

THE WYANDOT PIONEER.

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WHOLE NO. 398.

THOSE FOR WHOM WE CARE NOT.

For those who have pledged to fight
But never attend, and state no
While the single list is
Of those for whom we care not.
For royal man here they show
If on their knees they kneel not
The noblest gem that decks a crown,
The people's love—we care not.
For slavish men, who bend beneath
A deodant's yoke, and dare not
Prostrate the will, whose very breath
Wield and its link—we care not.
For priestly men, who covet sway
And wealth, though they declare not
Who point, like finger post the way
They never go—we care not.
For martial men, who on their sword,
Howe'er it conquers, wear not
The pledges of a soldier's word.
Rebelleed and pure—we care not.
For legal men, who plead for wrong,
And, though to lose they swear not,
Archly better than the wrong
Of those who do—we care not.
For secretly men, who feed upon
The land, like grubs, and spare not
The smallest leaf, where they can turn
Their ensnaring limbs—we care not.
For wealthy men, who keep their mines
In darkness hid, and share not
The pailry one with him who plies
In honest want—we care not.
For prudent men, who hold the power
Of love and of, and have not
Their hearts in any guileless hour
To beauty's shaft—we care not.
For all in short, on land and sea,
In snapper or cut who are not,
Who never seek, or care will be
Good men and true—we care not.

BOARDING A PIRATE.

A SCENE ON THE BAHAMA BANKS.

During the summer and autumn of the year 1822, I was in the West Indies, on board of one of our national vessels at war. After leaving Havana, we had cruised for some time in the neighborhood of the Grand Bahama Banks, from Key West to the Cayes. One splendid afternoon, the bright and glorious sun was sinking behind the western wave, tinged the curving and foam-crested billows with purple and golden light, and dying the spray that rose and flew before the wind, with prismatic hues. While leaning upon the quarter rail, I was musing on home and distant friends, the deep, hoarse voice of the captain of the fore-castle came upon my ear, calling, "Sail in sight!" "Where away?" was the response of the lieutenant of the watch. "Three points on the lee-bow, sir." In a moment all the glasses in the ship were put in requisition and every eye was examining with critical eye, the strange craft, that lay about four miles to leeward, with all her spars, and the cob-web tracery of her rigging, distinct and clear in the bright light which enveloped her. After a steady gaze of some moments, the lieutenant dropped his glass, and signing to one of the reefers, bade him report to the captain. In a few moments the skipper appeared, took a squint through his long telescope, as the mids called his telescope, and roared, with the first lieutenant, to the satisfaction of the binocular, where they stood in close consultation. Among the rest, I produced my canvas-covered star-gazer, and was endeavoring, with inexperienced hand, to fix my eye upon the object of attention. "Group after group formed along the decks, each around some oracle of the fore-castle, and speculating sagely upon the probable character of the stranger." Many ahrew guesses were formed, and those respectable characters, the oldest sailors, were delivered of many a wise-sounding, and nutted words of wisdom. "Old Bill Thompson, the quartermaster, who was standing near the main-chains, rolling his quid from one cheek to the other, tipped his nose, and striving to look gracious, with a phiz marvelously resembling a garbled and split cork stumpy, brought out in gruff tones, "Mayhap, Mr. Garnet, you'd lend me that ere peeper for why, I've been on salt water longer nor you, though there's not a better sailor aboard of your inches. Delighted with this flattering encomium upon my seamanship, I gave him my telescope, and after pulling up his trousers, and drawing his mahogany fist across his eyes, he took a long, last, lingering gaze at the fairy craft. He slowly took down the glass from his eye, turned round, handed it to me, looked exceedingly knowing, and provokingly inclined to conceal his knowledge, took a fresh quid from his "macey box," and with a grin of infinite meaning, said—nothing at all. "Well, old Bill," said I, "what is she? do you know her? speak, man!" "Do I?" said he, with a sepulchral tone, and a look that would have immortalized him as the ghost in Hamlet—"Do I?" Now this was all we could worm out of the old lignumvite block, but the crew around knew that two words from Bill Thompson were worth a sermon from any one else, and all watched the movements of the stranger with even greater intention of observation.

