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2nd Session, 6th Parliament, 22 Victoria, 1859.

B I L L .

An Act to amend the law enabling Married Women to convey their Real Estate within Upper Canada.

As passed by the Legislative Council.

[Printed by Order of the Legislative Assembly.]

S. Darbshire & G. Desbarats, Queen's Printer.

B I L L .

[As passed by the Legislative Council.]

An Act to amend the law enabling Married Women to convey their Real Estate within Upper Canada.

WHEREAS it is expedient to amend the law enabling married women to convey their real estate within Upper Canada, by providing for cases in which informal or erroneous certificates have been indorsed upon Deeds conveying real estate executed by married women jointly with their husbands, as well as for cases in which such Deeds have been executed in presence of and certificates indorsed thereon by non-resident Justices of the Peace, or in which certificates have been endorsed on such Deeds subsequent to the execution thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. Whenever any certificate on the back of any Deed heretofore executed by any married woman, pursuant to the Act of the said Parliament of Upper Canada, passed in the first year of the reign of his late Majesty King William the Fourth, chapter two, or pursuant to the Act of the said Parliament of Upper Canada, passed in the second year of Her Majesty's reign, chapter six, has been signed by two Justices of the Peace, such certificate shall be held and is hereby declared to be valid and effectual for all the purposes contemplated by said Acts, although the said Justices were not at the time residents of the District or County in which such married woman resided; and every Deed heretofore executed in the presence of such Justices, and every such certificate so signed shall have the same force, validity and effect as if the said Deed had been executed in the presence of, and such certificate had been signed by two Justices of the Peace of the District or County in which such married woman at the time of the execution thereof resided.

2. When any certificate on the back of any Deed executed by any married woman, pursuant to the said first mentioned Act, shall have been heretofore given on any day subsequent to the execution of the said Deed, such certificate shall be deemed and be taken to have been given on the day on which the said Deed was executed; and such Deed shall be as good and valid in law as if such certificate had been in fact signed on the day of the execution of the Deed to which it relates, as required by the said Act.

3. In case any married women seized of or entitled to real estate in Upper Canada, and being of the age of twenty-one years, has heretofore executed, jointly with her husband, a Deed for the conveyance of the same, such Deed shall be taken and considered as a valid conveyance of the land therein mentioned, and the execution thereof shall be deemed and taken to be valid and effectual to pass the estate of such married woman in the said land, although a certificate of her consent to be barred of her right of Dower of and in such land, instead of a certificate of her consent to convey her estate in the same, have been endorsed thereon.

4. Whenever the requirements of the Acts of the Parliament of the late Province of Upper Canada, or of the Parliament of this Province of Canada, respecting the conveyance of real estate in Upper Canada by married women, while respectively in force, have been complied with on the execution by any married woman of a Deed of conveyance of real estate in Upper Canada then belonging to such married woman, such execution shall be deemed and taken to be valid and effectual to pass the estate of such married woman in the land intended to be conveyed, although the certificate indorsed on such Deed be not in strict conformity with the forms prescribed by the said Acts, or any or either of them.