

JASPER COURIER



JASPER:

FRIDAY, NOVEMBER 7, 1879.

Rules for the Dubois Circuit Court for the Transaction of Probate Business, Adopted November 4th, 1879.

APPOINTMENT—NOTICE OF.

1. Every Executor or Administrator, within thirty days after his appointment, shall give notice thereof by publication, as required by statute, (2d Davis, stat. 505, sec. 33,) and shall file the same, together with proof of publication, in the Clerk's office, at the time of filing the inventory and appraisement, unless it shall have been previously filed.

INVENTORIES.

2. Inventories of the personal estate must be completed and filed, as required by Sec. 34 of the Act in relation to the settlement of decedents' estates (2d Davis, stat. 505). All notes, bonds or written evidences of debts due the deceased, must be described in the inventory, so as to show the names of the makers; the principal sum; date of execution and maturity; rate of interest if any, and from what time; and dates and amounts of all credits endorsed. The inventory must be accurately added up and the total amount of appraisement shown, and written with ink.

SALE BILLS.

3. A credit of from three to twelve months, without interest, is allowed by law on sums in excess of three dollars. Sale bills must show whether interest was required, and if so, the executor or administrator must account for all interest thus received. It must be filed with the Clerk, within thirty days after the sale. It must show whether the property of decedent was sold for cash, or upon credit, and if upon credit, the names of the sureties taken upon the notes must be given. The sale bill must be accurately added up and footings shown in writing with ink. A copy of the notice of sale with proof of its publication and posting must be filed in the Clerk's office with the sale bill.

FILING AND PAYMENT OF CLAIMS.

4. Whenever a claim has been filed against an estate and entered upon the appearance docket ten days before any term of Court, it is the duty of an executor or administrator, before the close of such term, to examine the claim, and enter in writing, on the margin of the appearance docket, opposite the entry of the claim, an admission of the claim or his refusal to admit it, and affix his signature (2d Davis, stat. 515). Any executor or administrator neglecting this duty will be liable to a citation and be taxed personally with any costs occasioned by such neglect.

5. Except in the case of Judgments, Mortgages, and expenses of administration, and in cases where special provision is made by will, no credit will hereafter be allowed to an executor or administrator for any payment claimed to have been made on account of a debt or demand due from the deceased, unless the claim shall have been duly filed in the Clerk's office, and admitted on the appearance docket or allowed by the Court.

SALE OF REAL ESTATE.

6. Sales of land for the payment of general debts will be granted only to the extent that may be necessary for the payment of claims already admitted on the appearance docket, or allowed by the Court. When there is a lien on the land sought to be sold, the petition should state its character and amount, and whether it is desired to sell the land subject to the lien or for the purpose of discharging the lien.

FINAL SETTLEMENT.

7. Every executor or administrator upon assuming his trust, shall proceed promptly with the settlement of the estate, and at the end of one year from the first issuing of letters, shall render to the Court a full exhibit of his proceedings, showing the full amount of assets with which he is chargeable, including interest accrued and interest collected, and all disbursements, supported by proper vouchers. Such exhibit shall show the amount of money, if any on hand, belonging to the estate; the amount of claims allowed and remaining unpaid; and whether any, and if so, what claims are pending against the estate and not adjusted (2d Davis, stat. 535-6).

8. It shall be the duty of every executor or administrator to make final settlements of his trust at the expiration of one year after his appointment, if the same can be done consistent with the interest of the estate. The estate will not be passed by the Court for more than six months after the first report without an additional report, unless the executor or administrator has shown to the Court at the time of making his first report that his trust can not be finally settled within that time, and upon such a showing the estate may be continued for one year without any additional report.

9. In all cases when real estate has been sold by an executor or administrator, in making his report, it shall be his duty to make a statement as a part of his report, to the truth of which he shall make and subscribe to an affidavit, showing what portion, if any, of the balance of assets were derived from the sale of real estate.

GUARDIANSHIP.

