

SENATE No. 277

To accompany the petition of Arthur W. Dolan relative to actions by creditors against executors or administrators. Legal Affairs.

The Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Fifteen.

AN ACT

To provide that Executors and Administrators shall not be held to Answer to Actions by Creditors of the Deceased which are not commenced and Notice in writing of the Pendency thereof filed in the Registry of Probate within One Year from the Time of giving Bond by such Executors and Administrators.

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 nine of chapter one hundred
2 and forty-one of the Revised Laws, as amended by
3 section three of chapter six hundred and ninety-
4 nine of the acts of the year nineteen hundred and
5 fourteen, is amended by adding after the word
6 “ commenced ”, in the fourth line of said section,
7 the words: — and notice in writing of the pendency
8 thereof filed in the registry of probate in which the
9 deceased person’s estate is in process of settle-

10 ment,—so as to read as follows:—*Section 9.* An
11 executor or administrator, after having given due
12 notice of his appointment, shall not be held to
13 answer to an action by a creditor of the deceased
14 which is not commenced and notice in writing of
15 the pendency thereof filed in the registry of pro-
16 bate for the county in which the deceased person's
17 estate is in process of settlement within one year
18 from the time of his giving bond for the perform-
19 ance of his trust, except as hereinafter provided.
20 The court may allow creditors further time for
21 bringing actions, not exceeding two years from the
22 time of the giving of his official bond by such exec-
23 utor or administrator: *provided*, that application
24 for such further time be made before the expiration
25 of one year from the time of the approval of said
26 bond.

1 SECTION 2. This act shall take effect upon its
2 passage.