a purchaser of such property, his receipt of the amount of his share shall be received in payment of an equal amount of the purchase money, and the court shall allow the amount of such receipt as so much distribution under the order of the court.

Sec. 7. If real estate be sold for the payment of debts in lieu of the personal estate under this act, the court in making distribution of the personal estate received, shall cause the same to be appraised by three disinterested persons sworn for that purpose, and shall allow the widow only such amount as she would have been entitled to, had the amount of debts, paid by money made by the sale of real estate, been paid out of the personal estate.

Sec. 8. If, after the payment of legacies, or distributions, it becomes necessary that the same, or any part thereof, be refunded for the payment of debts, the court, on application, shall apportion the same among the legatees or distributees, according to the amount received by them, except that specific legacies shall not be required to be refunded, unless the residue be not sufficient to satisfy such debts.

Sec. 9. If any legatee, or distributee, fail to refund, according to such order, the court shall, on motion of the executor, or administrator, ten days' notice having been given to the legatee, or distributee, enter judgment for the amount apportioned to him.

Sec. 10. The probate court, as occasion may require, may order such appraisements for the support of minor children of the deceased, not otherwise provided for, as will not prejudice the rights of creditors.

Sec. 11. Until the widow's dower be assigned, the court shall order such sum to be paid her, out of the rent of the real estate, as shall be in proportion to her interest in the real estate.

Sec. 12. If, upon the return of the inventory and appraisement, it appears to the court that the whole amount of the estate is not more than that to which the widow is by law entitled, without being subject to the payment of debts, and that there are no debts due the estate, or so small that they would not defray the expenses of collection and of administration, the probate court may, in its discretion, and without order that such estate be delivered to the widow, and that all other further advertisements, settlements and other proceedings under said administration be dispensed with, unless further estate be discovered, or the court order the administration to be proceeded with.

Sec. 13. If upon final settlement, it appear that any legatee, or distributee, is a non-resident, or from any other cause is not in a situation to receive his share, and give a discharge therefor, or does not appear by himself or agent, to receive the same, the probate court shall order the executor, or administrator, to lend out the money on good security, for such limited time as the court may direct, not exceeding one year.

Sec. 14. In all cases when the legatee, or distributee, shall not appear within one year after final settlement by the executor, or administrator, and claim his share, the probate court shall order the same to be paid into the Territorial treasury.

Sec. 15. When any share shall be paid into the treasury, the executor, or administrator, shall take from the treasurer duplicate receipts, one of which he shall file in the office of the auditor, who shall charge the treasurer with the amount, and the other with the clerk of the probate court, ordering the share to be paid into the treasury; and the court shall credit the executor, or administrator, therewith.

Sec. 16. When any legatee, or distributee, shall appear and claim any share paid into the treasury, the probate court before whom the final settlement was made, being first satisfied of his right, shall grant him a certificate, under its seal, and on presentation of the certificate to the auditor, he shall draw his warrant on the treasury for the amount.

Sec. 17. If after the expiration of one year after the final settlement, there should remain in the hands of the executor, or administrator, personal property unclaimed by the legatee, or distributee, the court shall order the same to be sold, and the proceeds paid into the Territorial treasury, and the same may be drawn therefrom in the manner provided by the preceding section.

Sec. 18. When administration shall be taken in this Territory, of the estate of any person, who, at the time of his decease, was an inhabitant of any other State, or country, his real estate found here, after the payment of his debts, shall be disposed of according to his last Will, if he left any, duly executed according to the laws of this Territory, and his personal estate according to his last Will, if he left any, duly executed according to the laws of his domicile; and if there should be no such Will, his real estate shall descend according to the laws of the Territory, and his personal estate shall be distributed and disposed of according to the laws of the State, or country, of which he was an inhabitant.

Sec. 19. Upon the final settlement of such an estate, and after the payment of all debts for which the same is liable in this Territory, the residue of the personal estate, if any, may be distributed and disposed of, in manner aforesaid, by the probate court in which the estate is settled, or it may be transmitted to the executor, or administrator, if there be any in the State, or country, where the deceased had his domicile, as the court, under the circumstances, shall think best.

[TO BE CONTINUED.]

JUST RECEIVED

FERRY from New York, and
 40 doz chopping knives
 4 do broad
 4 do carpenter's adzes
 10 do hatchets
 135 kegs nails
 4 doz steel squares
 50 roofing shovels
 10 doz shovel & tongs
 32 smith's vices
 8 do bellows
 1 esk steel faced anvils
 1 do do hammers
 51 bundles sheet iron
 10 kegs-salt
 20 bales cotton
 chest and door locks
 brass & iron files
 chisels, gouges
 augers, gimlets
 hammers
 couch wrenches
 frying pans

25 doz c. a. bay fish
 85 bush shovels & spades
 12 do grain scoops
 5 coils short link chains
 4 do log chains
 140 lbs tinned do
 4 doz spring balances
 4 platform scales
 10 coils wire
 10 iron bands
 10 bags white lead
 10 bags copper
 4 doz hand saws
 8 coils wrought nails
 hooks and staples
 knives and forks
 sand paper, glass
 stoves and griddles

