
By Mr. Bateman of Winchester, petition of Thomas R. Bateman relative to the eligibility of guardians and conservators of next of kin for appointment as administrators of the estates of deceased persons. Judiciary (Joint). Dec. 20, 1927.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Eight.

An Act relative to the Granting of Administration of the Estates of Persons deceased Intestate when any Next of Kin are under Disability.

1 *Whereas*, The deferred operation of this act would
2 tend to defeat its purpose, therefore it is hereby de-
3 clared to be an emergency law, necessary for the
4 immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section one of chapter one hundred
2 and ninety-three of the General Laws is hereby
3 amended by inserting after the word "kin" in the
4 seventh line the words:— or their guardians or con-
5 servators, — so as to read as follows:— *Section 1.*
6 Administration of the estate of a person deceased
7 intestate shall be granted to one or more of the per-
8 sons hereinafter mentioned and in the order named,
9 if competent and suitable for the discharge of the trust
10 and willing to undertake it, unless the court deems it
11 proper to appoint some other person:

12 First, The widow or surviving husband of the de-
13 ceased.

14 Second, The next of kin or their guardians or con-
15 servators as the court shall determine.

16 Third, If none of the above are competent or if
17 they all renounce the administration or without suf-
18 ficient cause neglect for thirty days after the death
19 of the intestate to take administration of his estate,
20 one or more of the principal creditors, after public
21 notice upon the petition.

22 Fourth, If there is no widow, husband or next
23 of kin within the commonwealth, a public adminis-
24 trator.

1 SECTION 2. Section two of said chapter one hun-
2 dred and ninety-three is hereby amended by striking
3 out, in the fourth line, the words "who are" and
4 inserting in place thereof the word:— if, — and by
5 inserting after the word "capacity" in the same line
6 the words:—, otherwise their guardians or con-
7 servators, — so as to read as follows:— *Section 2.*
8 Administration of the estate of an intestate may be
9 granted to one or more of the next of kin or any suit-
10 able person, if the husband or widow and all the next
11 of kin resident in the commonwealth, if of full age
12 and legal capacity, otherwise their guardians or con-
13 servators, consent in writing thereto. Notice of the
14 petition may be dispensed with as if all parties entitled
15 thereto had signified their assent or waived notice.

1 SECTION 3. This act shall apply to all petitions for
2 administration of the estate of an intestate which
3 are pending on the effective date hereof.

