

tates are entitled to be reimbursed for such expenses as are necessary in the administration of any estate, but claims for such expenses must be presented to and approved by the District Court and when approved are payable out of the particular estate in relation to which such expenses were incurred, not out of public funds. The same laws apply to public administrators, in this particular, as to any other administrator. We do not see where the question is of special interest to the county commissioners. It is not within their jurisdiction. If any such claim is presented to them they have no authority to pass upon it, or to pay it out of public funds. Such claims come under the probate provisions of the statutes, and must be presented to the District Judge, who must countersign checks of the public administrator drawn on the county treasurer for administration expenses of any estate. (Sections 10001 and 10003, R. C. M. 1921.)

It is true the funds belonging to any estate coming into the hands of the public administrator must be deposited with the county treasurer, but they are trust funds, and as trust funds are under the supervision of the probate court and not the county commissioners.

Opinion No. 396

Public Administrator, Expenses of Administration — Probate—Funds of Estates—County Commissioners

HELD: Necessary expenses of administration of an estate by a Public Administrator come under the probate provisions of the statutes and must be allowed in accordance therewith. The Board of County Commissioners has no jurisdiction to pass upon or allow such claims for expenses.

November 23, 1933

You have requested my opinion on a claim of the public administrator for mileage as a county officer.

Executors and administrators of es-