

## CHAPTER 75.

[H. F. No. 243.]

AN ACT TO AMEND CHAPTER FIFTY-FOUR (54), GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), REGARDING EXECUTORS AND ADMINISTRATORS.

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

SECTION 1. That chapter fifty-four (54) of the general statutes of one thousand eight hundred and seventy-eight (1878), be and the same is hereby amended by adding thereto, after section fourteen (14) of said chapter, the following sections:

"Section 15. An executor or administrator may at any time resign his trust, but such resignation shall not be effectual for any purpose unless the court shall enter its acceptance of the same in the form of an order in the record which the statute requires the court to keep of the appointment of executors and administrators, and shall have examined, allowed and approved his final account.

Executors and administrators

"Sec. 16. When the final account of any executor or administrator shall have been examined, allowed and approved by the court, in the form and manner hereinbefore provided, for the examination of his administration account, the court shall make and enter an order forever discharging such executor or administrator from all the duties, powers and liabilities of such trust, and such order shall have the effect of forever discharging such executor or administrator together with his sureties upon all bonds filed by him in the estate, from all liability and responsibility in respect to such trust at the expiration of two (2) years after the date of such order. And after the entry of such order, no action or proceeding shall lie against such executor, administrator or sureties, by reason of anything which such executor or administrator may have done or not done while executing such trust, unless permission to bring such action or proceeding is first obtained from the Probate court, upon notice to such executor or administrator, and upon proof, to the satisfaction of said court of probable intentional fraud or malfeasance of such officer in executing such trust; and in case such action or proceeding is brought, the executor or administrator and his sureties shall still be liable, such release and discharge notwithstanding, provided that the court or jury, upon the trial or hearing of the same, find such executor or administrator guilty of intentional fraud or malfeasance in executing such trust, but not otherwise.

Discharge of executor, etc., after filing final account.

Proviso.

"*Provided*, however, that in case improper credits shall have been allowed or proper charges against him have been omitted upon settlement of his final account, by mistake, the liability of such executor or administrator shall remain in respect thereto as at present, anything in this chapter to the contrary notwithstanding.

Executor after discharge may complete matters omitted from administration

"Sec. 17. Nothing herein contained shall be construed to abridge or effect the authority or duty of an executor or administrator to perform, after the entry of such order of discharge any duty necessary to the complete settlement of the affairs of his testator or intestate, as to any matter previously omitted from administration; nor shall such discharge prevent an appeal being made and had from the order and judgment upon such accounting, as provided by statute.

Executor defined.

"Sec. 18. The word "executor" in this and in other chapters relating to probate proceedings shall be construed to include an administrator with the will annexed."

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 7th, 1887.

## CHAPTER 76.

[H. F. No. 232.]

AN ACT TO AMEND SECTION THIRTY-SEVEN (37) OF CHAPTER NINETEEN (19) OF THE GENERAL STATUTES OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT (1878), RELATING TO DESTRAINING BEASTS DOING DAMAGE.

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

Destraining beasts from doing damage.

SECTION 1. That section thirty-seven (37) of chapter nineteen (19) of the general statutes of eighteen hundred and seventy-eight (1878) be amended by adding thereto, after the words "Otter Tail County" the words "Wilkin County"; it being the intention of this act that the general provisions of title three (3) of said chapter apply in all respects to said Wilkin County.

When act to take effect.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1887.