

HOUSE.....No. 42.

---

---

[Reported by the Committee on the Judiciary.]

---

---

**Commonwealth of Massachusetts.**

---

In the Year One Thousand Eight Hundred and Forty-One.

---

**AN ACT**

Relating to Dower.

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

1    SEC. 1.  If any such jointure or pecuniary provision,  
2  in lieu of dower, as is provided in the eighth and ninth  
3  sections of the sixtieth chapter of the Revised Stat-  
4  utes, be made before marriage and without the assent  
5  of an intended wife, or if it be made after marriage,  
6  it shall bar her dower, unless she shall within one year

7 after the death of her husband, make her election to  
 8 waive such provision, and to be endowed of the lands  
 9 of her husband ; provided, that if the husband shall  
 10 die, while absent from his wife, she shall have the term  
 11 of one year after notice of his death, within which  
 12 to make her election as aforesaid ; and that she shall  
 13 also, in all cases, have one year for that purpose, after  
 14 notice of the existence of such jointure or provision.

1 SEC. 2. If any provision be made for a widow in  
 2 the will of her husband, she shall, within one year af-  
 3 ter probate of the will, make her election, whether  
 4 she will take such provision or be endowed of his lands ;  
 5 but she shall not be entitled to both, unless it plainly  
 6 appears by the will, to have been the intention of the  
 7 testator, that she should have such provision, in addi-  
 8 tion to her dower.

1 SEC. 3. The tenth and eleventh sections of the  
 2 Revised Statutes are hereby repealed.

AN ACT

Relating to Dower.

BE it enacted by the Senate and House of Representa-  
 tives in General Court assembled, and by the authority of  
 the same, as follows :

1 SEC. 1. If any such jointure or pecuniary provision,  
 2 in lieu of dower, as is provided in the eighth and ninth  
 3 sections of the sixth chapter of the Revised Stat-  
 4 utes, be made before marriage and without the assent  
 5 of an intended wife, or if it be made after marriage,  
 6 it shall bar her dower, unless she shall within one year