10. Every guardian within three months after his appointment, must file a full inventory verified by oath, of the real and personal estate of his ward, with the value of the same, and the val-

ue of the yearly rent of the real estate, and on failing to do so will be subject to removal from his trust (2d Davis, stat. 589).

11. Guardians are required by law to render to the Court at least once in every two years, a verified account of their receipts and expenses; and on failing to do so shall receive no allowance for their services (2d Davis, stat. 589). All accounts current must show specially in what the personal assets of the ward remaining in the guardian's hands consist, and, if in loans, how the same are secured. If the guardian has sold the real estate of his ward he must make a statement showing specially how the assets derived from the sale are invested. If a guardian or other trustee uses the funds of the trust estate in his own business, he will be chargeable with the highest rate of interest allowed by law, and subject to removal by the Court, on the application of his ward or any one interested in the trust estate. Guardian's must account for all interest they receive on account of their trust estate, and in making loans they must obtain the highest rate allowed by law, if that rate can be reasonably obtained without danger of loss.

FILING ACCOUNTS, ETC.

12. All petitions, reports and accounts of guardians, executors and administrators must be filed before or during the first week of the term. If filed later than the first week, they will stand discontinued for hearing until the next term.

13. Whenever the sureties of a guardian, executor or administrator shall make application for an order of Court releasing them from future liability, and such guardian, executor or administrator shall desire to file a new bond and continue his trust, he shall, before such bond is approved, file with the court a full and true account of his trust, and show there in particularly how the funds of such trust are invested, how much cash on hand, and how much, if any, has been converted to the use of such guardian, executor or administrator prior to the filing of such new bond.

CLERK—DUTIES OF.

14. The Clerk of this Court, before issuing letters of administration or guardianship, shall make diligent inquiry to ascertain the amount of assets to be administered, or the money that will likely come to the hands of the guardian, and in all cases shall require a bond in sufficient penalty as required by law, and shall not take as sureties thereon any person of doubtful solvency, but in all cases shall require GOOD FREEHOLD sureties, to the end that the estates may not be lost, or the moneys of the wards of the Court squandered.

15. Whenever it shall appear to the Clerk that any executor, administrator or guardian is in default in rendering reports to the Court, or that the bond of any of them has become insufficient by reason of the amount of assets in his hands, or the insolvency, death, or removal of any surety, he shall issue a citation requiring the rendition of a report or the execution and filing of a sufficient bond on or before the first day of the next term.

16. Executors, Administrators and guardians, to every report made by them, shall take and subscribe to an oath in substance as follows:

STATE OF INDIANA,

DUBOIS COUNTY,

I do solemnly swear that the above and foregoing report contains a full and true account of all receipts of money received by me on account of said trust, and all interest accrued on notes due said trust, and that all of the payments claimed as credits therein were made by me to the parties named therein, and were proper and just claims against said trust as I verily believe.

Subscribed and sworn to before me this day of

17. The Clerk shall keep a copy of these rules posted in his office, and upon the appointment of any executor, administrator or guardian, shall call his attention to the same.

It is ordered that the foregoing rules be adopted by this Court, and shall be in force until the further order of Court.

O. M. WELBORN, Judge.

Mr. A. Able is in town again insuring every man his chance to meet.

MADISON TOWNSHIP.

Receipts and Expenditures for the fiscal year ending October 20th, 1879, as reported to the County Commissioners.

ROAD TAX FUNDS.

Receipts \$ 43 77
Expenditures 49 37
Overpaid \$ 5 60

TOWNSHIP FUND.

Receipts \$ 583 75
Expenditures 345 40
Overpaid \$ 238 35

SPECIAL SCHOOL FUND.

Receipts \$ 803 17
Expenditures 271 60
Overpaid \$ 537 57

COMMON SCHOOL FUND.

Receipts \$ 2,989 85
Expenditures 1,847 40
Overpaid \$ 742 45

DOG TAX FUND.

Receipts \$ 210 29
Expenditures 102 00
Overpaid \$ 108 39

RECEIPTS OF ALL FUNDS.

Receipts \$ 2,916 93
Expenditures 2,815 77
Overpaid \$ 1,021 16

TRUSTEE'S ALLOWANCE.

