

Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which 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.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

Cover title page is bound in as last page in 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.

10x	14x	18x	22x	26x	30x
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12x	16x	20x	24x	28x	32x

4th Session, 3rd Parliament, Victoria, 1851

E.

B I L L .

**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

(250 Copies.)

PRINTED AT THE "GLOBE" OFFICE.

W. L. (Legislative Council)

B I L L .

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
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.

20 **II.** And be it enacted, That no widow shall be entitled to
institute proceedings for the recovery of her Dower, with-
out 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
being so made, it shall and may be lawful for the proprie-
tor, or party from whom the same is demanded, within
one month after such demand, to apply to the Sheriff of
30 the County within which such land shall be situate to set

Proviso.

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 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 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. 5 10

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

IV. And be it enacted, That the Dower so set off by the 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 such Judge may in his discretion alter or revise the Sheriff's decision, so that the same shall not be repugnant to this Act. 15 20

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

V. And be it enacted, That in case the party from whom Dower is demanded as aforesaid, shall fail to apply to the 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. 25 30

Costs of setting off Dower to be taxed, and to be payable by proprietor.

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 shall be payable by the party from whom Dower is recovered, and may be sued for in any Court of competent jurisdiction. 35

Act to extend to Upper Canada only.

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