

A BILL

FOR AN ACT TO PROVIDE FOR THE APPOINTMENT OF PUBLIC ADMINISTRATORS, AND TO DEFINE THEIR DUTIES.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. The Governor of this State shall, before the first day of January, 1887, and every fourth year thereafter, appoint in each county in this State, and as often as any vacancies may occur, a suitable person to be known as the public administrator of the county, who shall hold his office for four years from the first day of January in such year, or until his successor is elected and qualified.

SEC. 2. Every person appointed as a public administrator shall, before entering upon the duties of his office, give a bond in the sum of five thousand dollars, to be approved by the clerk of the district court of such county, conditioned as required by section 674, of the Code of 1873, and take and subscribe the oath prescribed by section 675, of the Code of 1873.

SEC. 3. Whenever any person dies seized or possessed of any estate within this State, whether real or personal, and has no relative or creditor within this State who will administer upon such person's estate, or, when the person entitled to administer is unable to give the security requisite to qualify as administrator, it shall be the duty of the probate court of such county, upon the application of any person interested therein, to commit the administration of such estate to the public administrator of the proper county.

SEC. 4. Whenever administration is granted to any public administrator, and it shall afterward appear that there is a widow, or next of kin, or creditor of the deceased, entitled to the preference of administration under the laws of this State, it shall be the duty of the probate court to revoke the letters granted to such public administrator and grant the same to such widow, next of kin, or creditor, as may be entitled thereto; *provided*, such application is made within six months from the first publication of the appointment of such public administrator, saving to such administrator, in all cases, all such sums of money on account of commissions or expenses as are due or incurred by him in the management of said estate.

SEC. 5. Upon the death of any person intestate, not leaving a widow, next of kin, or creditor, within this State, the public administrator of the county wherein such person may have died, or when the decedent was a non-resident, the public administrator of the county wherein the property of the decedent is situated, may take such measures as he may deem

5 proper to protect and secure the effects of such intestate from waste or embezzlement until
6 administration is granted to the person entitled thereto, and the expenses thereof shall be
7 paid to the public administrator, upon allowance of the probate court, in preference to all
8 other demands against such estate, funeral expenses excepted.

SEC. 6. The public administrator shall give the same notice of his appointment and
2 administer and settle the estate committed to his care, in the same manner as other admin-
3 istrators, and shall be allowed the same compensation for his services as is allowed other
4 administrators by law, and the probate court may require additional security, as occasion
5 may demand, and may require the usual bond required of administrators in other cases,
6 touching any particular estate in his care, and in default of giving additional security
7 when required his office shall be deemed vacant, and upon certificate of the judge of the
8 proper court to such fact, the Governor shall fill the vacancy.

SEC. 7. If any balance of such intestate's estate as may from time to time be committed
2 to any public administrator remain in his hands after payment of the charges of adminis-
3 tration and claims established against the estate within one year from the first publication
4 of his appointment, the public administrator shall make report of the condition o
5 estate, and shall, within three months after the close of the next term of the court to
6 such report is made, pay over to the treasurer of the said county such balance, a
7 county shall be answerable for the same, without interest, to such persons as shall
8 after appear to be legally entitled thereto, on order of the proper probate court, if any such
9 shall ever appear.