Respectfully submitted,

J. H. LEMMON,

Trustee Madison Township.

Oct. 31, '79-3w. Trustee Hall Tp.

BARBISON TOWNSHIP.

Receipts and Expenditures for the fiscal year ending October 20th, 1879, as reported to the County Commissioners.

TOWNSHIP FUND.

Receipts \$ 460 81
Expenditures 465 48
Overpaid \$ 5 17

ROAD FUND.

Receipts \$ 69 96
Expenditures 42 77
Balance \$ 27 19

SPECIAL SCHOOL FUND.

Receipts \$ 397 82
Expenditures 381 41
Balance \$ 16 41

COMMON SCHOOL FUND.

Receipts \$ 2,208 45
Expenditures 1,533 66
Balance \$ 674 79

DOG TAX FUND.

Receipts \$ 255 33
Expenditures 91 41
Balance \$ 163 92

Total receipts of all funds \$ 3,392 37
Expenditures 2,515 23
Balance \$ 877 14

TRUSTEE'S ALLOWANCE.

Respectfully submitted,

JONAS LEMMURGER,

Oct. 31, '79-3w. Trustee Barbison Tp.

COLUMBIA TOWNSHIP.

Receipts and Expenditures for the fiscal year ending October 20th, 1879, as reported to the County Commissioners.

TOWNSHIP FUND.

Receipts \$ 405 89
Expenditures 296 50
Balance \$ 109 39

ROAD FUND.

Receipts \$ 196 77
Expenditures 44 58
Balance \$ 152 19

SPECIAL SCHOOL FUND.

Receipts \$ 329 87
Expenditures 353 50
Overpaid \$ 23 68

COMMON SCHOOL FUND.

Receipts \$ 1,598 12
Expenditures 800 45
Balance \$ 797 67

DOG TAX FUND.

Receipts \$ 62 29
Expenditures 64 50
Overpaid \$ 2 27

Total receipts of all funds \$ 3,592 94
Expenditures 1,509 59
Balance \$ 1,083 35

TRUSTEE'S ALLOWANCE.

Respectfully submitted,

EXON COX,

Oct. 31, '79-3w. Trustee Columbia Tp.

BAINBRIDGE TOWNSHIP.

Receipts and Expenditures for the fiscal year ending October 20th, 1879, as reported to the County Commissioners.

TOWNSHIP FUND.

Receipts \$ 520 81
Expenditures 524 70
Overpaid \$ 3 89

ROAD FUND.

Receipts \$ 184 36
Expenditures 95 27
Balance \$ 127 99

SPECIAL SCHOOL FUND.

Receipts \$ 2,286 37
Expenditures 898 76
Balance \$ 1,387 61

COMMON SCHOOL FUND.

Receipts \$ 350 44
Expenditures 198 25
Balance \$ 152 19

DOG TAX FUND.

Receipts \$ 3,837 49
Expenditures 2,064 60
Overpaid \$ 1,762 89

TRUSTEE'S ALLOWANCE.

Respectfully submitted,

KASPER JOHN,

Oct. 31, 1879-3w. Trustee Bainbridge Tp.

HALL TOWNSHIP.

Receipts and Expenditures for the fiscal year ending Oct. 20, 1879, as reported to the County Commissioners.

TOWNSHIP FUND.

Receipts \$ 253 06
Expenditures 422 41
Overpaid \$ 109 35

ROAD FUND.

Receipts \$ 94 82
Expenditures 11 50
Balance \$ 83 32

SPECIAL SCHOOL FUND.

Receipts \$ 865 61
Expenditures 1,043 04
Overpaid \$ 357 43

COMMON SCHOOL FUND.

Receipts \$ 2,793 12
Expenditures 1,658 10
Overpaid \$ 1,135 02

DOG TAX FUND.

Receipts \$ 232 27
Expenditures 182 54
Overpaid \$ 50 73

TRUSTEE'S ALLOWANCE.

Respectfully submitted,

W. W. KENDALL,