

SEC. 7. **Repeal.** All acts and parts of acts repugnant to, or contravening this act, are hereby repealed.

SEC. 8. **Take effect.** This act shall take effect from and after its publication in the Dubuque Herald and Dubuque Tribune: provided, that the state shall be at no expense for the same.

Approved, January 24, 1853.

## CHAPTER 61.

### ESTATE OF DECEDENTS.

AN ACT to amend chapter eighty-three of the code.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. **Repeal—dower—evidence of marriage.** That section thirteen hundred and ninety-four of the code, be, and the same is hereby repealed, and that there be enacted in lieu thereof, the following, to wit: section 1394. One-third in value of all the real estate in which the husband at any time during the marriage had a legal or equitable interest, and to which the wife has made no relinquishment of [98] her rights, shall under the direction of the court, be set apart by the executor, as her property in dower upon the death of the husband, if she survives him. Said estate in dower to be and remain the same as at common law; continuous cohabitation as husband and wife, is presumptive evidence of marriage for the purpose of giving the right aforesaid.

SEC. 2. **Repeal—property indivisible may be appraised—yearly rent.** Be it further enacted, that sections fourteen hundred and four, fourteen hundred and five, and fourteen hundred and six, be, and the same are hereby repealed, and that there be enacted in lieu thereof the following, to wit: section 1404. If the referees report that the property cannot be readily divided as above directed, the court, if satisfied with such report, may order the whole to be appraised, and may fix a reasonable yearly rent thereon, and may order the whole to be sold, subject to one-third of said yearly rent, which the court shall order to be secured by the purchaser thereof to said widow during her natural life, which rent, so secured upon said land, shall be a lien thereon.

SEC. 3. **Repeal—husband to heir from wife.** Be it further enacted, that section fourteen hundred and twenty-one, be, and the same is hereby repealed, and that the following be enacted in lieu thereof, to wit: section 1421. All the provisions hereinbefore made in relation to the widow of a deceased husband, shall be applicable to the husband of a deceased wife. The estate, by courtesy is hereby abolished.

SEC. 4. **Personal property.** Be it further enacted, that said widow is entitled to receive the same amount of personal property that she is entitled to receive by virtue of section thirteen hundred and ninety, and that her title thereto shall remain absolute.

Approved, January 24, 1853.