

CHAPTER 76.

AN ACT TO ENABLE TESTATORS TO PROVIDE BY WILL, THAT EXECUTORS, TRUSTEES AND GUARDIANS NAMED IN WILL MAY BE RELIEVED FROM GIVING BONDS, EXCEPT AS AGAINST CREDITORS [OF] AND TESTATORS.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That section two (2), of chapter fifty (50), of the General Laws of A. D. one thousand eight hundred and sixty-six (1866), be and the same is hereby amended, by adding the following proviso at the end of said section, to-wit :

Relating to bonds of executors, where testators specially except them.

Provided that it shall and may be lawful for any testator, by any last will and testament, heretofore executed, or hereafter to be executed, or by a codicil thereto, to provide that any executors, guardians or trustees, specially named and appointed as such, in such will or codicil, shall not be required to give any bond as such executors, trustees or guardians, except as against the creditors of such testator, and in case of the appointment and qualification of such executors, trustees or guardians, so named in such will or codicil, he or they shall, before entering upon the execution of such trust, give such bond as the said Judge of Probate may direct, conditioned as aforesaid, to pay all debts, claims and demands chargeable on and proved against the estate of said testator, the expenses and charges of his last illness, funeral expenses and expenses and costs of administration, but not conditioned for the further performance of any other trusts created by such will.

Bonds required as against creditors.

And the probate court may from time to time require additional bonds to further secure the creditors of such estate, and the payment of said expenses and costs of administration.

Provided, that no responsibility shall exist upon any bond required by this act beyond the assets of the estate liable for the payment of debts.

SEC. 2. The provisions of this act shall apply to all wills containing such a proviso or codicil heretofore made or hereafter made, and without the limits of this State, whether the testator is a resident or not, and the execution of such wills and the trusts thereunder shall so far as interests or rights thereunder exist therein, shall be governed thereby.

Applies to wills heretofore or hereafter made.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved March 7, 1878.