

AN ACT
FOR
THE PROTECTION OF WIDOWS,
AND
COMPARATIVE LAW.

By MRS. J. W. STOW.

SECTION 1. That, in all marriages hereafter contracted, life and property shall enter into the union, unless the latter is protected by special contract; and the joint estate thus formed, together with the added accumulations during wedlock, shall be known as common property. Separate estates protected by ante-nuptial contracts, legacies, gifts, and bequests, shall constitute the private property of each, which shall be exempt from the debts, crimes, or torts of the other.

SECT. 2. At the death of either husband or wife, the survivor shall actually own — after the payment of all debts — half of the common property, and enjoy the use of the other half during life, unless a re-marriage takes place. In that event the estate shall be divided, one-half going to the children, or other heirs-at-law where there are no children, unless otherwise ordained by the testator. No testament placed over the common property, by the deceased, shall take effect until after the death of the surviving partner, if he or she remain single.

SECT. 3. All debts or claims against the joint estate shall be settled by the survivor, subject to the same law which regulates a copartnership existing between two persons when one of them dies.

of events. They accept what has been accomplished, turn their backs to the past, and are ready to go forward with the new tasks which are pressing upon them. They are the leaven that quickens the whole mass; and to this element, feeling secure with the radicals, I appeal. If they support the bill, its provisions must be adopted, and become a law of Massachusetts. A noble precedent! to be quickly followed by the other States in New England, and elsewhere throughout the Republic.

Very respectfully submitted to the generous consideration of this honorable committee by

Mrs. J. W. STOW,
SAN FRANCISCO, CAL.

STATE HOUSE, BOSTON, Feb. 6, 1878.

The passage of the bill was most earnestly and ably urged by Senator Joseph S. Ropes, who took charge of it, Hon. Samuel E. Sewall, William Lloyd Garrison, and others; but it did not pass, for this reason: the great mass of the people have not thought upon the subject, and discussed its merits. Public sentiment must be aroused, ere legislators will act.

APPENDIX.

THE STOW BILL,

ENTITLED

"AN ACT FOR THE PROTECTION OF WIDOWS."

SECTION 1. When a man dies leaving a last will and testament wherein he has appointed executors to the exclusion of his widow, then, in all such cases, the surrogate of the county, wherein said will shall be probated, shall, on application of the widow of the deceased, grant and issue letters testamentary, to said widow, if she is legally competent and not otherwise objectionable, in the same manner as though she had been named in the will, she to be vested with the same powers and bound by the same obligations under said will as they are, and such widow shall have the sole guardianship of the persons of her minor children, she being in every respect qualified and approved by the proper court having jurisdiction.

SECTION 2. After the payment of all debts, and the proper charges against the estate, one-third of the *personal* property left by a deceased husband, shall, in all cases, belong to his widow absolutely.

PETITION IN SUPPORT OF THE BILL.

To the Honorable Senate and Assembly:

The petition of the undersigned citizens of the State of New York, respectfully represents: That a widow is entitled to a proportionately large share of the property left by her deceased husband, and that where men are appointed, to her exclusion, executors of his last will and testament, she often experiences serious inconveniences from delay and expense in obtaining what the law allows her. Therefore, your petitioners pray, that as a simple act of justice, you will enact that no last will and testament made by a deceased husband shall bar the right of his widow, when she is legally competent and not otherwise objectionable, from having an active voice in the settlement of the estate; that she, upon application to the surrogate of the county wherein the last will and testament of her deceased husband is probated, may have letters testamentary granted and issued to her, if she is legally competent and not otherwise objectionable, in the same manner as the executors named therein, and that in every respect she be vested with the same powers and bound by the same obligations as they are; and that such widow shall have the sole guardianship of the persons of her minor children, she being in every respect qualified and approved by the court having proper jurisdiction. And your petitioners further pray that after the payment of all debts and proper charges against the estate, one-third of all the *personal* property

left by a deceased husband shall, in all cases, belong to his widow absolutely.

GEORGE WILLIAM CURTIS,
HENRY W. BELLOWES,
J. S. SHULTZ,
HENRY BERGH,
A. V. STOUT,
WM. A. HALL,
PETER COOPER,
O. B. FROTHINGHAM,
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JAMES A. MCKOWAN,
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JULIA A. RAY,
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M. M. EASTMAN,
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BETSY HART,
LEWIA C. SMITH,
HELEN MILLER,
LAURA G. SHEARMAN,
ELIZABETH CLIFTON,
MARIA M. WELCH,
AMMI CUTTER,
ELIZABETH L. LEWIS,
ZEBULON FERRIS,
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JAMES VICK,
M. B. ANDERSON,
HIRAM SIBLEY,
E. O. HAVEN,
NELSON MILLARD,
MOSES SUMNER,
CARROL E. SMITH,
H. RIEGEL,
CHAS. E. IDE,
W. P. GOODELLE,
GEO. N. KENNEDY,
JOHN L. KING.

THE WIDOW'S PORTION.

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CHAPTER 470, LAWS OF NEW YORK.

AN ACT to amend section nine, title three, chapter six, part two of the Revised Statutes.
Passed May 18, 1874; three-fifths being present.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine, title third, chapter six, part two of the Revised Statutes is hereby amended so as to read as follows:

§ 9. Where a man having a family shall die, leaving a widow or a minor child or children, the following articles shall not be deemed assets, but shall be included and stated in the inventory of the estate, without being appraised:

1. All spinning-wheels, weaving-loom, one knitting-machine, one sewing-machine, and stoves put up or kept for use by his family.

2. The family Bible, family pictures and school-books, used by or in the family of such deceased person, and books not exceeding in value fifty dollars, which were kept and used as part of the family library, before the decease of such person.

3. All sheep to the number of ten, with their fleeces, and the yarn and cloth manufactured from the same, one cow, two swine, and the pork of such swine, and necessary food for such swine, sheep or cow for sixty days, and all necessary provisions and fuel for such widow, or child, or children, for sixty days, after the death of such deceased person.

4. All necessary wearing apparel, beds, bedsteads and bedding, necessary cooking utensils, the clothing of the family, the clothes of the widow and her ornaments proper for her station; one table, six chairs, twelve knives and forks, six plates, twelve tea-cups and saucers, one sugar-dish, one milk-pot, one tea-pot and twelve spoons, and also other household furniture, which shall not exceed one hundred and fifty dollars in value.

SEC. 4. When a man having a family shall die, leaving a widow or minor child or children, there shall be inventoried by the appraisors and set apart for the use of such widow or for the use of such widow and child or children, or for the use of such child or children, in the manner now prescribed by the ninth Section of Title third, Chapter sixth of Part second of the Revised Statutes, necessary household provisions or other personal property in the discretion of said appraisors, to the value of not exceeding one hundred and fifty dollars, in addition to the articles of personal property now exempt from appraisal by said Section.—1842, Chap. 157, Sec. 2.

SECTION 1. Every father, whether of full age or a minor, of a child likely to be born, or of any living child under the age of twenty-one years and unmarried, may, by his deed or last will duly executed, dispose of the custody and tuition of such child during its minority, or for any less time, to any person or persons in possession or remainder.—(Sixth edition Revised Statutes, 1875, Vol. 3, page 167.)

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