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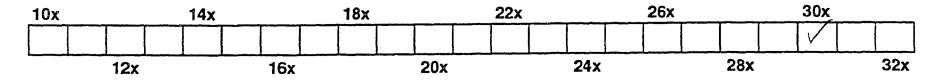
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All Sossion, Brd Parliamont, 17 Viotoria, 1809

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## BILL.

AN ACT to amend the Law of Dower in that part of Canada, formerly called Upper Canada.

Received and read 1st time, Wednesday, 4th June, 1851. Second reading, Monday, 9th June, 1851.

HON. G. S. BOULTON

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307 Egislature (ounal)

## BILL.

### An Act to amend the Law of Dower in that part of Canada, formerly called Upper Canada.

WHEREAS it is desirable to alter the Law in regard Preamble. to the claim to Dower advanced by the widows of persons who had during coverture alienated their estates, without their wives joining in the conveyance thereof: 5 And whereas many persons are deterred from making improvements on such estates, lest the widows should recover part of such improvement which their husbands had not contributed to make, and it is therefore expedient to declare what such widows shall be entitled to: Be it

10 therefore enacted, &c.,

And it is hereby enacted by the authority of the same, That no widow shall be entitled to recover Dower out of land on which improvements have been made, or shall be proved after made, after the sale by the husband, but such widow shall 15 and may recover in lieu thereof, a sum equal to one-third of the annual value at the time when she shall demand the same in writing, or sue for the recovery thereof, and

- she may levy such annual value by distress, in like manner as rent is now recoverable.
- H. And be it enacted, That no widow shall be entitled to 20 institute proceedings for the recovery of her Dower, without having first demanded the same in writing from the proprietor of the land out of which she shall claim her Dower, or from the party in possession thereof, at least 25 one month before any action brought.

III. And be it enacted, That on-such demand of Dower Dower to be not being so made, it shall and may be lawful for the proprietor, or party from whom the same is demanded, within application of one month after such demand, to apply to the Sheriff of proprietor. 30 the County within which such land shall be situate to set

Widow not to recover Dower out of land imsale by hus-band, but an annual sum in lieu thereof.

Demand of Dower to be made one month before action brought.

off by Sheriff after notice on

off such Dower and give thirty days' notice thereof to the opposite party, whereupon the Sheriff shall appoint a day and hour when he will attend to set off such Dower, and duly apprise each party of his intention so to do, at least two weeks before he shall proceed to set off the 5 same: Provided always, that in case the land out of which Dower shall be claimed has been improved since the sale thereof by the husband, then it shall and may be lawful for the Sheriff to fix and determine upon a certain annual sum which shall be paid to the widow in lieu of 10 Dower, and to give the party liable to pay the same notice thereof; which sum shall be payable half-yearly, and commence six months after notice given by the Sheriff, as aforesaid.

Dower set off by Sheriff a bar to all proceedings for Dower.

Proviso.

IV. And be it enacted, That the Dower so set off by the 15 Sheriff, or annual sum appointed by him in lieu thereof, shall be a bar to all proceedings for the recovery of Dower, unless the decision of the Sheriff shall be appealed from, within two months thereafter, to the Judge of the County Court of the County within which such land shall be situate; and 20 such Judge may in his discretion alter or revise the Sheriff's decision, so that the same shall not be repugnant to this Act.

In default of proprietor spplying to Sheriff to set off Dower, widow may do so.

Costs of setting off Dower to be taxed, and to be payable by proprietor. V. And be it enacted, That in case the party from whom Dower is demanded as aforesaid, shall fail to apply to the 25 Sheriff to set off the Dower in manner hereinbefore provided, then it shall and may be lawful for the party claiming Dower to apply to the Sheriff to set off Dower, or determine an annual compensation in lieu thereof in like manner as the other party is authorised to do. 30

VI. And be it enacted, That the costs and expenses attending the setting off such Dower, shall be taxed by the Clerk of the Crown, or any Deputy Clerk of the Crown, subject to revision by the Judge of the County Court, in the County where the said land is situated, and 35 shall be payable by the party from whom Dower is recovered, and may be sued for in any Court of competent jurisdiction.

Act to extend to Upper Canada ouly.

VII. And be it enacted, That this Act shall extend to that part of the Province formerly called Upper Canada. 40