

## CHAPTER 22.

## AN ACT FOR THE CONVENIENT AND SPEEDY ASSIGNMENT OF DOWER.

FORASMUCH as some direction in the law is necessary that women may be enabled to come by their dower,—

*Be it enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,*

Heir, &c., to  
render dower  
within one  
month next  
after demand.

[SECT. 1.] That when and so often as the heir or other person having the freehold shall not, within one month next after demand made, assigne and set out to the widow of the deceased her dower or just third part of and in all houses, lands, tenements or hereditaments whereof she is dowable at the common law, to her satisfaction according to the true intendment of law, then such widow may sue for and recover the same by writt of dower to be therefore brought against such persons as have, or claim to have right as aforesaid in said estate in manner and forme following; that is to say,—

S——, ss.

Writ of dower.

William the Third by the grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c., to the sheriffe of our county of S., his undersheriff or deputy, greeting: Command A. B. of B. within the said county *addition* that instantly without delay render to C. D., who was the wife of E. D. late of B. aforesaid *addition* deceased, her reasonable dower which happens to her of a certain messuage or tenement, with the appurtenances, situate in B. aforesaid, in the possession of the said A. B., which was in the seizin and possession of her said husband E. D. and whereof he was seized in his demesne as of fee during the coverture, and whereof she hath nothing, as she saith, and the said C. D. complains that the said A. B. hath deforced her thereof. And unless the said A. B. shall so do, then summon by good and lawful men in your bailywick the said A. B. that be before our justices of our next inferiour court of common pleas to be holden at B. for the county of S. aforesaid, on the Tuesday of , then and there to shew cause why to the said C. D. her reasonable dower as aforesaid doth not render. And have you the names of them by whom you summon the said A. B. and this writt. Witness E. H., Esq., at B., the day of , in the year of our reign, *annoque Domini*

A. D., Clerk.

*And be it further enacted by the authority aforesaid,*

[SECT. 2.] That upon judgement being given for any woman to recover her dower in any estate of housing and lands, and other hereditaments which were her husband's, reasonable damage shall also be assigned to her from the time of the demand made; and a writt of seizin shall be directed to the sheriffe of the county, or his deputy, where such lands, tenements or hereditaments do lye, in manner and forme following; that is to say,—

S——, ss.

Writ of seizin,  
&c.

William the Third by the grace of God of England, Scotland, France and Ireland, King, Defender of the Faith, &c., to the sheriffe of our county of S., his undersheriffe or deputy, greeting: Whereas C. D., widow, who was the wife of E. D., late of B. in the county aforesaid, *addition* deceased, before our justices of our court of holden at B. for our county aforesaid on the day of now last past, did recover her seizin against A. B. of B. aforesaid *addition* of one-third part of a certain messuage or tenement, &c., with the appurtenances, situate in B. aforesaid, in the possession of the said A. B. as her dower, of the endowment of the said E. D. her certain husband, by our writt of dower, whereof she hath nothing, therefore wee command you that to the said C. D. full seizin of one-third part of the aforesaid message or tenement, &c., with the appurtenances, you cause to be had without delay, to hold to her in severalty by meets and bounds. Wee command you also, that of the goods or chattels of the said A. B. within your precinct, you cause to be paid and satisfied unto the said C. D., at the value thereof in money, the sum of for damages awarded her

by our said court for her being held and kept out of her dower aforesaid, and costs expended on this suit, with two shillings more for this writ, and thereof also to satisfy yourselfe your own fees. And for want of goods or chattels of the said A. B.'s, to be by him shewn unto you, or found within your precinct to satisfy the same, wee command you to take his body and commit him to the keeper of our goal in B. in our county aforesaid, within the said prison, whom wee likewise command to receive the said A. B. and him safely to keep until he pay unto the said C. D. the full sum above mentioned and also satisfie your fees. Hereof faile not, and make return of this writt, and how you shall have executed the same, to our next court of to be holden at B. for our said county of S. on the day of next. Witness E. H., Esqr., at B., the day of , in the year of our reign, *annoque Domini* A. D., Clerk.

And where no damages shall be awarded, the writ to run only for seizin and cost of suit.

[SECT. 3.] And the sheriff of the county or his deputy to whom such writt is directed, is to cause her third part or dower in such estate to be set forth unto her by five freeholders of the neighbourhood, upon their oaths (three at least to agree), who shall be sworn before a justice of the peace to set forth the same equally and impartially, without favour or affection, as convenient as may be; which oath every justice of the peace is hereby impowred to administer.

*And be it further enacted by the authority aforesaid,*

[SECT. 4.] That of inheritances that be intire, where no division can be made by metes and bounds, so as a woman cannot be endowed of the thing itselfe, she shall be endowed thereof in a special and certain manner, as of a third part of the rents, issues or profits thereof, to be computed and ascertained in manner as aforesaid.

[SECT. 5.] And no woman that shall be endowed of any lands, tenements or other inheritances as aforesaid, shall commit or suffer any strip or waste thereupon, but shall maintain the houses or tenements, with the fences and appurtenances thereof with which she shall be so endowed, in good repair during her term, and leave the same so at the expiration thereof, and shall be liable to action for any strip or waste by her done, committed or suffered.

*And be it further enacted by the authority aforesaid,*

[SECT. 6.] That when the defendant in a writt of dower shall suffer judgement to pass against him by default, no damages shall be awarded against him by such judgement for having held and kept the demandant out of her dower; but she shall recover the same in like manner as she might sue for or recover damages in other cases; any law, usage or custom to the contrary in any wise notwithstanding. [*Passed March 12; published March 14, 1700-1.*]

To run only for seizin and cost where damages are not awarded.

Dower to be set forth by five freeholders of the neighborhood, upon oath.

Of entire inheritance that cannot be divided, a third part of the rents or profits to be assigned.

No strip or waste to be made. 8 Pick. 311.

No damages to be awarded when judgment is given by default.

## CHAPTER 23.

### AN ACT DIRECTING THE ADMISSION OF TOWN INHABITANTS.

FOR the better preventing of persons obtruding themselves on any particular town within this province, without orderly admission by the inhabitants of such town, or the selectmen thereof, in manner as hereafter is exprest, and for the remedying manifold inconveniences and great charge heretofore occasioned thereby; to the intent also that the selectmen may the more easily come to the certain knowledge of persons and their circumstances that come to reside and sojourn in such town,—