

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

Edited and Published under the authority of Chapters 15 and 16 of
the Laws of 1866.

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With what executor or administrator is chargeable.

SECTION 1. Every executor and administrator is chargeable in his account, with the whole of the goods, chattels, rights and credits of the deceased, which come to his possession; also with all the proceeds of the real estate, which is sold for the payment of debts and legacies, and with all the interest, profit and income that in any way comes to his hands, from the estate of the deceased.

Shall account for personal estate, how.

SEC. 2. Every executor and administrator, shall account for the personal estate of the deceased, as the same is appraised, except as provided in the following section.

Shall not make profit or suffer loss, &c.

SEC. 3. An executor or administrator shall not make profit by the increase, nor suffer loss by the decrease or destruction, without his fault, of any part of the personal estate; and he shall account for the excess when he sells any part of the personal estate for more than the appraisal; and if he sells any for less than the appraisal, he is not responsible for the loss, if it appears to be beneficial to the estate to sell it.

Personal estate may be sold, when and how.

SEC. 4. The probate court, on the application of the executor or administrator may, at any time, order the personal estate to be sold at private sale, or at public auction, when it appears to be necessary for the purpose of paying debts or legacies, or expenses of administration, or for the preservation of the property, or when it is requested by all the heirs residing in this state; or the court may order such personal estate to be sold, either at private sale or public auction, as the executor or administrator may find most beneficial. If the order is to sell at auction, the probate court shall direct the mode of giving notice of the time and place of sale.

Account of sale to be rendered.

SEC. 5. When the executor or administrator sells personal estate under an order of the probate court, he shall account for the same at the price for which it is sold.

Not accountable for debts, when.

SEC. 6. No executor or administrator is accountable for any debts due to the deceased, if it appears that they remain uncollected without his fault.

Shall account for income of real estate.

SEC. 7. The executor or administrator is accountable for the income of the real estate, while it remains in his possession; and if he uses or occupies part of it, he shall account for it as may be agreed upon between him and the parties interested, or adjudged by the court, with their assent; and if the parties do not agree upon the sum to be allowed, the same may be ascertained by one or more disinterested persons appointed by the probate court, whose award, being accepted by such court, shall be final.

SEC. 8. When an executor or administrator neglects or unreasonably delays to raise money; by collecting the debts or selling the real or personal estate of the deceased, or neglects to pay over the money he has in his hands, and the value of the estate is thereby lessened, or unnecessary cost, or interest accrues; or the persons interested suffer loss, the same shall be deemed waste, and the damages sustained may be charged against the executor or administrator in his account, or he shall be liable therefor on his administration bond.

Is accountable for loss or delay occasioned by neglect.

SEC. 9. Every executor or administrator shall render his account of his administration, within one year from the time of his receiving letters testamentary or of administration, unless the court gives permission to delay, in consideration that the time for selling the estate and paying the debts is extended; and he shall render such further accounts of his administration, from time to time, as are required by the court, until the estate is wholly settled.

Account rendered, when.

SEC. 10. The judge of probate shall examine every executor and administrator upon oath as to the truth and correctness of his account before the same is allowed, but such examination may be omitted when no objection is made to the allowance of the account, and there is no reason to doubt the justness and correctness thereof; and the heirs, legatees and distributors may be examined on oath upon any matter relating to the account of any executor or administrator whenever the correctness thereof is called in question.

Executor or administrator to be examined on oath as to account.

SEC. 11. The executor or administrator shall be allowed all necessary expenses in the care, management and settlement of the estate, and for his services, such fees as the law provides, together with all extra expenses: *provided*, that when the deceased, by his will, makes some other provision for compensation to his executor, that shall be deemed a full compensation for his services, unless by a written instrument, filed in the probate court, he renounces all claim to the compensation provided by the will.

Compensation of executors and administrators.

SEC. 12. When an executor or administrator, after being duly cited by the probate court, neglects to render his account, he is liable on his bond for all damages which may accrue, and his bond may be put in suit by any person interested in the estate.

Executor, et al., liable on bond, when.

SEC. 13. When costs in any case are allowed against an executor or administrator, execution shall not issue against the estate of the deceased, in his hands therefor, but shall be awarded against him as for his own debt; and the amount paid by him shall be allowed in his administration account, unless it appears that the action or proceeding in which the costs are taxed has been prosecuted or resisted without just cause.

Execution for costs issued, when.

SEC. 14. Before the administration account of any executor or administrator is allowed, notice shall be given to all persons interested, of the time and place of examining and allowing the same; and such notice may be given personally, to such persons as the probate court deems interested, or by public notice under the direction of the court.

Notice of examination of account to be given.