

A Bill for an Act Relating to Decedent's Estates.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 533-1, 533-2 and 533-16, Hawaii Revised Statutes, are amended to read as follows:

**“Section 533-1. Dower.** Every woman shall be endowed of one-third part of all the lands owned by her husband at any time during marriage, in fee simple, in freehold, or in leasehold, unless she is lawfully barred thereof. She shall also be entitled, by way of dower, to an absolute property in the one-third part of all his remaining property owned by him at the date of his death, after the payment of all his just debts. The interests to which the wife is entitled in accordance with this section in the husband's real and personal property shall not apply to, and nothing in this section shall be deemed to give to the wife any interest in, the husband's interest in community property, real or personal.”

**“Section 533-2. Election in case of exchanged lands.** If a husband seized of lands in fee simple, in freehold, or in leasehold, exchanges them for other such lands, his widow shall not have dower to both, but shall make her election to be endowed of the lands given, or of those taken in exchange, within six months after the death of her husband. If the election is not made, she shall take her dower of the lands received in exchange.”

**“Section 533-16. Curtesy; election between curtesy and will.** In case the wife dies first and intestate, then except as in this section provided, her property shall immediately descend to her heirs, but shall be in all cases, whether she die testate or intestate, subject to a life interest in the husband in one-third of the wife's lands owned by her in fee simple, in freehold, or in leasehold, at the date of her death. The husband shall also, whether the wife die testate or intestate, be entitled, by way of curtesy to an absolute property in the one-third part of it all the wife's remaining property owned by her at the date of her death, after the payment of all her just debts. During the life of the wife the husband shall have no curtesy right inchoate or otherwise in the wife's property. If any provisions are made for the widower in the will of his wife, he shall be subject to the same requirements with respect to election between his curtesy and the provisions of the will, or taking under both, as is a widow in similar circumstances under sections 533-14 and 533-15.

No husband who has, for one year or upwards, previous to the death of his wife, wilfully and utterly deserted his wife, or wilfully neglected or refused to provide suitable maintenance for his wife, shall be entitled to any right or interest in his wife's property by way of curtesy.

The interests to which the husband is entitled in accordance with this section in the wife's real and personal property shall not apply to, and nothing in this section shall be deemed to give the husband any interest in, the wife's interest in community property, real or personal.”

## **ACT 31**

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.  
(Approved May 28, 1970.)

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\* Edited accordingly