GEO. ABERNETHY & CO.
 Oregon city, May 2, 1850-1851

JUST RECEIVED

FERRY from San Francisco,
 the following goods:
 A large and general assortment of Ready made
CLOTHING.

oil cloth carpeting
 Brussels do
 FURNITURE—such as bureaus, tables, bed
 stands, wash stands, chairs, &c.
 woolen and turkerie shawls
 superior cigars, tea, soap, nails, window glass,
 tobacco, knives and forks
 silver plated & german silver tea & table spoons,
 tin, iron and buffed do do do
 assorted tinware
 complete sets harness, setts iron axes,
 trunks, carpet bags, trace chains,
 pictures and picture frames,
 air-tight cooking stoves, with pipe and furniture
 complete.

All of which will be sold, together with their
 former stock of goods upon the most favorable
 terms, by
CRUSBY & SMITH
 Portland, April 15, 1850-1851

Notice to Shipowners & Merchants

WILL Underwood, having been appointed
 agent for the disposal of lumber manufactured
 at Oregon City, Clatskanie and Milwaukie,
 seven miles from Oregon City, the present head of
 navigation of the Willamette, and will be ready
 at all times to contract for shipping or sale by the
 cargo or retail, assorted lumber, square timber,
 shingles, &c. &c.

He is also agent for a line of vessels running
 between San Francisco, California, and this place.
 Vessels will be loaded with great dispatch, so the
 cargo can be taken from the wharf wharf or raft.

J. W. WILLIAMS
 Milwaukie, January 25th, 1850

JUST RECEIVED for sale, on steamer "Star"
 New York 15 lbs.
 Butter 20 1/2 lbs. kegs
 Hams 25, 700 lbs. each, or 100 lbs. each
 Sausages 3 boxes 60 lbs. each, or 1 lb. per box
 Soap, 30 can boxes Eng. brand soap 4 1/2 lbs. each,
 12 boxes white, no. 1 per lb. white soap,
 3 " palm oil soap.

Chairs, 3 doz, cane seats
 Salt, 20 lbs. 1/2 doz, 200 lbs. 1/2 doz, as usual
 Tea, coffee, Flamingo crackers, pick heads,
 Powder and shot, lead, iron lumber,
 Nails, single cut and wire
 Mill stones, 5 sets complete (1-1/2 ft. bows to each)
 Fickett knives, brushes, crockery, ware, stationery
 and fancy articles, by

COUCH & CO.
 Also, one single machine. Can cut 10 M per
 day, and be adapted for feeding
 Portland, June 13-1851

TOWN OF MILTON

Is situated on the lower branch of the Willamette
 river, just above its junction with the
 Columbia. The advantages of its location speak
 for themselves. All we wish, for our friends to
 call and see the place.

For particulars apply to
CRUSBY & SMITH,
 Portland and Milton.
 Nov-16-1851

TUALATIN PLAINS.

To all whom it may concern, the subscriber
 has always on hand a full assortment of
GROCERIES AND DRY GOODS,
 which will be disposed of at wholesale and retail
 sales to suit customers.

Having effected arrangements for goods direct
 from California and the States, I offer great
 inducements to farmers and country store keepers.
 By prompt attention to the wants of the community,
 he hopes to merit a continuance of favors.

For Town lots for sale,
ABRAHAM SUTLER
 Hillsborough, May 16, 1850-1851

FLOUR.

60,000 LBS. Fresh Flour for sale
 by
GEO. ABERNETHY & CO.

FLOUR for sale by the subscribers at Portland,
 in quantity to suit purchasers, at reduced
 prices
COUCH & CO.
 Aug 22-1851

J. D. & W. C. HOLMAN

Have formed a co-partnership, and will keep
 on hand a variety of Dry Goods and Gro-
 ceries. They would solicit a small portion of cus-
 tom.

Oct. 4, 1849.

CO-PARTNERSHIP NOTICE.

THE undersigned having formed a co-partnership,
 under the name and firm of "Norton
 & Dennison," are now prepared to transact a general
 Merchandise, Forwarding and Commission
 Business.

Those wishing to make shipments to, or purchase
 in San Francisco, will be able to do so through
 them and their agents there on the most reason-
 able terms.

Agents in San Francisco—**HELEMAN & WHITE.**
T. C. NORTON,
A. P. DENNISON.
 Portland, July 9, 1850-51-52

NOTICE

I hereby give that I will apply to the Hon.
 Probate Court of Washington county, at the
 next term of said Court, for a License to keep a
 Ferry across the Willamette river at where the
 Ferry now is in operation, at the lower end of Linn
 county, from a point of land belonging to me, to the
 ferry landing on the opposite side of said river.

JAMES M. MOORE,
 Sept. 2d 1850-26-61