

BILL.

An Act to alter the Practice of the Law in actions of Dower in Upper Canada.

WHEREAS it is expedient and necessary to alter the practice of the Law for the recovery of Dower, and to give a more easy and less expensive remedy for the recovery thereof than now exists in Upper Canada:—Be it therefore enacted, &c.

Preamble.

And it is hereby enacted by the authority of the same, That from and after the passing of this Act, the first or original process in actions of Dower at Law, shall be in the form given in the Schedule to this Act, and shall and may be issued in the Court of Queen's Bench or Common Pleas, out of the offices of the Clerks of the Crown or Common Pleas, or of any Deputy Clerk of the Crown or Common Pleas, in any County where the action is brought, in the same manner as any summons in any personal action may now be issued by law.

What shall be the first process in actions of Dower.

II. And be it enacted, That a copy of such summons may be served by any literate person personally on the tenant of the freehold, if within the jurisdiction of the Court, and if not, then upon the tenant of the land of which Dower is demanded, and if such tenant do not appear, the demandant therein, upon affidavit of the due service of such summons being made and fyled, shall be entitled to enter an appearance for him, and proceed thereon as in personal actions.

How service of process may be made on the tenant, &c.

III. And be it enacted, That if the land of which Dower is demanded is vacant, and the tenant of the freehold cannot be personally served with summons, as hereinbefore provided, then and in such case, service may be made as in actions of ejectment; Provided always, that such service, when not personal upon the tenant, shall be allowed by the Court, or a Judge thereof, and after fyling such summons and affidavit of service, and the Order or Rule of allowance thereof, the demandant may, after the time for appearing has expired, and no appearance has been entered, enter an appearance for the tenant and proceed thereon as if personal service had been effected.

If the lands are vacant, &c.

Proviso; Where the service is not personal, it must be allowed by a Judge, &c.

IV. And be it enacted, That whenever the tenant of the land shall not be personally served with summons or

What the Demandant must prove.