rounded by old charts, flags, and signals, and with a good stiff runner of half-inch-haft, which he was contemplating with peculiar complacency. "Hillo! macker, you're wanted!" "Clap a scupper on your jaw-bone, young'er," says he. "Strange sail in sight," says I—skipper, swabs, and all, puzzled about her—want you to make up the number—I've a notion it's a pirate." "Pirate!" says Bunting, while "visions of prize-money danced through his mind," and up he sprang through the companion, and on deck in less time than I could know a bowline I followed, having first owed away his allowance, and found him on deck. He took a glass, and having looked steadily on the stranger, swept it round the horizon, and suddenly arrested it, on an object, which we had all overlooked, a ship to windward, but which not being so directly in the light, had escaped our observation. "I thought so," said the master, as he pointed it up to the captain—that long-legged scoundrel is trying to work up to your der ship." "Tee he game; bent to quarters," said the skipper, and clear for action. Make sail on the ship, sir, and let us try our friend to leeward with the signal." Up went the white fold of France, but no thing appeared upon the schooner's rigging; next the red flag and cross of Britain rose to the peak, and was hauled down; the rich and heavy standard of Spain next unrolled itself to the wind, and was answered from the schooner with the black and yellow flag, and the smoke of a gun issued from her decks, and the ball danced ahead of us and fell in the waves. Again this was hauled down, and the stripes and stars of America waved gaily in the breeze, while the union-jack ran up to the fore-mast-head. Our friend on the left, swung round in stays, and showing us a neat and well-turned stern, away she glided over the waves, with all sail set. The ship to windward, threw her bows round, dashing up the spray before her, and displayed American colors, and ran down toward us with a flowing sheet. We immediately set all sail upon the ship, and reeling and staggering under her canvass, she sprang away, with the wind dead aft. As a square-rigged vessel has great advantage over a fore-and-aft, on this point of sailing, we gained on the schooner hand over hand. As the day wined, the wind lulled, and ere the sun set a light breeze which filled the upper canvass, but did not swell the lower and heavier sails. The twilight of the tropics, short but bright, came rapidly on, and as the glorious sun screened himself from view behind the flame-tinted waves, canopyed by masses of crimson clouds, the rich silver moon rose in radiance in the east stealing gradually on, as if loth to take the station just abdicated by her predecessor. And there, in the distance, with the long shadow of her tall masts and tapering pile of canvass resting on the billow, lay, with the bright light dancing round her graceful bows, the chase, which we had brought just within range, as the wind died away to a calm. There we lay, hammering away from the bow-chasers at the beautiful and graceful fibec which sported before us, as if the ocean were its fairy home, and the elements its playfellows. The bow-guns being of too light metal to reach her, as she almost insensibly left us, one of the eighteen-pounders from the main-deck was wheeled into its place, and fired repeatedly without success. At last the skipper walked forward, and pointed and ran the gun, applied the match, and the schooner's gall-top-mast flew in shivers, carrying with it the peak of the main-sail. "My eyes," said the foremast men, in astonishment. "Clear away the boats, and call the boarders," shouted the lieutenant of the watch; and soon the launch was hoisted out, and the cutters dropped over the side, each with their fighting crew, composed of the picked men of the ship. The moon glanced on sheathless cutlass and polished pike, as they were passing from the dark shade of the vessel, and the rollocks grated, as the oars fell into their wondrous movement. "Give way!"—and there rose to the stroke, and kept time with the most beautiful precision. The cutters took the lead, diverging so as to reach the bow and stern at once, while the launch kept steadily on, with the purpose of boarding a midship.

A few days more, and we entered the harbor of Havana, and having delivered over the pirates to the fate that awaited them, we returned to our ocean home, sadder and wiser men. A country editor drops the disinterested observation—"Blessed are they who do not advertise, for they will rarely be troubled with customers." Some of the merchants and business men of Upper Sandusky are extremely well blessed, for they don't advertise their goods at all; and we hope their troubles in the business way will be few. Hon. Nell S. Brown, late Minister to Russia, arrived Tuesday in the Franklin. We have decided in the Convention of Massachusetts, not to elect State officers by plurality vote.

