

HOUSE No. 316.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 19, 1887.

The Committee on the Judiciary, who were instructed to consider the expediency of legislation which will provide for the appointment of a trustee in certain cases in partition of lands, report the accompanying Bill.

For the Committee,

FREDERICK S. HALL.

Commonwealth of Massachusetts.

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

AN ACT

Concerning Partition of Lands.

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. In cases of partition of lands by
2 sale, division or otherwise, where it appears that
3 any part of such lands belongs to persons having
4 different interests therein, so that an estate for
5 life or for a term of years belongs to one person,
6 and remainders therein are devised or limited to
7 other persons, the probate court of the county in
8 which the proceedings are pending may on peti-
9 tion of any party interested therein appoint a
10 trustee to receive, hold, manage and invest any
11 distributive share of the money arising from such
12 partition to which such persons may be entitled,
13 the annual income to be paid over to the person
14 in whom was the estate for life or term of years

15 for the period such estate might have continued,
16 and the principal, after the termination of such
17 estate, to the persons to whom such remainders were
18 devised or limited, when they can be ascertained
19 and are entitled thereto. Whoever is appointed
20 a trustee for the foregoing purposes shall, before
21 entering upon the duties of his trust, give to the
22 judge of the probate court a bond with sufficient
23 surety or sureties, and in such penal sum as the
24 said judge may direct, conditioned for the faith-
25 ful performance of his duties; and such bond
26 upon breach of its condition may be put in suit
27 by order of the probate court, for the use and
28 benefit of the persons interested in the trust prop-
29 erty, in like manner as is provided in case of bonds
30 given by executors or administrators.

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

