
By Mr. Hays, petition of Frederic B. Dailey for legislation to restrict dower and curtesy claims. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Two.

AN ACT TO RESTRICT DOWER AND CURTESY CLAIMS.

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 1. Chapter 189 of the General Laws is hereby
2 amended by striking out section 1, as appearing in the Ter-
3 centenary Edition, and inserting in place thereof the follow-
4 ing section:

5 *Section 1.* A husband shall upon the death of his wife hold
6 for his life one third of all land owned by her at the time of
7 her death. Such estate shall be known as his tenancy by
8 curtesy, and the law relative to dower shall be applicable to
9 curtesy. A wife shall, upon the death of her husband, hold
10 her dower at common law in land owned by him at the time
11 of his death. Such estate shall be known as her tenancy by
12 dower. Any encumbrances on land at the time of the owner's
13 death shall have precedence over curtesy or dower. To be
14 entitled to such curtesy or dower the surviving husband or
15 wife shall file his or her election and claim therefor in the
16 registry of probate within six months after the date of the ap-
17 proval of the bond of the executor or administrator of the de-
18 ceased, and shall thereupon hold instead of the interest in real
19 property given in section one of chapter one hundred and
20 ninety, curtesy or dower, respectively, otherwise such estate
21 shall be held to be waived. Such curtesy and dower may be
22 assigned by the probate court in the same manner as dower
23 is now assigned, and the tenant by curtesy or dower shall be
24 entitled to the possession and profits of one undivided third of

25 the real estate of the deceased from her or his death until the
 26 assignment of curtesy or dower and to all remedies therefor
 27 which the heirs of the deceased have in the residue of the es-
 28 tate. Except as preserved herein, dower and curtesy are abol-
 29 ished.

1 SECTION 2. This act shall take effect on January first,
 2 nineteen hundred and sixty-three.