

CHAPTER 139.

RELATING TO ESTATES OF DECEDENTS—DUTIES OF EXECUTORS AND ADMINISTRATORS.

AN ACT to amend Chapter 100, of the Revision of 1860, of the Laws of Iowa, relative to the estates of Decedents.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa.* That when a will is executed in another State or county, and admitted to record in this State, the executors or administrators, with the will annexed, and any trustee appointed by such will or by any court of this State, to perform any duty or to carry into effect any trust created by such will, shall have all the rights, powers and authority, and shall be subject to the same liabilities, actions, and provisions of law respecting their duties and trusts as executors administrators with the will annexed, and trustees under the same, duly executed and admitted to probate in this State.

SEC. 2. The courts in this State shall, in all such cases have the same jurisdiction and powers over the appointment, filling vacancies, requiring sureties, and enforcing, directing and restraining [restraining] the performance and execution of the duties and trusts of each executors, administrators, with the will annexed, and trustees, as are given to such courts respecting the same matters arising under wills duly executed and admitted to probate in this State.

SEC. 3. If there be no heirs or devisee of a testator or intestate present or competent to take possession of the real estate left by any such testator or intestate, the executor or administrator of his personal estate may, as trustee for the proper heirs or devisees, take possession of such real estate, and demand and receive the rents and profits arising therefrom, and sue for and recover the same, and do all other acts and things relating to such real estate which may be for the benefit of the person entitled thereto and consistent with their rights and interests.

SEC. 4. Such executor or administrator shall account to such heirs or devisees for any rents, profits, or use of such real estate which he shall have received, deducting therefrom a reasonable compensation to be determined by the court.

SEC. 5. Such executor or administrator, under the order and direction of the court, may apply any pro-

When executed in another State and recorded in this State.
Ex., Adm'r, and Trustees.

Rights, powers, liabilities.

Jurisdiction of Courts in relation thereto.

Where no heirs are present.

Who may take charge.
Powers of.

Same, shall account.

Court determine compensation.
Ex. or Adm'r may apply proceeds.

ceeds derived by him as aforesaid from such real estate, to the payment of taxes, debts, and claims against the estate of the testator or intestate in case the personal assets are insufficient.

SEC. 6. It shall be the duty of executors and administrators, when any of the heirs of the testator or intestate are minors, for whom no guardians have been appointed, to pay out of any assets in the hands of any such executors or administrators, any taxes assessed against the real or personal estate of the decedent before and after his death, when no other provisions are made therefor; and every such payment shall be credited to such executor or administrator as the payment of other claims against the estate of the decedent.

Duty of executor or adm'r where heirs are minors without guardians.

SEC. 7. After letters testamentary, or of administration with the will annexed, or of administration, shall have been granted to any person, he may be removed and his letters suspended whenever the interests of the estate require it, for any of the following causes:

Adm'r may be removed, when.

1st. When by reason of age, continued sickness, imbecility of mind, or change of residence, or if any such executor or administrator shall, from any other cause, become incapable of discharging his trust in such manner as the interest and proper management of the estate may require.

Sickness, change of residence. Incapability.

2d. When any such executor or administrator shall fail or refuse to return inventories or accounts of sales of the estate, or to make reports of the condition of the estate and apply for orders of the court to sell personal or real estate for the payment of debts and claims against the same when it shall be necessary, or shall waste or be guilty of any mal-administration thereof.

Failure to account. Waste, mal-administration.

3d. When it shall be shown to the court by his sureties that such executor or administrator has become, or is likely to become insolvent, in consequence of which such sureties have or will suffer loss.

Insolent.

SEC. 8. Applications for the removal of executors or administrators, or for the purpose of requiring additional sureties, shall be made in the court from which letters were issued, by any person interested in the estate.

Applications for removal, where made, by whom.

SEC. 9. Such application must be in writing, and verified by oath, and shall specify the grounds of complaint.

Same, manner of making.

SEC. 10. Upon the filing of such application, a citation shall issue to the person complained of, requiring him to appear and answer the complaint, which citation shall be served ten days before hearing such complaint,

Citation to issue—when served.

unless sufficient cause be shown for making it returnable forthwith.

When executor or adm'r is a non resident. Notice, how served. SEC. 11. If the executor or administrator is not a resident of the county where such complaint is made, notice thereof shall be served upon him in the same manner as original notices are now, or may hereafter, be required to be served upon defendants to civil actions in the District Court, who may be non-residents of the county in which the action is brought.

Letters may be suspended. File account of act under oath. SEC. 12. If the determination of the Court upon the hearing of the complaint, is against the executor or administrator, he may be removed and his letters suspended, and he may be required to file, under oath, a full account of his acts relative to the management of the estate, and may be examined under oath as to any matter touching the same.

Deliver property when removed. SEC. 13. Upon the removal of any executor or administrator, he shall be required, by order of the Court, to deliver to the person who may be entitled thereto, all the property in his hands, or under his control, belonging to the estate.

Disobedience to order. Committed to jail, how long. SEC. 14. If such executor or administrator disobeys the order of the Court in filing his account, or refuses to be examined under oath, or to deliver the property, as provided in this Act, he may be committed to the jail of the county until a compliance be yielded.

Unnecessary delay, how remedied. SEC. 15. In case of any unnecessary or unreasonable delay on the part of any executor or administrator, the Court may, by citation, compel him to render an account of the estate, as if a complaint had been made for that purpose.

When removed, &c. SEC. 16. Whenever the letters of any executor or administrator are revoked or superseded, all his authority shall cease, and all acts thereafter as such shall be absolutely void.

Repeal. SEC. 17. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Approved April 3d, 1866.

CHAPTER 140.

REPRESENTATIVE DISTRICTS.

AN ACT apportioning the State of Iowa into Representative Districts.

SECTION 1. *Be it enacted by the General Assembly*