

HOUSE....No. 126.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 2, 1857.

The Committee on Probate and Chancery, to whom was referred an Order in relation to the distribution of the estates of intestates, and the rights of widows in certain cases, have considered the same, and report the accompanying Bill.

JOHN C. DODGE, *Chairman.*

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Fifty-
Seven.

AN ACT

In relation to the Distribution of the Estates of Persons
Deceased.

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 any man shall die seized of any
2 lands, tenements, or hereditaments, or of any right
3 thereto or interest therein in fee simple, not having
4 lawfully devised the same, and leaving a widow, but
5 leaving no issue, the widow shall be entitled to one-
6 half of the said estate during the term of her natural
7 life.

1 SECT. 2. If the whole or any part of the real

2 estate so taken by the widow, shall be wild or wood-
3 land, the widow shall be entitled to use, clear and
4 improve the same, in the same manner that the hus-
5 band might do if living.

1 SECT. 3. When any man shall die possessed of
2 any personal estate, or any right or interest therein
3 not lawfully disposed of by his last will, and leaving
4 a widow, but no issue, the widow shall be entitled to
5 one-half of all such personal estate, remaining after
6 payment of the debts of the deceased, and the charges
7 of his funeral and of settling his estate.

1 SECT. 4. The foregoing provisions of this act
2 shall be in lieu of the widow's dower at her election ;
3 and her election of the provisions of this act in prefer-
4 ence to her dower shall be presumed, unless she file
5 in the probate office her election to claim her rights
6 of dower in lieu of the provisions of this act, within
7 six months of the date of the letters of administration.

1 SECT. 5. When any man shall die, having law-
2 fully disposed of his estate by his will, and leaving a
3 widow, the widow may, at any time within six months
4 after the probate of the will, waive the provisions made
5 for her in the will; and she shall, in such case, be
6 entitled to such portion of the real and personal
7 estate as she would have been entitled to if her hus-
8 band had died intestate.

1 SECT. 6. Nothing in this act contained shall be
2 held in any case to deprive a widow of her articles of
3 apparel or ornament, or provisions or necessaries given

4 her by the first section of the sixty-fourth chapter of
5 the Revised Statutes.

1 **SECT. 7.** The four hundred and sixth and four
2 hundred and twenty-eighth chapters of the acts of
3 the year eighteen hundred and fifty-four, are hereby
4 repealed.