glamed from out the dark and waving mass of men, while now and then, the dead, heavy sound told where the blade found its enemy, or the bullet pierced some broad and bold bo-om. The Spaniards, headed by their leader, an Apollo-like figure, but smeared with cuts, and blackened with smoke, fought in desperation. I was in vain—the brawny arms of the boarders drove their way to the fore-castle. Their leader went down, felled by a tremendous blow from the hands of a top-man, and his crew were forced down the hatchways, dragging with them the body of their captain. The hatchways were clapped on, the wounded and dead removed to our own ship; the sails trimmed, and with a prize crew of twelve men, the schooner fell into our wake. The moon now rode high in heaven, and the dred watch slowly paced the decks; the ship was under easy sail, moving about four knots through the water, and the schooner about a quarter of a mile astern, when we heard a stir and commotion on board her; the clash of swords, and the ringing of the pistol, sounded faintly to the night—soon a shout, a cry, and the lieutenant hastened to report, and ordered all hands up. But scarce could they rush up on deck, ere a terrible roar came over the waves, making the ship stagger with the concussion, and the sails flap heavily against the masts—then rushed a spire of lurid flame heavily upwards, casting a baleful and flickering glare upon the pallid countenances of the men; for an instant it flashed terribly bright, then fell, and a thick column of black and stifling smoke poured dark and gloomy over the spot; while the plash and hiss, as the falling pieces dropt in the wave, told but too well the fate of our brave companions. Still that bleak banner hung upon the bright brow of night, like a funeral pall over the crushed and mangled relics of those free-hearted men. The crew stood in a stupor of dismay and astonishment, but as the dark cloud rolled by, life was restored to their limbs, and with seaman's energy, the boats were cleared before the order was fairly given. "Lower away!" and the quarter-boats and gig were leaping rapidly over the curling waves. The ship was put about, and stood for the fatal spot. Ere the first cutter had proceeded far, they found one of the unfortunate prize crew, and drew him into the boat, still alive, though bruised, and with his thigh shattered and body blackened and seared. After a strict search, none other were found; but as they returned, the corpse of the Spanish captain met them upon the crest of a wave, with the same stern and unconquerable resolution depicted on his crumpled and shrivelled features, a fusée clamped firmly in one hand and the other clenched on a miniature. He was brought on board, and soon after committed to the deep, a fitting sepulchre for that form whose animating spirit was as fierce and ungovernable in its passions, and as beautiful in its repose, as the untamed waves that roll over his head. "Of the Tartar garrison, more than 23,000, including the families of the soldiers, women and children, were either put to the sword or committed suicide, it being a point of honor with that singular people to perish rather than to yield.—Every one of the priests, whether of the Buddhist or Taoist religion, and who were very numerous there, were massacred. Their numbers could not have been less than 1,500 or 2,000; while those killed in the assault, the mining of the walls, and the entry of the rebels, are said to amount to over 23,000 men. Very many families were completely annihilated by suicide. The streets were blocked up with dead bodies." "Should Canton fall, an event which is anticipated by many intelligent judgments, a scene even more awful will be witnessed. The local officers, all the priests, with the Tartar garrison, will doubtless be put to death, when adherents of the new order of things will fill the public offices. In the proclamation of the new Emperor it is very clearly put forth, that all the Mandarins, the Tartars and the priests shall be exterminated; and there is no doubt that such will be the case. California Millionaires. Not the least of the many extraordinary novelties of California society is the wealthiness of some of its citizens, who in four or five years of energetic attention to business, good luck, and now and then a little trickery, made honorable out there by success, are the possessors of property from which they enjoy incomes almost equal to the great millionaire fortunes of European Lords. It is said that the annual income of Samuel Brannan, Esq., is over two hundred and fifty thousand dollars, while that of J. L. Folsom, W. D. M. Howard, and several others, is but little if any less. In 1847-8 hundreds of lots in San Francisco were purchased for fifteen and twenty dollars that are now worth over a hundred thousand. All those who then bought lots, and have had the sagacity to keep them, have grown rich. We recollect that in the winter of 1849-50 a merchant of Valparaiso, named Brown who left Albany, N. Y., some seventeen years before, made an investment of \$60,000, in certain corner lots in San Francisco, and on that investment enjoyed a yearly rental of \$47,000. His was not an unusual case either.—Civ. Eq.

