

HOUSE No. 898

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Jan. 15, 1924.

The committee on Bills in the Third Reading, to whom was referred the bill relative to the waiver of the provisions of a will by a guardian, with the approval of the probate court (House, No. 268), report recommending that the same be amended by the substitution of the accompanying bill.

For the committee,

HERBERT K. DAVIDSON.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Twenty-Four.

An Act requiring the Approval of the Probate Court to a Waiver of the Provisions of a Will by a Guardian.

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 forty-five of chapter two hundred and one of
2 the General Laws is hereby amended by striking out, in
3 the fourth line, the word "but" and inserting in place
4 thereof the following: — provided, that no waiver of the
5 provisions of a will under this section shall be valid until
6 approved by the probate court after notice to such per-
7 sons, if any, as the court shall deem proper and a hearing
8 thereon, and provided, also, that, — so as to read as
9 follows: — *Section 45.* If property, rights or benefits
10 given by will or by law depend upon the election, waiver
11 or other act of a person incompetent by reason of insan-
12 ity or minority to perform the same, his guardian may
13 make such election or waiver or perform such act; pro-
14 vided, that no waiver of the provisions of a will under
15 this section shall be valid until approved by the probate
16 court after notice to such persons, if any, as the court
17 shall deem proper and a hearing thereon, and provided,
18 also, that if a power is vested in an insane person for his
19 own benefit, or his consent is required for the exercise
20 of any power where the power of consent is in the nature
21 of a beneficial interest in himself, his guardian may, by
22 order of the probate court, made after notice to such
23 persons, if any, as the court shall deem proper, exercise
24 the power or give the consent in such manner as shall be
25 authorized or directed by the order.

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Passed to be engrossed.

Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

