

HOUSE No. 1047.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, March 13, 1906.

The committee on Probate and Chancery, to whom was referred the petition (with accompanying bill, House, No. 811) of J. H. Soliday for legislation to provide that certain facts respecting wills may be established by decree of the probate court, report the accompanying bill.

For the committee,

WM. F. HAGGERTY.

Messrs. EVANS of Everett and EDWARDS of Easthampton, of the House, dissent.

Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Six

AN ACT

To provide that Certain Facts respecting Wills may be established by Decree of the Probate Court.

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. Whenever a will is presented to court
2 for probate and it appears that the testator has omitted
3 to mention or provide for any of his children or issue of
4 deceased children, the probate court, at the time of the
5 probate thereof, shall hear and by decree determine
6 whether such omission was intentional or occasioned by
7 mistake or accident or whether such child or issue has
8 been otherwise provided for by the testator in his life
9 time.

1 SECTION 2. Whenever it appears from a will which
2 has been duly proved and allowed in the court that the
3 testator has omitted to mention or provide for any of his
4 children or the issue of deceased children, the probate
5 court having jurisdiction of the testator's estate may at
6 any time after such probate, upon petition of any party

7 interested therein and upon such notice as the court
8 shall order, hear and by decree determine whether such
9 omission was intentional or occasioned by mistake or
10 accident or whether such child or issue were otherwise
11 provided for by the testator in his life time.

1 SECTION 3. This act shall apply to foreign wills filed
2 and allowed under chapter one hundred and thirty-six of
3 the Revised Laws so far as such wills affect property
4 and estate in this Commonwealth.

1 SECTION 4. Minors and other persons under any
2 legal disability, if they have no legal guardian, and all
3 persons not ascertained or not in being who are or may
4 be interested in any such will, shall be represented by a
5 guardian *ad litem* or next friend appointed by the court;
6 and all such persons so represented shall be bound by
7 the decree which shall be entered by the court under the
8 provisions of this act.

1 SECTION 5. This act shall take effect upon its pas-
2 sage.