Scene at Smyrna—America vs. Austria. In our latest foreign news by telegraph brief mention was made of a gallant action of an American officer, which is here more fully detailed: It appears that M. Costa, a Hungarian, ex-aid-de-camp to Kossuth, and who had returned from the United States, was sequestered in the house of a Sardinian, in Smyrna. His whereabouts came to the ears of M. Vekbecker, Austrian Consul General, who, under pretence of searching for a thief, dragged him out, gagged, handcuffed and conveyed him on board the Austrian brig-of-war *Hossor*. All the efforts of the other Europeans, aided by Ali Pacha and the native officers, to have the prisoner handed over to the local tribunals, were in vain. On the following day the U. S. frigate St. Louis, under the port, and the captain of the frigate, accompanied by the U. S. Consul, immediately went on board the Austrian ship and demanded to talk with the prisoner, whom they believed to have a claim to the protection of the United States. The Austrian Lieutenant in command denied that he had any prisoners on board. The captain of the St. Louis, and the Consul then went to the Austrian Consulate, where after a scene of the most violent kind, M. Vekbecker admitted that the prisoner was on board, and gave a forced consent to see him. Returning on board the Austrian vessel, the American Captain thus addressed Commander Schwartz—"When I came on board a short time since, your lieutenant lied to my face! The meanness of my call-boys would not have been guilty of such cowardice! Where is the prisoner? I wish to see him." As Commander Schwartz hesitated, the American added: "Bear in mind that if the prisoner claims my protection, and has the slightest right to it, I will remove myself and will not allow him to remain another minute on board." Unfortunately, the generous efforts of the Captain of the St. Louis were useless, for the prisoner prevaricated and betrayed himself so much in his replies, that he did not give his defenders the slightest chance to save him. When this was known on shore, great excitement broke out, and the Italians who were burned the Austrian Consulate had it not been well defended. In their heat they attacked three Austrian midshipmen who were on shore, and killed one. On the other side, the Greeks or Austrians—the account is somewhat obscure—laid the plan to assassinate the American officers, but being warned in time, they avoided the danger. The Italians and their allies have sworn to poignard the ten Greeks who arrested Costa, and the Greeks swear they will murder ten Italians for every Greek. The city continues in a ferment. Horrors of the China War. Out of a lengthy letter from Canton, descriptive of the great revolution going on in China, we clipped this extract, relating to the capture of the great city of Nankin: "Of the Tartar garrison, more than 23,000, including the families of the soldiers, women and children, were either put to the sword or committed suicide, it being a point of honor with that singular people to perish rather than to yield.—Every one of the priests, whether of the Buddhist or Taoist religion, and who were very numerous there, were massacred. Their numbers could not have been less than 1,500 or 2,000; while those killed in the assault, the mining of the walls, and the entry of the rebels, are said to amount to over 23,000 men. Very many families were completely annihilated by suicide. The streets were blocked up with dead bodies." "Should Canton fall, an event which is anticipated by many intelligent judgments, a scene even more awful will be witnessed. 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Sec. 8. No Probate Judge shall act as Executor or Administrator of any estate, or as Guardian for any minor, idiot, or lunatic; and if he shall be interested as heir, legatee, devisee, or in any other manner, in any estate which may be required to be settled in the county where he resides, all such estates and accounts of guardianship shall be settled by the Court of common Pleas of such county; but any Probate Judge who was acting as Executor, Administrator or Guardian on the 25th day of February, 1852, may continue to discharge the duties thereof, all said trusts can be duly closed and settled. Official Seal. Sec. 9. The Probate Court shall have a seal to be provided by the Commissioners of the proper county, having the same device as the seals of the court of common pleas except there shall be engraved around the margin thereof, in addition to the name of the proper county, the words "Probate Court," instead of the words "Common Pleas." All writs and process issuing from said court shall be under the seal thereof, and shall be dated and signed by the judge issuing the same, and all transcripts issuing from said court under the seal thereof, and signed by the judge thereof, shall be received as evidence of the facts therein contained in all the courts of this State. Judge's Oath, &c., of papers, books, &c. Sec. 10. The Judges of said Courts shall have the care and custody of all files, papers, books and records belonging to the Probate office, and are hereby authorized and empowered to perform the duties of clerks of their own courts.