

An Act to alter the Law of Dower and to regulate proceedings in actions for the recovery of Dower in Upper Canada.

HER MAJESTY, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. The twenty-eighth chapter of the Consolidated Statutes of Upper Canada, intituled: *An Act respecting the procedure in actions of Dower*, and the Act passed in the twenty-fourth year of Her Majesty's Reign, intituled: *An Act for the better assignment of Dower in Upper Canada*, are repealed upon, from and after the day this Act shall come into force.

Con. Stat. U.
C. c. 28, and
24 V. c. 40 re-
pealed.

2. All actions of right of dower, or of dower *unde nihil habet*, shall be brought and carried on according to the provisions of this Act.

Actions of
dower, &c., to
be brought
according to
this Act.

3. Dower shall not be recoverable out of any separate and distinct lot, tract or parcel of land which at the time of the alienation by the husband or at the time of his death, if he died, seized thereof, was in a state of nature, and unimproved by clearing for the purposes of cultivation, but this shall not restrict or diminish the right to have woodland assigned to the demandant under the thirty-first section of this Act, from which it shall be lawful for her to take firewood necessary for her own use, and timber for fencing the other portions of land assigned to her out of the same lot, tract or parcel.

Dower not to
be recoverable
out of land in
state of nature
when aliened
or at death of
husband, but
woodland
may be as-
signed.

4. Every action for dower shall be commenced by writ of summons, and shall be addressed to the person in actual possession of the land out of which dower is claimed, and to every other person who is tenant of the freehold of the same land, and in every such writ, and in every copy thereof, the place and country of the residence and abode of each party defendant shall be mentioned, and the land or property out of which dower is claimed shall be described by the number of the lot or otherwise with reasonable certainty, and such writ shall be tested as in personal actions, and may be according to the form following:

Action to be
commenced
by summons
to party in
actual posses-
sion.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

Form of sum-
mons.

To _____ of _____ [naming each defendant and the place and county of the residence and abode of each defendant.]

We command you (and each and every of you) that you render to _____ who was the wife of _____ now deceased, her reasonable dower which falleth to her of the freehold which was of the said _____ her late husband, of and in [describe the land and property by the number of the lot, or the part of the lot, concession, name of the Township, City, Town or place, or with such other reasonable