Technical and Bibliographic Notes / Notes techniques et bibliographiques

L'Institut a microfilmé le meilleur exemplaire qu'il lui a

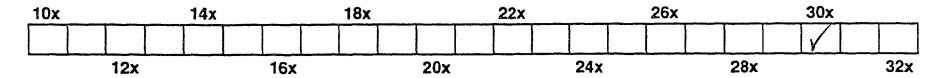
été possible de se procurer. Les détails de cet exem-

may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.		plaire qui sont peut-être uniques du point de vue bibli- ographique, qui peuvent modifier une image reproduite ou qui peuvent exiger une modification dans la métho- de normale de filmage sont indiqués ci-dessous.			
	Coloured covers / Couverture de couleur			Coloured pages / Pages de couleur	
	Once a law and t			Pages damaged / Pages endommagées	
	Covers damaged /			Pages restored and/or laminated /	
	Couverture endommagée			Pages restored and/or laminated / Pages restaurées et/ou pelliculées	
	Covers restored and/or laminated /			r ages restaurces evou pelliculees	
	Couverture restaurée et/ou pellicule			Pages discoloured, stained or foxed /	
	·		V	Pages décolorées, tachetées ou piquées	
	Cover title missing / Le titre de couv	verture manque			
				Pages detached / Pages détachées	
	Coloured maps / Cartes géographic	ques en couleur		Chauthan h / Tanana	
	Coloured ink (i.e. other than blue or	r black) /	V	Showthrough / Transparence	
	Coloured ink (i.e. other than blue or Encre de couleur (i.e. autre que ble	-	[—— —	Quality of print varies /	
	Zhore de codicar (i.e. datre que bie		\mathbf{V}	Qualité inégale de l'impression	
	Coloured plates and/or illustrations	/		Leaster was gaine as a map a second	
	Planches et/ou illustrations en coul			Includes supplementary material /	
				Comprend du matériel supplémentaire	
	Bound with other material /				
	Relié avec d'autres documents			Pages wholly or partially obscured by errata slips	
	Only edition available /			tissues, etc., have been refilmed to ensure the besinessible image / Les pages totalement ou	
	Seule édition disponible			partiellement obscurcies par un feuillet d'errata, une	
	Sedie Salion disponible			pelure, etc., ont été filmées à nouveau de façon à	
100	Tight binding may cause shadows or	r distortion along		obtenir la meilleure image possible.	
	interior margin / La reliure serrée	-			
	l'ombre ou de la distorsion le lor	ng de la marge		Opposing pages with varying colouration of	
	intérieure.		لـــــا	discolourations are filmed twice to ensure the bes	
	Blank leaves added during restorati	ons may annear		possible image / Les pages s'opposant ayant des colorations variables ou des décolorations son	
	within the text. Whenever possible, these have been			filmées deux fois afin d'obtenir la meilleure image	
	omitted from filming / II se peut que			possible.	
	blanches ajoutées lors d'une				
	apparaissent dans le texte, mais, le	-			
	possible, ces pages n'ont pas été f	ilmees.			
1	Additional comments / Cover title page is bound in as last page in				
V	Commentaires supplémentaires: book but filmed as first page on fiche.				

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.

The Institute has attempted to obtain the best original

copy available for filming. Features of this copy which



2nd Session, 3rd Parliament, 12 Victoria, 1849.

BILL.

An Act to amend the Law, and facilitate proceedings in Actions of Dower, in Upper Canada.

Received and Read a first time, Monday, 12th February, 1849.

Second Reading, Monday, 19th February, 1849.

Mr. Lyon.

BILL.

An Act to amend the Law, and facilitate proceedings in actions of Dower, in Upper Canada.

WHEREAS it is expedient and neccesary Preamble. to alter the Law of Dower, and to give a more easy and less expensive remedy for the recovery thereof than now exists by law, 5 in that part of this Province formerly the Province of Upper Canada:—Be it therefore enacted, &c.

