

[House, No. 182, as passed to be engrossed by the House.]

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Eighty-five.

AN ACT

Empowering Probate Courts to authorize Executors or Administrators when selling Real Estate at Public Auction to purchase the same to their own Use.

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. Any probate court having juris-
2 diction of the estate of a deceased person may,
3 after notice to all persons interested therein and
4 hearing thereon, authorize the executor or ad-
5 ministrator at any sale of real estate which he
6 is empowered by will or licensed by said court to
7 make at public auction to bid at said sale and

8 to become the purchaser of such real estate to his
9 own use; and the title so acquired by him shall
10 not be void or voidable by reason of his having
11 made the purchase while acting as such executor
12 or administrator: *provided, however,* that no such
13 license or authority shall be granted by such
14 court without the written assent of the widow of
15 the deceased, if any, and of the guardian of any
16 minor child or other person legally incompetent
17 to act, interested in said real estate, and such a
18 guardian shall be a person other than such exe-
19 cutor or administrator; and if such minor or other
20 person has no guardian, the court may appoint a
21 guardian *ad litem* to receive notice and other-
22 wise act in his behalf.

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

HOUSE OF REPRESENTATIVES, May 25, 1885.

Passed to be engrossed.

Sent up for concurrence.

EDWARD A. McLAUGHLIN,
Clerk.

