

SEC. 3. *Be it further enacted*, That when any creditor of an estate, who shall not have exhibited his claim against such estate, to the Executor or Administrator within one year after his appointment, and before the Executor or Administrator shall have paid away all the effects and estate which have come to his hands, shall exhibit his claim to the Executor or Administrator, and demand payment thereof, and by reason of the presentment of such claim, the estate of the testator or intestate, is apparently insolvent, it shall be the duty of the Judge of Probate of the County where such administration was granted, to declare such estate insolvent; and the effects and estate of the testator or intestate, remaining in the hands of the Executor or Administrator after satisfying all the claims exhibited within one year after the appointment of said Executor or Administrator, shall be distributed among the creditors of such testator or intestate, whose debts shall be proved before the Commissioners of Insolvency, and allowed by the Judge of Probate; but the creditors of the testator or intestate, thus paid in full by the Executor or Administrator, shall not be liable to refund or contribute any part of the debts received by them.

Duty of Judge of Probate.

Distribution of property.

[Approved by the Governor, February 21st, 1824.]

## CHAP. CXLV.

An Act altering the time of holding the Court of Sessions in the County of Barnstable.

**BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, the Court of Sessions shall be holden in the County of Barnstable on the second Tuesdays of April and October, instead of the terms

heretofore established ; and all laws inconsistent with the provisions of this act are hereby repealed.

[Approved by the Governor, February 21st, 1824.]

## CHAP. CXLVI.

An Act authorizing Femmes Covert to join with the Guardians of their Husbands in the sale of Real Estate, held in right of the Wife, and to release their dower in certain cases.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That from and after the passing of this act, whenever the guardian of any person non compos mentis, lunatic, or distracted, or of any person given to excessive drinking, idleness, gaming or debauchery, shall have obtained license from any Court empowered to grant the same, to sell the interest of his ward on any real estate held by him in right of his wife, it shall be lawful for her to join with such guardian in the sale and conveyance thereof, and all deeds of such real estate, duly executed by the said guardian and the wife of his said ward, and duly acknowledged and recorded, shall be good and valid and pass and convey, as complete a title therein to the purchaser, as the husband and wife might or could have conveyed for a valuable and sufficient consideration, if he had been under no legal disability: *Provided nevertheless,* that whenever any agreement shall be entered into between such femmes covert, and the guardian of such ward, as to the disposition of the proceeds of such sale or any part thereof for her benefit, the Courts of Probate in the several Counties, and the Supreme Court of Probate, shall have power to enforce such agreement as a subject of trust upon principles of equity.

Description of cases,

Authority to join.

Proviso.