And it is hereby enacted by the authority of the same, That no Widow shall be entitled to of what lands 10 Dower out of any land which shall have been the Widow absolutely disposed of by her husband in his dower. life time for a valuable consideration.

extend to the Dowe of any Widow whose huse this Act, shall to what easing and shall die after the passing of this Act, and shall make any deed, contract or engagement, executed, made or entered into before the passing of this Act, by any husband who shall die after the passing of this Act, as valid 20 and effectual to bar or affect the right of his Widow to Dower, as if such deed, contract or engagement had been executed, made or entered into after this Act was passed.

III. And be it enacted, That the first or what shall be 25 original process in actions of Dower at law, the first prospects shall be in the form given in the Schedules of Dower. to this Act, and shall and may be issued in the Court of Queen's Bench, out of the office of the Clerk of the Crown or of any Deputy 30 Clerk of the Crown in any District, either as an original or testatum writ, as the case may be, in the same manner as any writ of mesne process in any personal action may now be issued by law.

A⁹⁶

How service of process may be made on the tenant, &c.

IV. And be it enacted, That a copy of such process shall be served by the Sheriff to whom the said process is directed, or by his deputy or bailiff, or a literate person, personally upon the tenant of the land of which 5 Dower is demanded, on or before the return. day of the writ, and if such tenant do not appear within eight days after such return day, of which notice shall be given in the same form as in cases of non-bailable process, 10 the demandant therein, upon affidavit of the due service of such process being made and filed, shall be entitled to enter an appearance for him, and proceed thereon as in ordinary cases of non-bailable process. 15

If the lands are vacant. &c.

V. And be it enacted, That if the land of which Dower is demanded is vacant and the tenant thereof cannot be personally served with process as hereinbefore provided, then and in such case service may be made as in 20 Provided always, that actions of ejectment: where the ser- such service, when not personal upon the sonal, it must tenant, shall be allowed by the Court or a be allowed by Judge thereof; and after filing such process and affidavit of service, and the order or rule 25 of allowance thereof, the demandant may after eight days, if no appearance has been entered, enter an appearance for the tenant, and proceed thereon as if personal service 30 had been effected.

Proviso: a Judge, &c.

What the Demandant must prove, &c.

VI. And be it enacted, That whenever the tenant of the land shall not be personally served with process, or enter appearance if not personally served, and the demandant shall proceed to the trial of the right of Dower 35 in the land, the said demandant before the entry of any verdict in favour of such right, shall prove the marriage, seisin and death of the husband, in the same manner as if the tenant had pleaded traversing such marriage, 40 seisin and death of the husband.

VII. And be it enacted, That costs shall How costs shall be allow- be allowed to the demandant or tenant in all ed, &c.

cases, whether damages be recoverable or not, in the same manner as costs are now allowed to a plaintiff or defendant in personal actions.

VIII. And be it enacted, That the words Interpretation expressions hereinafter mentioned. which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provisions or the context of the Act shall 10 exclude such construction, be interpreted as follows, that is to say: The word "lands" shall extend to messuages, and all other hereditaments whether corporeal or incorporeal (except such as are not liable to Dower) and 15 to any share thereof; And any word importing the singular number only shall be extended and applied to several persons or things, as well as one person or thing.

SCHEDULE.

Form of Writ.

Victoria &c., (as in ordinary Writs.) To the Sheriff of (the District where the lands in Dower lie.) Greeting:—

We command you that you take A. B. (the tenant) if he be found in your District, and him safely keep, so that you may have his body before our Justices of our Bench at Toronto, on the day of Term, to answer to C. D. (the Demandant) why he does not render to the said C. D. who was the wife of E. F., her reasonable Dower which falleth to her of the freehold which was of E. F. her late husband, in whereof she has nothing, as she says, and whereof the said A. B. depriveth her; and have then and there this writ.

Witness, &c., (as in ordinary cases of mesne process.)