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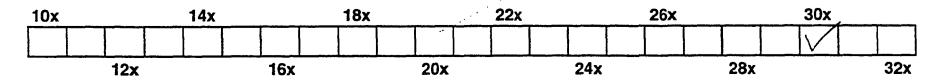
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3rd Session, 6th Parliament, 23 Victoria, 1860.

## BILL.

An Act to regulate the rights of persons married in foreign countries, and emigrating therefrom, to reside in Lower Canada.

Received and read, first time, Monday, 5th March, 1860.

Second reading, Monday, 12th March, 1860.

Mr. DUNBAR ROSS.

QUEBEC:

An Act to regulate the rights of persons married in Foreign Countries, and emigrating therefrom to reside in Lower Canada.

HEREAS by the laws of Lower Canada a communauté de biens Preamble. (community of property, moveable and immoveable, acquired during marriage, in equal shares) is established between husband and wife from the time of their marriage within Lower Canada, in the 5 absence of any marriage contract or settlement; And whereas doubts and difficulties have frequently arisen in determining the rights of persons married in the different States of Europe and America, and afterwards residing and acquiring property in Lower Canada, and it becomes necessary to make Legislative provision for simplifying and 10 settling the law in this behalf.

Therefore, &c...

I. From and after the first day of January, one thousand eight han- Community dred and sixty-one, all persons coming into Canada to reside therein commence who have been previously married in the British Isles, or in any vear's dom 15 other Country or State of Europe or of America, and who had entered liation in L. into no marriage contract or settlement previously to such marriage, Canada. shall, after having remained domiciled during twelve months in Lower Canada, with respect to all property acquired by them during their subsisting marriage, be declared and held to have submitted themselves to 20 the laws of Lower Canada for the government, regulation and settlement of their respective rights in and to such property, and after the expiration of the said period of twelve months, a communauté de biens, conformable to the laws of Lower Canada, shall be and subsist between them during the continuance of such marriage, unless such communauté 25 shall or have been dissolved by authority of a competent Court or by operation of Law, and shall be held to have commenced from the period of their having acquired a domicile, or commenced a permanent residence in Lower Canada, in like manner and to the same effect as if such marriage had been first solemnized therein:

30 Provided always, that it shall be lawful for such married persons and Proviso: parfor each of them, whether husband or wife, within the said period of ties may declare their optwelve months to declare, in the manner hereinafter provided, their intion to abide by the laws of the particular State or country in which by the laws of they may have been married in respect to the determination of their where they may have been married in respect to the determination of their where they may have been married in the laws of the state where they may have been married in the laws of the state where they may have been married in the laws of the state where they may have been married in the laws of the state where they may have been married in the laws of the state where they may have been married in the laws of the state where they may have been married in the laws of the particular state or country in which by the laws of the particular state or country in which by the laws of the state where they have been married in the laws of the state where they have been married in the laws of the state where they have been married in the laws of the state where they have been married in the laws of the state where they have been married in the laws of the state where they have been married in the laws of the state where they have been married in the laws of the state where they have been married in the laws of the state where they have been married in the laws of the state where they have been married in the laws of the state where they have been married in the laws of the state where they have been married in the laws of the l 35 marriage rights respectively, and it shall be competent to either hus-were married. band or wife to make such declaration without the presence, assistance or authority of the other of them.

II. In every case in which it may be the desire of such husband or Form of dewife to make such declaration, it shall be lawful to make the same before a Public Notary, in the form or to the effect set forth in the Cal-40 a Public Notary, in the form or to the effect set forth in the Sche- and how made

Fees for execution and registration thereof. dule A. hereunto annexed, and an authentic copy thereof shall be forthwith enrolled of record in the office of any Prothonotary or Clerk of the Superior Court, in an indexed register to be kept by him for such purpose, duly parapheéd in the manner by law required for paraphéing Registers of Baptisms, Marriages and Burials; And for making and executing such declaration and for the enregistration thereof such Notary and Prothonotary shall be entitled, respectively, to ten cents per hundred words, subject to an immediate revision and correction of such charge by a Judge of the said court in the event of any alleged excess, without any other written appeal or formality than a notice to appear before 10 such Judge at any time not less than two hours after the service of any such notice, the cost whereof, and any other costs necessarily incurred in respect thereto, may, in the discretion of such Judge, be awarded by him against the party in fault, and in the event of the non-payment, execution by the fiat of the said Judge may immediately issue therefor.

Short title.

III. This act may be cited as the "Foreign Marriage Rights Act, 1860."

Copies of this Act to be posted on board ships arriving in this Province.

## SCHEDULE A.

We, the undersigned A. B., heretofore of (the Country of last domicile,) and C. D., the wife of the said A. B., do hereby make known and declare that we were joined in the Holy Bonds of Matrimony on or about the day of the month of in the year one thousand hundred and, at (insert place) in the (insert Kingdom or State), according to the rights of the Church of, without having previously made or entered into any marriage contract or settlement, and that with respect to all and every our rights and the rights of each of us under the said marriage, we intend and declare that they shall remain as they existed previously to the passing of the Foreign Marriage Rights Act, 1860.

Note.—Declarations by husband or wife singly to be altered accordingly.