

No. 237.

1st. Session 4th Parliament, 16 Victoria, 1853.

BILL.

An Act to enable Married Women, not residing in Canada, to convey their Real Estates in Upper Canada by their lawful Attorney.

Received and read a first time, Monday, 21st
February, 1853.

Second reading, Monday, 28th February, 1853.

Mr. WHITE.

QUEBEC :

PRINTED BY JOHN LOVELL, MOUNTAIN STREET.

An Act to enable Married Women, not residing in Canada, to convey their Real Estates in Upper Canada by their lawful Attorney.

WHEREAS by divers Acts now in force, provision has been made for enabling any Married Woman of full age, seized, possessed of or entitled to Real Estate in Upper Canada, to alien and convey such Real Estate, by deed executed by her jointly with her husband, at any place either within or without Upper Canada; but no provision has been made for enabling any such Married Women to convey such estate by an Attorney appointed jointly by her and her husband, and the want of such provision occasions great inconvenience; Be it therefore enacted, &c.,

Preamble.

10 That it shall be lawful for any Married Woman being above the age of twenty-one years, residing within or without the limits of Upper Canada, and being seized, possessed of or otherwise entitled in her own right to Real Estate within Upper Canada, and her husband by Deed Poll to be executed by them jointly in the country where they may then be, to appoint any person or persons to be the Attorney or Attorneys of her and her husband, with full power to alien and convey by deed to be executed by such Attorney or Attorneys for on behalf and in the names of such Married Woman and her husband jointly, such Real Estate or any interest therein to which she may be entitled, to such use or uses as to such Attorney or Attorneys shall seem meet, and for such price or consideration as he shall think proper, or to delegate to and vest in such Attorney or Attorneys any power or powers relative to such Real Estate, and the management or disposal thereof, which she could herself exercise jointly with her husband; Provided always, that such Deed Poll shall not be valid unless such Married Woman shall appear before and be examined touching her consent to such Deed Poll, and to the granting of the powers therein vested in such Attorney or Attorneys as aforesaid voluntarily and without coercion, by some Chief Justice, Judge, Magistrate, Mayor, Consul or other Functionary before and by whom under the laws in force in Upper Canada in that behalf, she might in the country in which she shall then be, appear and be examined touching any Deed executed jointly by her and her husband conveying such Estate, nor

A married woman may join her husband in a deed appointing an Attorney to convey land in Upper Canada.

Proviso: Such married woman to be examined and her free consent attested in like manner as to a Deed conveying such land.

unless such Functionary being satisfied that such Married Woman doth freely and voluntarily consent to vest such powers in such Attorney or Attorneys, shall endorse upon each Deed Poll a certificate to that effect, which shall be attested in the manner by law provided with regard to the certificate of her free consent to any such Deed as aforesaid, conveying such Estate and executed in the Country in which she shall then be : And provided also, that any such Deed Poll may be registered in the Registry Office of the County or Counties in which the Real Estate therein referred to shall lie; in like manner as any other Deed ; and that such Deed Poll, so far as regards any unexecuted power under it, may be revoked by the husband acting either jointly with his wife or alone, and shall become void (as to such unexecuted powers) by the death of either of them.

Proviso.
As to registration and execution of such Deed.