—Every Probate Judge shall have power to appoint a deputy clerk or clerks, each of whom shall, previously to entering upon the duties of his appointment, take an oath or affirmation, faithfully to perform all his duties as deputy clerk, and when so qualified, said deputy may do and perform any all the duties appertaining to the office of clerk of said court. Every Probate Judge may take such security from his deputy, as he may deem necessary to secure the faithful performance of the duties of his appointment. Official Records. Sec. 11. The following books shall be kept by the Probate Court, and Blank books for the purpose, shall be prepared by the County Auditor, at the expense of the county: Criminal Record. 1.—A criminal record, in which shall be made a fair and accurate entry of all criminal actions instituted in said county, with the proceedings had therein. Civil Docket. 2.—A civil docket, in which shall be noted the names of parties to all actions and proceedings, and the name of the deceased person, infant, insane person, idiot, or lunatic, in the matter of whose estate the said court shall exercise jurisdiction: It shall also contain a minute of the time of the commencement of such action and proceedings, and filing the papers relating to any matter in such court, and abstract notes of all orders made in such action, proceeding, or matter, and the time of entering the same. Journal. 3.—A Journal, in which shall be kept minutes of all official business transacted in the Probate Court, or by the Probate Judge in all civil actions and proceedings. Will Record. 4.—A record of wills in which shall be recorded all wills provided in such court, with a certificate of the Probate thereof, and all wills proven elsewhere, with the certificate of probate, authenticated copies of which have been admitted to record by said court. Final Record of causes. 5.—A final record, which shall contain a complete record in each cause or matter of all petitions, answers and demurrers, motions, returns, reports, verdicts, awards, orders and judgments; and which record shall be made up and completed within ninety days after the final order, or judgment shall have been made in any of the matters aforesaid; and he shall also, within thirty days after the return of the same record, all inventories, sale bills, and allowances to widows, in a book to be provided for that purpose. Record of accounts. 6.—A final record of accounts, which shall contain an entry of the appointment of executors, administrators and guardians, and all partial and final accounts of executors, administrators and guardians, and the orders and proceedings of the courts thereon. Execution Docket. 7.—An execution docket in which shall be entered a memorandum of all executions issued by the Probate Judge both in civil and criminal cases, stating the names of the parties, the name of the person to whom delivered and his return thereon. It shall also contain the date of issuing the execution and the amount ordered to be collected, stating the costs separately from the fine or damages, and all payments thereon and the satisfaction thereof when the same is satisfied. Sec. 12. To each of said books, shall be attached an index, securely bound in the volume, which shall at all times be kept up with the entries therein, and refer to such entries alphabetically, by the names of the parties or person in which it is originally entered, indicating the page of the book where the entry is made. Where office kept, and how provided with books and stationaries. Sec. 13. The Probate Judge must keep an office at the county seat, open at all reasonable hours suitable for transaction of business, and for the deposit and safe keeping of the public books, records and papers under his charge. Such office shall be furnished by the county Commissioners, and provided with suitable cases, for the safe keeping and preservation of the books and papers of such court, and also, with such stationery as may be required by such Justice in the discharge of his official duties, at the expense of the county. CHAPTER III. POWERS AND DUTIES OF THE PROBATE JUDGE IN CIVIL CASES. Rules of practice to be made and returned to Supreme Courts. Sec. 14. The several Probate Judges shall, from time to time, make rules, not inconsistent with the laws of this State, for regulating the practice and conducting the business in their respective courts, and they shall within one year after this act shall take effect, return a statement of their rules and course of proceedings to the Supreme Court and shall, make a like return of all their rules, hereafter made; as soon as convenient after making the same; and the Supreme Court shall have power to alter and amend all such rules, and to make other and further rules, from time to time, for regulating the proceedings in all the Probate Courts of this State, as they shall judge necessary in order to introduce and maintain regularly and uniformly in the said proceedings. Executions. Sec. 15. Orders for the payment of money may be enforced by execution or otherwise, in the same manner as judgments in the Courts of Common Pleas.