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satisfied that neither the minor nor any of his creditors in this Commonwealth will be prejudiced by the order.

§ 29. Resident guardians shall not remove out of this Commonwealth any of the property of their wards without first obtaining the sanction of a court of chancery jurisdiction, held in the county in which the guardian was qualified; and such court, upon petition sworn to by the guardian, and such proof as may be deemed necessary, may authorize the removal of the property of the ward out of this Commonwealth, upon such terms and conditions as may be equitable and just, and as will secure and protect the rights and interest of the ward. Guardians may be restrained from the unlawful removal of the property of their wards, or any part thereof, out of this Commonwealth, upon the petition of the ward by next friend, or upon the petition of any surety of the guardian in his bond as such.

Property may be removed from State.

Approved December 3, 1892.

CHAPTER 110.

AN ACT concerning heirs and devisees, and entitled "Heirs and Devisees."

ARTICLE I. General Provisions.

ARTICLE II. Contribution by.

ARTICLE III. Liability of for debts of ancestor.

ARTICLE I.

General Provisions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When a patent is issued or shall issue, or a deed shall be made to a person who is dead at the issuing of the patent or the making of the deed, the

heirs of such patentee or vendee shall take, hold and enjoy the title to the estate so patented or conveyed as if such patent had issued or deed had been made to such heirs by name.

§ 2. When a devise is made to several as a class or as tenants in common, or as joint tenants, and one or more of the devisees shall die before the testator, and another or others shall survive the testator, the share or shares of such as so die shall go to his or their descendants, if any; if none, to the surviving devisees, unless a different disposition is made by the deviser. A devise to children embraces grandchildren when there are no children, and no other construction will give effect to the devise.

§ 3. If no time is fixed for the payment of a specific pecuniary legacy, it shall be payable one year after the testator's death, and carry interest after due.

§ 4. When any property shall be devised subject to or upon the payment by the devisee to another of a sum of money or his doing some other thing, the latter shall have a lien on the legacy for the sum so to be paid, or for the value of the thing to be done.

§ 5. A devisee may disclaim by deed, acknowledged or proved, and left for record in the clerk's office of the court in which probate is made, within a year after notice of the probate.

§ 6. The conversion, in whole or in part, of money or property, or the proceeds of property devised to one of the testator's heirs into other property or thing, with or without the assent of the testator, shall not be an ademption of the legacy or devise unless the testator so intended; but the devisee shall have and receive the value of such devise, unless a contrary intention on the part of the testator appear from the will, or by parol or other evidence.

§ 7. The removal of property devised shall not operate as an ademption, unless a contrary intention on the part of the testator is manifested in like manner.

§ 8. Whenever any person entitled to an annuity

shall die within the year, and before such annuity shall be fully earned, the heirs or personal representative of such person shall be entitled to recover such proportion of the entire amount of such annuity as the time already elapsed of said year at the date of the death of the annuitant bears to the entire year.

§ 9. Any person twenty-one years of age may, by petition filed in the circuit court of the county of his residence, state, in substance, that he is desirous of adopting a person, and of making him capable of inheriting as heir-at-law of such petitioner; and said court shall have authority to make an order declaring such person heir-at-law of such petitioner, and, as such, capable of inheriting as though such person were the child of such petitioner; but no such order shall be made if the petitioner be a married man or woman, unless the husband or wife join in the petition.

§ 10. Said court shall have authority, by consent of the parents, or either of them, if one be dead, to give the petitioner the parental control of such adopted person, if an infant; and said petitioner shall be under the same responsibilities as if the person so adopted were his own child.

ARTICLE II.

Contribution by

§ 11. When any estate, real or personal, which has or shall be devised, shall be taken from the devisee for the payment of a debt of the testator, or one of the devisees shall pay such debt to save his devise, each of the other devisees shall contribute his proportion of the debt, interest and costs, to the person so paying the same, according to the value received by him, except as hereinafter provided.

§ 12. If the testator shall, by his will, have made any other provision for the payment of his debts, then the preceding section shall not apply or take

effect except to the extent that such provision and the testator's undevise estate shall be deficient; but the remedy of such devisee in the first instance shall be against the person holding the provision, and against the undevise estate.

