

of, endorse thereon the day and hour of such receipt, and he shall then forthwith return the writ of admeasurement of dower together with the report and all papers annexed thereto, to the office wherein the suit was commenced and carried on; and the deputy clerk of the Crown, into whose office such writ and other papers have been returned shall, on the application of either party, transmit the same to the proper principal office in Toronto, in like manner, and on the same conditions as he is required to transmit any record of *Nisi Prius* and subject to the same liabilities, in case of his default.

Report to be returned to Deputy Clerk Crown.

10 **33.** Either party may, after the expiration of ten days from the filing of the sheriff's return to the writ of assignment, provided such ten days have elapsed before the first day of the term next after such filing—and if not, then within the first four days of the succeeding term—apply for and the Court may grant a rule calling upon the opposite party to show cause why the Commissioners' report should not be set aside upon grounds apparent on the report and papers filed therewith and upon such other grounds as the Court may see fit, the same being supported by affidavit and every such ground being set forth in the rule—and the Court after hearing the parties may order the report to be varied or amended, if in their judgment they have sufficient matter before them to amend by—or may annul and set aside the report and may appoint three new commissioners or direct that the sheriff shall do so, and such new commissioners shall have the same powers and execute the same duties and be subject to the same conditions and responsibilities as are in that behalf hereinbefore expressed, and the report of such new commissioners shall be treated as if no other report had been previously made, and shall be dealt with and proceeded upon accordingly.

Either party may apply for rule to show cause why report should not be set aside on grounds.

Court may order thereon.

30 **34.** If the report is moved against upon the ground of any misconduct or fraud on the part of the commissioners, the Court may, in its discretion, make them parties to the rule, and if wilful misconduct or fraud be established in the opinion of the Court, the report may be set aside and the commissioners be adjudged to pay to the parties injured all the costs which have been incurred and have been rendered useless by such misconduct or fraud, and all the costs of the rule to set aside the report: and such payment may be enforced by the like process and proceedings as are or may be in use to compel a sheriff to pay costs of rule or summary proceeding against him.

If moved against for misconduct or fraud, commissioners may be made parties to rule.

40 **35.** The rule to set aside the report may be discharged, with or without costs, and the Court may order the party at whose instance or on whose complaint or representation the commissioners may have been made parties to the rule, to pay such commissioners their costs of answering the same, and if the rule be discharged, or if the report be not moved against within the proper time, or if the Court refuse to grant a rule to shew cause, the report shall thenceforth be final and conclusive on all parties to the dower action; and a copy of such report, certified by the Clerk of the Crown under the seal of the Court, shall be registered in the registry office of the county or place where the lands lie, for which service the Registrar shall be entitled to receive one dollar.

As to costs of rule.

When Report final, copy to be registered in County Registry.

50 **36.** After such registration the demandant shall be entitled to sue out a writ, directed to the proper sheriff commanding him to put her into possession of the lands and premises assigned and admeasured to

After Registration demandant may