—All such executions shall be directed to the Sheriff, or in his absence or disability, to the Coroner. Contempt. Sec. 16. If any person shall neglect or refuse to perform any order or judgment of a Probate Court, or other than for the payment of money, he shall be deemed guilty of a contempt of Court, and said Probate Judge shall issue a summons directing him to appear before said Judge within two days from the service thereof, and show cause why he should not be punished for his contempt; or if it appear to such Judge that he is secreting himself to avoid the process of the Court, or is about to leave the county for such purpose, said Judge may issue an attachment instead of the summons above mentioned commanding the officer to whom the attachment shall be directed, forthwith to bring such person before such Judge to answer for his contempt; and if no sufficient excuse be shown, he shall be punished in the same manner as provided for the punishment of contempts in the Court of Common Pleas. Sheriff or other officer failing to serve process, or pay over money here provided. Sec. 17. If any Sheriff, Coroner or Constable shall neglect, or refuse to serve and return any process issued by said Probate Judge, and to him directed and delivered, or shall neglect or refuse to pay over any moneys by him collected, to the Probate Judge, or any other person, when so directed by Probate Judge, he shall be subject to fine and imprisonment, as in the next section provided. The Judge's Oath. Sec. 18. In the cases enumerated in the preceding section, it shall be the duty of the Probate Judge to issue a summons directed to the Sheriff, or other officer, sheriff named, commanding him to summon the officer guilty of such misconduct to appear within two days after the service of such summons, and show cause why he should not be amerced, specifying the cause of such enforcement; and in case of neglect or refusal to serve or return any process issued by such Probate Judge, and directed and delivered to such officer, if no sufficient excuse be shown, such officer shall be fined by said Probate Judge in any sum not exceeding one hundred dollars, to be paid into the county treasury; and he and his sureties shall moreover be liable upon his official bond for all damages sustained by any person by reason of such misconduct; and in case of refusal to pay over any moneys by him collected to the Probate Judge, or any other person, when so directed by such Probate Judge, he shall be amerced for the use of the parties interested, in the amount by such process required to be collected, together with ten per cent. thereon; and such Probate Judge may enforce the collection thereof, by execution, or other process, or by imprisonment, as for a contempt of Court, or both; the delinquent officer, and his sureties shall moreover be liable on his official bond for the amount of such amercement at the suit of the person or persons interested.

LAW OF OHIO. PUBLISHED BY AUTHORITY. AN ACT. Defining the Jurisdiction and regulating the Practice of Probate Courts. CHAPTER I. Jurisdiction of Probate Courts. Sec. 1. Be it enacted by the General Assembly of the State of Ohio, That it be established in each county of this State, a Probate Court, which shall be held at the county seat of each county: Exclusive Jurisdiction of Probate Courts. Sec. 2. The Probate Court shall have exclusive jurisdiction in Probate and Testamentary matters, except as hereinafter provided. 1.—To take the proof of wills, and to admit to record authenticated copies of wills executed, proved and allowed in the courts of any other State, Territory or county. 2.—To grant and revoke letters testamentary, and of administration: 3.—To direct and control the conduct, and settle the accounts of executors and administrators: 4.—To enforce the payment of the debts and legacies of deceased persons, and the distribution of the estates of testators: 5.—To appoint and remove guardians, to direct and control their conduct, and to settle their accounts: 6.—To grant marriage licenses, and licenses to ministers of Gospel to solemnize marriages: 7.—To make inquests respecting homicides, insane persons, idiots and deaf and dumb persons subject by law to guardianship: 8.—To make inquests of the amount of compensation to be made to the owners of real estates, when appropriated by any corporations legally authorized to make such appropriations: 9.—In the criminal cases hereinafter specified: 10.—To try contests of the election of Justices of the Peace. Concurrent Jurisdiction of Probate Courts. Sec. 3. Probate Courts shall have concurrent jurisdiction: 1.—In the sale of lands on petition by executors, administrators and guardians, and the assignment of dower in such cases of sale: 2.—In the completion of real estate on petition of executors and administrators: 3.—In allowing and issuing writs habeas corpus, and in determining the validity of the caption and detention of the persons brought before them on such writs of habeas corpus. To administer oaths and take acknowledgments and depositions. Sec. 4. Probate Judges shall have power to administer oaths in cases, where oaths are required by law; to take the acknowledgment of deeds, mortgages, and other instruments of writing required by law to be acknowledged, and to take depositions in all cases where the same are authorized to be taken by the laws of this State. Jurisdiction exclusive of other Probate Judges. Sec. 5. The jurisdiction acquired by any probate court over a matter or proceedings, is exclusive of that of any other probate court, except where otherwise provided by law. CHAPTER II. ORGANIZATION OF THE COURT. Official Oath. Sec. 6. Before any Probate Judge shall enter upon the discharge of the duties of his office, he shall take an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Ohio, and that he will faithfully, diligently and impartially discharge the duties of Probate Judge to the best of his skill and ability. He shall also give an undertaking to the State of Ohio, with sufficient security to be approved by the board of