

If appearance and denial filed, demandant may take issue and proceed to trial.

If appearance only entered demandant may declare.

**17.** In case an appearance be entered with a denial by the defendant that he is tenant of the freehold, the demandant may at once, and without further pleadings, take issue on that denial, and make up an issue book, setting out the writ, the appearance and denial and the issue thereon, and may give notice of trial and proceed to trial as in personal actions, and, if she obtains a verdict, she shall be entitled to costs and to enter judgment of seizin of her dower, as against such defendant. 5

**18.** In case only an appearance be entered, the demandant may at once declare, and when damages are claimed in the writ, they may also be claimed in the declaration, which may be in the effect following: 10

In the (the style of the Court).

County of } The day of 18  
to wit :

Form of declaration.

A.B., widow, (*as the case may be*) who was the wife of C.B., deceased, by her Attorney, demands against (*the defendant*) the third 15 part of (*the land and premises as described in the writ*) with the appurtenances in the (*township, &c.*) of in the said County of as the dower of the said A.B. of the endowment of C.B., deceased, heretofore her husband, whereof she has nothing (*and if damages are claimed*) and she also claims damages for the detention from her of her 20 endowment in the said lands from the day of 18 and she claims \$

To what extent C. L. P. Act shall apply.

**19.** The several enactments in the Common Law Procedure Act relative to pleas, demurrers, replications and subsequent pleadings, and the periods appointed within which the same must be pleaded, and in 25 which notice of trial must be given and countermanded, and as to amending pleadings; and as to practice not herein provided for, and making all or any other amendments, and as to the authority of the Court or of a Judge in such matters, and also the rules of Court, from time to time in force, relative to pleading and practice, shall so far as they 30 can be made applicable, and are not at variance with this Act, be in force and apply to and regulate the course and practice of pleading and procedure in actions of dower.

Special cases may be stated.

**20.** Special cases may be stated by leave of the Court or a Judge, in like manner as in other actions. 35

Mode of estimates of damages of detention of dower, &c.

**21.** In estimating damages for the detention of dower or the yearly value of the lands, for the purpose of fixing a yearly sum of money in lieu of an assignment of dower by metes and bounds, the value of permanent improvements made after the alienation of the lands by the husband or after the death of the husband, shall not be taken into 40 account, but such damages or yearly value shall be estimated upon the state of the property at the time of such alienation or death, allowing for the general rise, if any, in the price and value of land in the particular locality.

Action must be brought within twenty years of death of husband and after one month notice of demand.

**22.** No action of dower shall be brought but within twenty years 45 from the death of the husband of the demandant, nor until the expiration of one calendar month after service of a written demand thereof, on the tenant of the freehold unless such tenant be resident out of the Province, in which case the Court or Judge may, upon affidavit made by, or on behalf of the demandant shewing sufficient reason, permit the de- 50 mandant to commence the action without making such demand.