

HOUSE No. 682.

Bill accompanying the petition of George M. Poland for legislation to facilitate the disposition of contested will cases in the probate courts. Probate and Chancery. February 1.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Four.

AN ACT

To facilitate the Speedy Disposition of Contested Will Cases in the Probate Courts.

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. On the question of the allowance in the
2 probate court, of an instrument presented as the will of
3 a person deceased, whenever all persons interested, by
4 themselves or their counsel shall so request in writing,
5 the said court shall provide for an early hearing before
6 three judges of probate. A judge of the county where
7 the matter is pending shall preside at the hearing and
8 make the decree, and the finding of a majority of the
9 three judges when filed in the office of the register shall

10 determine the question whether or not the instrument
11 shall be allowed. A decree made upon such finding
12 shall be final, from which there shall be no appeal, but,
13 upon a motion for a new trial on account of an opinion,
14 direction, order, or refusal in matter of law, questions
15 of law which have arisen during the hearing may be
16 reserved for the consideration of the full court of the
17 supreme judicial court, and so much of the case as is
18 necessary for understanding the question shall be reported
19 for that purpose.

1 SECTION 2. This act shall take effect upon its pas-
2 sage but shall not affect any cause now pending upon
3 appeal to the supreme judicial court.