county commissioners of the proper county; or in the absence of any two of said commissioners from the county, by the auditor and recorder of the proper county, in any sum not less than five thousand dollars, to the effect that he will truly and faithfully pay over all moneys that may by him be received in his official capacity, that he will enter record all orders, judgments and proceedings of said court, and faithfully and impartially discharge and perform all the duties of his said office; which undertaking, with his oath or affirmation endorsed upon the same, shall be lodged with the county treasurer, and such additional or further undertaking may be required by the county Commissioners from said Probate Judge, from time to time, as the state of business in his office may render necessary. Judge's Oath practice law. Sec. 7. No Probate Judge shall practice or be associated with another as a partner in the practice of law in any of the Courts of record of this State, or appear as counsel before any Justice of the peace or board of arbitrators, or referees; but nothing in the section contained shall prevent any Probate Judge of this State from finishing any business by him commenced prior to the passage of this act, not connected with his official business. Not an act as Executor, Administrator or Guardian. Sec. 8. No Probate Judge shall act as Executor or Administrator of any estate, or as Guardian for any minor, idiot, or lunatic; and if he shall be interested as heir, legatee, devisee, or in any other manner, in any estate which may be required to be settled in the county where he resides, all such estates and accounts of guardianship shall be settled by the Court of common Pleas of such county; but any Probate Judge who was acting as Executor, Administrator or Guardian on the 25th day of February, 1852, may continue to discharge the duties thereof, all said trusts can be duly closed and settled. Official Seal. Sec. 9. The Probate Court shall have a seal to be provided by the Commissioners of the proper county, having the same device as the seals of the court of common pleas except there shall be engraved around the margin thereof, in addition to the name of the proper county, the words "Probate Court," instead of the words "Common Pleas." All writs and process issuing from said court shall be under the seal thereof, and shall be dated and signed by the judge issuing the same, and all transcripts issuing from said court under the seal thereof, and signed by the judge thereof, shall be received as evidence of the facts therein contained in all the courts of this State. Judge's Oath, &c., of papers, books, &c. Sec. 10. The Judges of said Courts shall have the care and custody of all files, papers, books and records belonging to the Probate office, and are hereby authorized and empowered to perform the duties of clerks of their own courts.—Every Probate Judge shall have power to appoint a deputy clerk or clerks, each of whom shall, previously to entering upon the duties of his appointment, take an oath or affirmation, faithfully to perform all his duties as deputy clerk, and when so qualified, said deputy may do and perform any all the duties appertaining to the office of clerk of said court. Every Probate Judge may take such security from his deputy, as he may deem necessary to secure the faithful performance of the duties of his appointment. Official Records. Sec. 11. The following books shall be kept by the Probate Court, and Blank books for the purpose, shall be prepared by the County Auditor, at the expense of the county: Criminal Record. 1.—A criminal record, in which shall be made a fair and accurate entry of all criminal actions instituted in said county, with the proceedings had therein. Civil Docket. 2.—A civil docket, in which shall be noted the names of parties to all actions and proceedings, and the name of the deceased person, infant, insane person, idiot, or lunatic, in the matter of whose estate the said court shall exercise jurisdiction: It shall also contain a minute of the time of the commencement of such action and proceedings, and filing the papers relating to any matter in such court, and abstract notes of all orders made in such action, proceeding, or matter, and the time of entering the same. Journal. 3.—A Journal, in which shall be kept minutes of all official business transacted in the Probate Court, or by the Probate Judge in all civil actions and proceedings. Will Record. 4.—A record of wills in which shall be recorded all wills provided in such court, with a certificate of the Probate thereof, and all wills proven elsewhere, with the certificate of probate, authenticated copies of which have been admitted to record by said court. Final Record of causes. 5.—A final record, which shall contain a complete record in each cause or matter of all petitions, answers and demurrers, motions, returns, reports, verdicts, awards, orders and judgments; and which record shall be made up and completed within ninety days after the final order, or judgment shall have been made in any of the matters aforesaid; and he shall also, within thirty days after the return of the same record, all inventories, sale bills, and allowances to widows, in a book to be provided for that purpose. Record of accounts. 6.—A final record of accounts, which shall contain an entry of the appointment of executors, administrators and guardians, and all partial and final accounts of executors, administrators and guardians, and the orders and proceedings of the courts thereon. Execution Docket. 