§ 1207. Salary; commissions; retention of commissions

1. Except as herein provided the public administrator shall receive an annual salary to be fixed by the board of supervisors of his county for the administration of all estates.

2. The public administrator of the counties of Erie and Onondaga shall be entitled to retain from all moneys or property which come into his hands, after deducting all reasonable and necessary expenses, the same commissions as are now allowed by law to a fiduciary other than a trustee. If he be a licensed attorney-at-law he shall receive as his compensation, in addition to his commissions, the legal fees as attorney for the estate as may be allowed by the court together with his reasonable and necessary expenses and disbursements which shall be a charge against the estate in each instance.

3. The public administrator of the county of Monroe, if he be a duly licensed attorney-at-law shall receive no salary and may act as his own counsel and shall receive as his compensation such legal fees as the attorney of the estate as may be allowed by the court together with his reasonable and necessary expenses and disbursements which shall be a charge against the estate in each instance. If he shall not be an attorney-at-law he shall be compensated as is provided for in subdivision 1.

4. On the settlement of the account of the public administrator in each instance, except as provided in subdivisions 2 and 3 the court may allow his reasonable and necessary expenses and disbursements and in addition, in the counties of Erie, Monroe, Nassau, Onondaga, Suffolk and Westchester, a reasonable amount for the expenses of his office, to be fixed by the court. In addition thereto he shall be entitled to receive commissions on all moneys or property of any decedent or the proceeds of a cause of action for wrongful death which may come into his hands as provided for a fiduciary other than a trustee.

5. Except as hereinabove provided the public administrator shall not receive to his own use any remuneration in addition to his salary for

his services and he shall pay to the treasurer of his county all commissions and costs received by him. Such payments shall be made monthly and shall be accompanied by a sworn statement in such form as the comptroller of his county shall prescribe showing in detail the commissions and costs received and allowed to him.