

HOUSE.....No, 28.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Feb. 9, 1844.

Ordered, That the Committee on Probate and Chancery inquire into the expediency of providing by law for the distribution of dividends, remaining unclaimed in the hands of executors or administrators of insolvent estates, among such of the creditors whose debts shall have been approved and allowed, and who shall have received their dividends; to the extent of satisfying the claims of the said creditors, with interest.

CHAS. W. STOREY, Jr., *Clerk.*

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Feb. 17, 1844.

The Committee on Probate and Chancery, to whom was referred an order of the House of the 9th instant, instructing them to consider the expediency of providing by law for the distribution of unclaimed dividends on insolvent estates, have considered the subject, and report the accompanying resolve.

Per order.

GEO. TYLER BIGELOW, *Chairman.*

Commonwealth of Massachusetts.

In the year One Thousand Eight Hundred and Forty-four.

AN ACT

Concerning the Settlement of Estates of Persons Deceased Insolvent.

BE *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows :*

1 SECT. 1. In all cases in which the estate of any
2 person deceased has been, or shall hereafter be repre-
3 sented insolvent, and by proceedings duly had in the
4 Court of Probate, such insolvency shall have been, or
5 shall be established, and the estate of such deceased
6 person decreed to be distributed among creditors
7 whose claims have been duly proved and allowed, the
8 Judge of Probate for the county in which said proceed-
9 ings were had, shall, and may, after the expiration of
10 six years from said decree of distribution, upon appli-
11 cation of any of said creditors, or their representatives,
12 and after a notice of such application in one or more
13 newspapers published in said county, for not less than
14 six months, on such days as he may deem reasonable,

15 order any dividends remaining unclaimed in the hands
16 of the executor or administrator of said estate, togeth-
17 er with any interest that may have been received
18 thereon, to be distributed anew among such of the
19 creditors whose claims have been approved and allowed
20 as aforesaid, and who shall have received their divi-
21 dends, to the extent of satisfying the said claims of
22 such creditors, with interest, first deducting from the
23 amount so held by such executor or administrator, all
24 sums by him expended since the last decree of distri-
25 bution in and about the said estate, and the care and
26 custody of such unclaimed dividends.

1 SECT. 2. If any of such creditors who shall have fail-
2 ed to receive their dividends as aforesaid, shall have
3 deceased, and the time within which administration
4 might by law have been granted on their estates shall
5 have expired, the Judge of Probate for the county in
6 which such administration might have been granted,
7 shall, and may, at any time before passing a decree to
8 distribute such unclaimed dividends, grant administra-
9 tion upon the estate of such deceased creditor, in the
10 same manner, and to the same effect, as if the same
11 had been granted within the time prescribed by law.
12 And the estate of such deceased person, in the hands
13 of such administrator, shall be liable for the payment
14 of his just debts, and be administered in all respects
15 in the same manner as if such administration had been
16 granted within thirty days after the death of such per-
17 son deceased.