7.—An execution docket in which shall be entered a memorandum of all executions issued by the Probate Judge both in civil and criminal cases, stating the names of the parties, the name of the person to whom delivered and his return thereon. It shall also contain the date of issuing the execution and the amount ordered to be collected, stating the costs separately from the fine or damages, and all payments thereon and the satisfaction thereof when the same is satisfied. Sec. 12. To each of said books, shall be attached an index, securely bound in the volume, which shall at all times be kept up with the entries therein, and refer to such entries alphabetically, by the names of the parties or person in which it is originally entered, indicating the page of the book where the entry is made. Where office kept, and how provided with books and stationaries. Sec. 13. The Probate Judge must keep an office at the county seat, open at all reasonable hours suitable for transaction of business, and for the deposit and safe keeping of the public books, records and papers under his charge. Such office shall be furnished by the county Commissioners, and provided with suitable cases, for the safe keeping and preservation of the books and papers of such court, and also, with such stationery as may be required by such Justice in the discharge of his official duties, at the expense of the county. CHAPTER III. POWERS AND DUTIES OF THE PROBATE JUDGE IN CIVIL CASES. Rules of practice to be made and returned to Supreme Courts. Sec. 14. The several Probate Judges shall, from time to time, make rules, not inconsistent with the laws of this State, for regulating the practice and conducting the business in their respective courts, and they shall within one year after this act shall take effect, return a statement of their rules and course of proceedings to the Supreme Court and shall, make a like return of all their rules, hereafter made; as soon as convenient after making the same; and the Supreme Court shall have power to alter and amend all such rules, and to make other and further rules, from time to time, for regulating the proceedings in all the Probate Courts of this State, as they shall judge necessary in order to introduce and maintain regularly and uniformly in the said proceedings. Executions. Sec. 15. Orders for the payment of money may be enforced by execution or otherwise, in the same manner as judgments in the Courts of Common Pleas.—All such executions shall be directed to the Sheriff, or in his absence or disability, to the Coroner. Contempt. Sec. 16. If any person shall neglect or refuse to perform any order or judgment of a Probate Court, or other than for the payment of money, he shall be deemed guilty of a contempt of Court, and said Probate Judge shall issue a summons directing him to appear before said Judge within two days from the service thereof, and show cause why he should not be punished for his contempt; or if it appear to such Judge that he is secreting himself to avoid the process of the Court, or is about to leave the county for such purpose, said Judge may issue an attachment instead of the summons above mentioned commanding the officer to whom the attachment shall be directed, forthwith to bring such person before such Judge to answer for his contempt; and if no sufficient excuse be shown, he shall be punished in the same manner as provided for the punishment of contempts in the Court of Common Pleas. Sheriff or other officer failing to serve process, or pay over money here provided. Sec. 17. If any Sheriff, Coroner or Constable shall neglect, or refuse to serve and return any process issued by said Probate Judge, and to him directed and delivered, or shall neglect or refuse to pay over any moneys by him collected, to the Probate Judge, or any other person, when so directed by Probate Judge, he shall be subject to fine and imprisonment, as in the next section provided. The Judge's Oath. Sec. 18. In the cases enumerated in the preceding section, it shall be the duty of the Probate Judge to issue a summons directed to the Sheriff, or other officer, sheriff named, commanding him to summon the officer guilty of such misconduct to appear within two days after the service of such summons, and show cause why he should not be amerced, specifying the cause of such enforcement; and in case of neglect or refusal to serve or return any process issued by such Probate Judge, and directed and delivered to such officer, if no sufficient excuse be shown, such officer shall be fined by said Probate Judge in any sum not exceeding one hundred dollars, to be paid into the county treasury; and he and his sureties shall moreover be liable upon his official bond for all damages sustained by any person by reason of such misconduct; and in case of refusal to pay over any moneys by him collected to the Probate Judge, or any other person, when so directed by such Probate Judge, he shall be amerced for the use of the parties interested, in the amount by such process required to be collected, together with ten per cent. thereon; and such Probate Judge may enforce the collection thereof, by execution, or other process, or by imprisonment, as for a contempt of Court, or both; the delinquent officer, and his sureties shall moreover be liable on his official bond for the amount of such amercement at the suit of the person or persons interested.