

ACTS OF LAST SESSION.

Registry office of the county where the lands lie, and shall entitle the demandant to hold the land so assigned to her, against the assignor and all parties claiming through or under him, as tenant for her life, or to distrain for, or to sue for, and recover in any Court having jurisdiction to the amount, the annual or other sum agreed to be paid to her by such tenant of the freehold, and such instrument so registered shall be a lien upon the land for such yearly or other sum, and shall be a bar to any other action, suit or proceeding by the demandant for dower in the lands mentioned therein.

42. The several clauses of this Act, numbered from twenty-six to forty, both inclusive, shall not apply to or affect cases in which the right to dower became consummate by the death of the husband, before the eighteenth day of May, which was in the year of our Lord one thousand eight hundred and sixty-one.

43. In all cases not otherwise provided for by this Act, the pleadings and proceedings shall be regulated by the law as it was in force in Upper Canada, relative to suits and actions of dower, before the tenth day of August, which was in the year of our Lord one thousand eight hundred and fifty.

44. This Act may be cited as *The Dower Act of Ontario*, shall take effect upon, and from and after the first day of February next.

AN ACT

To amend the Law as to Wills.

[Assented to 19th December, 1868.]

Whereas it is expedient to amend the law as to Wills, Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Every Will shall be construed with reference to the real and personal estate comprised in it, to speak and take effect as if it had been executed immediately before the death of the testator, unless a contrary intention appears by the Will.

2. No conveyance or other act made or done subsequently to the execution of a will, of or relating to any real or personal estate therein comprised (except an act by which the Will is revoked) shall prevent the operation of the Will with respect to such estate or interest in such real or personal estate as the testator shall have power to dispose of at the time of his death.

3. Every will shall be revoked by the marriage of the testator, except a Will made in exercise of a power of appointment when the real or personal estate thereby appointed would in default of such appointment, pass to the testator's heir, executor or administrator, or the person entitled as the testator's next of kin under the statute of distributions.

4. No will shall be revoked by any presumption of an intention on the ground of an alteration in circumstances.

5. No Will or codicil, or any part thereof, shall be revoked otherwise than as aforesaid, or by another Will or codicil executed according to law, or by some writing declaring an intention to revoke the same, and executed in the manner in which a Will is by law required to be executed, or by the burning, tearing or otherwise destroying the same by the testator, or by some one in his presence and by his direction, with the intention of revoking the same.

6. This Act shall not apply to the Will of any person who is dead before the first day of January, one thousand eight hundred and sixty-nine.

AN ACT

To amend the Registry Act, and to further provide as to the Certificates of Married Women, touching their consent as to the execution of Deeds of Conveyance.

[Assented to 19th December, 1868.]

Whereas it is desirable to amend the Registry Law of Ontario, so far as to give certainty to the right of married women jointly with their husbands to execute certificates of discharge of mortgage: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. From and after the passing of this Act, when any registered mortgage of lands wherein a married woman may happen to be a mortgagee therein, or whereof the assignee is a married woman, shall have been satisfied, the Registrar, on receiving a certificate, executed jointly by such married woman and her husband, in the form prescribed by the Registry Act of Ontario, shall register such certificate in the same manner provided by said Act for registering certificates of discharge of mortgage, and such certificate shall be deemed a discharge of such mortgage to the same effect as any other certificates registered under the said Act; and it shall not be necessary to produce any certificate of such married woman having been examined before any Judge or Justice of the Peace touching her consent therein in anywise, nor shall such examination be necessary.

2. In case more than one married woman executes the same deed of conveyance mentioned and referred to in the second section of chapter eighty-five of the Consolidated Statutes of Upper Canada, the Judge or Justices of the Peace therein mentioned, may include the examination and names of all or any number of such married women in one certificate in the form mentioned and set out in said section as far as applicable.