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4th Session, 3d Parliament, 14th & 15 Vict. 1851.

BILL.

**An Act to facilitate the Barring of
Dower by Married Women in Upper
Canada, and for other purposes
therein mentioned.**

**Received and read a first time, Thursday, 3d
July, 1851.**

Second reading, Monday, 7th July, 1851.

Mr. MACKENZIE.

BILL.

An Act to facilitate the Barring of Dower by Married Women in Upper Canada, and for other purposes therein mentioned.

WHEREAS the present method of Barring Dower before two Justices of the Peace is in many instances attended with difficulty and expense to parties, and it is expedient to facilitate the same: Be it therefore enacted, &c.,

Preamble.

That when any married woman residing in Upper Canada shall be desirous of barring her dower in any lands mentioned in any deed to which the husband of such woman is a party, shall appear before a Notary Public duly commissioned for Upper Canada, and, on being examined before him touching her consent to be barred of her dower in the lands described in such deed, shall give her consent thereto freely and voluntarily, and such Notary Public shall sign and affix his Seal of Office to a certificate to that effect, which certificate may be in the form in the Schedule to this Act annexed, marked Form A.; such certificate shall have the same effect, and be as valid and effectual a bar of dower as if such examination and consent were had and given before two of Her Majesty's Justices of the Peace.

A married woman may be examined as to her consent to bar her dower in any lands, by any Notary Public for U. C.

Certificate and its effect.

II. And be it enacted, That when any married woman possessed of lands and tenements in her own right shall duly execute a deed of such lands and tenements in conjunction with her husband, and shall appear before a Notary Public duly commissioned for Upper Canada, and shall, on being examined before him, give her consent to depart with her estate in the lands and tenements in such deed described, freely and voluntarily, and such Notary Public shall sign and affix his seal of office to a certificate to that effect, which certificate may be in the form in the Schedule to this Act annexed, marked Form B., such deed and certificate shall be a good and sufficient conveyance in Law, and shall be as valid and effectual as if such examination and consent had been had and given before two of Her Majesty's Justices of the Peace.

The like as to a married woman conveying property held in her own right.

Fee on certificate.

III. And be it enacted, That the fee for writing, signing, and sealing such certificate shall be *five shillings* currency, and no more.

SCHEDULE TO WHICH THIS ACT REFERS.

FORM A.

I, _____ a Notary Public, duly commissioned for that part of this Province called Upper Canada, residing at _____ in the said Province of Canada, do certify that _____ wife of _____ of _____ grantor in the within deed named, personally appeared before me this day, and, being duly examined by me, apart from her husband, touching her consent to be barred of her right of dower in the lands and tenements in the said deed mentioned, did give her consent thereto, and it did appear to me that such consent was given freely and voluntarily, and was not the effect of coercion, or fear of coercion, on the part of her husband, or of any other person or persons whomsoever.

Given under my hand and seal of Office this day of _____ in the year of our Lord one thousand eight hundred and _____

A. B., (Seal.)
Notary Public, residing at _____

FORM B.

I, _____ a Notary Public, duly commissioned for that part of this Province called Upper Canada, residing at _____ in the said Province, do certify that _____ wife of _____ of _____ one of the grantors in the within deed named, personally appeared before me this day, and, being duly examined by me, apart from her husband, touching her consent to depart with her estate in the lands and tenements in the said deed described and mentioned, did give her consent thereto; and it did appear to me that such consent was given freely and voluntarily, and was not the effect of coercion, or fear of coercion, on the part of her husband, or of any other person or persons whomsoever.

Given under my hand and seal of Office this day of _____ in the year of our Lord one thousand eight hundred and _____

A. B., (Seal.)
Notary Public, residing at _____