§ 13. A residuary legatee, or legatee after or subject to the payment of debts, or a devisee to whom an estate has or shall be devised to pay debts, shall not, after paying such debts, be entitled to contribution.

§ 14. As respects the payment of the testator's debts, there shall be no distinction between specific and general devises except as herein provided.

§ 15. When any real or personal estate shall be devised to any one of the heirs-at-law of the testator, and the title to the same, or any part thereof, shall prove invalid, such devisee shall have contribution from the others, unless it shall appear from the will that such was not the intention of the testator.

§ 16. When a testator shall have a posthumous child, the share of such child shall be first taken from the estate not disposed of by the will, if any be left after paying debts and other charges, and the residue shall be made up ratably by the devisees.

§ 17. A posthumous child shall be considered a devisee under the law of contribution, and entitled to all his rights, and liable to all his responsibilities.

§ 18. Contribution shall take place between heirs and distributees on the same principles as between co-obligors.

§ 19. When a widow's dower shall be taken, or her portion shall be made up, in whole or in part, from the estate devised to a devisee, such devisee shall have contribution on the principles of this article unless the will otherwise directs, or it is necessarily to be inferred therefrom that the testator intended the same to fall on such devise.

§ 20. When a widow shall lose her jointure by a defect of title, or shall renounce the same in a legal manner, and shall have her dower or portion assigned

her, or made up, in whole or in part, from the estate devised to a devisee, such devisee shall have contribution on the principles of this article.

§ 21. This article shall not affect the provisions in relation to property devised which may be subject to a lien.

ARTICLE III.

Liability of for Debts of Ancestor.

§ 22. A devisee shall be liable for all debts and liabilities of the testator, in the same manner as the heir of the testator would have been liable if the property devised had descended to the heir.

§ 23. The same actions which lie against the personal representatives may be brought jointly against him and the heir or devisee of the decedent, or both, and shall not be delayed for the non-age of any of the parties.

§ 24. The last two sections shall not apply to a devise made in good faith for the payment of any of the testator's debts, if such devise have not the effect of giving precedence in favor of one creditor to the prejudice of another.

§ 25. When the heir or devisee shall alien before suit brought the estate descended or devised, he shall be liable for the value thereof, with legal interest from the time of alienation, to the creditors of the decedent or testator; but the estate so aliened shall not be liable to the creditors in the hands of a *bona fide* purchaser for valuable consideration, unless action is instituted within six months after the estate is devised or descended to subject the same.

§ 26. To the extent of assets received, the representative, heir and devisee of an heir or devisee, shall be chargeable for the liabilities of their decedent or testator, respectively, to the creditors of the original decedent or testator.

§ 27. The heir or devisee may be sued in equity for

any liability of the decedent or testator, and he, the creditor, may also, in such suit, if demanded, obtain, by the proper procedure, a lien on any specified property descended or devised, not theretofore aliened, but not so as to prejudice thereby any other creditor.

Approved December 3, 1892.

CHAPTER 111.

AN ACT to prevent the growth and ripening of Canada thistles.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. It shall be the duty of every person or persons, and of every corporation holding lands in this Commonwealth, either by lease or otherwise, on which any Canada thistles, or weed commonly known as Canada thistles, may be growing, to cut the same, so as to prevent such weeds or thistles from going to seed and the seed of the same from ripening. Any person or persons, or corporation as aforesaid, who shall or may have land as aforesaid in this Commonwealth, and who shall knowingly neglect or refuse to comply with the provisions of this act, shall forfeit and pay a fine of five dollars, recoverable before any justice of the peace, or by indictment in the circuit courts of the State.

§ 2. If any person or persons, or corporation, so holding land as aforesaid on which Canada thistles or the weeds commonly known as such, shall be growing and likely to ripen seed thereon, shall knowingly neglect or refuse to cut and destroy the same so as to prevent the seed thereof from ripening, it shall and may be lawful for any person or persons, who may consider themselves aggrieved or about to be injured by such neglect or refusal, to give five days' notice in writing to such person or persons, or corporation, to