

SENATE No. 501

The Commonwealth of Massachusetts

SENATE, May 8 (P.M.), 1946.

The committee on Legal Affairs, to whom was referred so much of the twenty-first annual report of the Judicial Council (Pub. Doc. No. 144) as relates to notice to beneficiaries to be given by executors after appointment (page 53), report the accompanying Resolve (Senate, No. 501).

For the committee,

RALPH C. MAHAR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Six.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO NOTICES TO BENEFICIARIES UNDER A WILL TO BE GIVEN PRIOR TO THE ALLOWANCE OF THE WILL.

1 *Resolved*, That the judicial council be requested to
2 investigate the subject matter of the draft act relative
3 to notices to beneficiaries to be given by an executor
4 after appointment, appearing on page fifty-three of
5 the Twenty-First Report of the Judicial Council,
6 and also to include in its investigation the general
7 subject of notices upon petition for the allowance of
8 wills, with special reference to the following proposed
9 legislation: —

10 AN ACT RELATIVE TO NOTICES UPON PETITIONS FOR
11 ALLOWANCE OF WILLS

12 *Be it enacted by the Senate and House of Representa-*
13 *tives in General Court assembled, and by the authority*
14 *of the same, as follows:*

15 Chapter one hundred and ninety-two of the General
16 Laws is hereby amended by inserting after section
17 one B, inserted by section one of chapter three hun-
18 dred and thirty-eight of the acts of nineteen hundred
19 and forty-five, the following section: —

20 *Section 1C.* Upon petition for allowance of a
21 will notice shall be given in such manner as the court

22 may order to all beneficiaries thereunder who have
23 not assented in writing, personally or by legal repre-
24 sentative or a guardian ad litem duly appointed, to
25 the allowance of the petition.

26 The return of service of such notice shall contain a
27 written statement of the names of all known bene-
28 ficiaries under the will, noting the incapacity of any
29 to act in his or their own behalf, and of the manner
30 of service including the postoffice address of each
31 beneficiary to whom such notice was mailed.

32 Such return shall be signed by the petitioner, or
33 one of the petitioners, and sworn to by him; or shall
34 be signed by an attorney-at-law who is an attorney
35 of record for such petitioner or petitioners, —

36 and to include its conclusions and recommendations,
37 if any, in relation thereto, with drafts of such legisla-
38 tion as may be necessary to give effect to the same.
39 in its annual report for the current year.

