

# HOUSE . . . . No. 329.

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[House No. 263, as amended.]

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## Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Seventy-Six.

### AN ACT

To amend the General Statutes relative to the Descent and Distribution of Real and Personal Property.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

1    SECT. 1.  When a person dies seized of land,  
2 tenements or hereditaments, or of any right  
3 thereto, or entitled to any interest therein, in fee  
4 simple or for the life of another, not having law-  
5 fully devised the same, they shall descend, subject  
6 to his or her debts, in manner following :—  
7    *First.*  In equal shares to his or her children,  
8 and the issue of any deceased child by right of  
9 representation; and if there is no surviving child  
10 of the intestate, then to all his or her other lineal  
11 descendants.  If all the descendants are in the

12 same degree of kindred to the intestate, they shall  
13 share the estate equally; otherwise, they shall take  
14 according to the right of representation.

15 *Second.* If the intestate leaves no issue, then  
16 in equal shares to his or her father and mother.

17 *Third.* If the intestate leaves no issue nor  
18 mother, then to his or her father.

19 *Fourth.* If the intestate leaves no issue nor  
20 father, then to his or her mother.

21 *Fifth.* If the intestate leaves no issue and no  
22 father nor mother, then to his or her brothers and  
23 sisters, and to the issue of any deceased brother  
24 or sister, by right of representation.

25 *Sixth.* If the intestate leaves a widow and no  
26 issue, and no father, mother, brother nor sister,  
27 then his estate shall descend to his widow; and if  
28 the intestate is a married woman and leaves no  
29 issue, and no father, mother, brother nor sister, her  
30 estate shall descend to her husband.

31 *Seventh.* If the intestate leaves no issue, and  
32 no father, mother, brother, sister, and no widow or  
33 husband, then his or her estate shall descend to  
34 his or her next of kin in equal degree; except  
35 that when there are two or more collateral kindred  
36 in equal degree, but claiming through different  
37 ancestors, those who claim through the nearest  
38 ancestor shall be preferred to those claiming  
39 through an ancestor who is more remote.

40 *Eighth.* If the intestate leaves no kindred, and  
41 no widow or husband, his or her estate shall  
42 escheat to the Commonwealth.

1 SECT. 2. Section one of chapter ninety-one of  
2 the General Statutes is hereby repealed.

1    SECT. 3. The distribution prescribed by section  
2 one of this act shall be subject to and controlled  
3 by the provisions of law respecting dower, cur-  
4 tesy and homestead estates.

1    SECT. 4. The third clause of section sixteen of  
2 chapter ninety-four of the General Statutes is  
3 hereby amended by inserting after the words  
4 "ninety-one," in the second line of said clause,  
5 the words, "or by any acts in amendment thereof  
6 or in addition thereto."

1    SECT. 5. This act shall take effect on the first  
2 day of October next, but shall not affect the dis-  
3 tribution of the estate of any person deceased  
4 prior to that date.

1. The first thing I noticed when I stepped  
 2 out of the boat was the smell of the sea.  
 3 It was a fresh, clean smell, and it was  
 4 very different from the smell of the  
 5 land.

6. The water was so blue, and the sky  
 7 was so clear, that I felt like I was  
 8 in a different world. The sun was  
 9 shining brightly, and the waves were  
 10 breaking gently against the shore.

11. I had heard that the water was  
 12 beautiful, and now I knew why. It  
 13 was like a mirror, reflecting the sky  
 14 and the sun. I had never seen anything  
 15 like this before.

16. The air was so fresh, and the  
 17 breeze was so gentle, that I felt like  
 18 I was in a dream. I had never  
 19 felt so peaceful before. The water was  
 20 so clear, that I could see the bottom.

21. The sand was so soft, and the  
 22 waves were so gentle, that I felt like  
 23 I was in a paradise. I had never  
 24 felt so happy before. The water was  
 25 so blue, and the sky was so clear,

26. that I felt like I was in a  
 27 different world. The sun was shining  
 28 brightly, and the waves were breaking  
 29 gently against the shore. I had never  
 30 felt so peaceful before.

31. I had heard that the water was  
 32 beautiful, and now I knew why. It  
 33 was like a mirror, reflecting the sky  
 34 and the sun. I had never seen anything  
 35 like this before.