

23. No such action shall be hereafter maintained in case the demandant has joined in a deed to convey the land or to release her dower therein to a purchaser for value, although the acknowledgment required by law at the time may not have been made or taken, or though any informality may have occurred or happened in the making, taking or certifying such acknowledgment.

Action not to be maintained in case demandant has joined in deed.

24. All actions of dower which shall be pending at the time this Act shall come into force, may be continued and carried on to judgment in like manner as if this Act had not been passed.

Pending action may be continued as if this Act not passed.

25. Unless where it is in this Act expressly declared to the contrary, costs shall be taxed and allowed to, and be recoverable by either party in an action of dower in like manner as in personal actions, and writs of execution to levy the same, and damages where damages have been adjudged may be sued out and executed as in personal actions.

When costs recoverable.

26. After judgment has been rendered in the demandant's favor to recover dower, whether with or without costs or damages, she shall be entitled to sue out a writ of assignment of dower founded upon such judgment directed to the sheriff of the county in which the lands lie, in which writ shall be set forth the lands out of which the demandant has recovered judgment to recover her dower.

After judgment for demandant, she may sue out writ of assignment of dower.

27. The sheriff on receipt of such writ shall, by writing under his seal of office, appoint two resident freeholders of his county, who are rated on the assessment roll for real estate of a value not less than two thousand dollars, and a licensed deputy provincial surveyor, and each of whom would in other respects be eligible to serve as a juror between the parties named in the same writ, to be commissioners to admeasure the dower, and the sheriff shall in such writing set out a copy of the writ of assignment, and shall name therein a day on or before which the commissioners shall make and return to him a report of their proceedings, and determination in the execution of the duty assigned to them.

Sheriff thereupon to appoint certain parties to be Commissioners to admeasure the dower, &c.

28. In case of the death of, or refusal by any or all of the commissioners so appointed, the sheriff shall, from time to time, in like manner, appoint another or others to perform the duty of such as die or refuse.

In case of death or refusal of any of commissioners, sheriff may appoint others.

29. Every commissioner so appointed shall, before entering upon the execution of his duty, take and subscribe an affidavit in the form or to the effect following, which oath any commissioner appointed to take affidavits in the Superior Courts of Common Law, is hereby empowered to administer, and the said commissioners shall annex to their report the affidavits sworn by them, and return them to the sheriff.

Oath of commissioners.

30. "I, _____, do swear that I am not of kin to the demandant (naming her) nor to the defendants (naming him or them) nor in any way interested in the lands out of which the assignment of dower is to be made by me, and that I will honestly, impartially, and to the best of my skill and ability execute and perform the duties imposed upon me by the appointment of _____ Esquire, Sheriff, of the County of _____ as a Commissioner for the admeasurement of dower between the said demandant and the said defendants according to law."

Form of oath.

30. After taking and subscribing such affidavit, the commissioners each and every one of them shall, for all purposes in the fulfilment of the duties by law required of them, be considered as officers of the Court

Commissioners, when sworn to be