

C A P. VIII.

An A C T for the convenient and speedy Assignment
of Dower.

***** **ORASMUCH** as some Directions in the Law are necessary,
F that Women may be enabled to come by their Dower; Be it
 ***** Enacted by the Lieutenant Governor, Council, and Assem-
 bly, That when and so often as the Heir or other Person
 having the Freehold, shall not within one Month next after De-
 mand made, assign and set out to the Widow of the Deceased, h
 Dower or just third Part of and in all Houses, Lands, Tenement
 or Hereditaments, whereof she is Dowable at the Common Law
 to her Satisfaction according to the true Intendment of Law, the
 such Widow may sue for and recover the same by Writ of Dowe
 to be therefore brought against such Persons as have, or claim
 have Right as aforesaid in the said Estate, in Manner and For-
 following, *That is to say.*

Preamble.
 Heir &c. to reas-
 Dower within one
 Month next after
 Demand.

II. **GEORGE** the Third, by the Grace of **GOD** of Great Britain.
 France and Ireland, **KING**, Defender of the Faith, &c.

To the Provost Marshal of Our Province of Nova Scotia, or his Depu-
 ty, Greeting.

COMMAND A. B. within the said County, that instantly with-
 out Delay render to C. D. who was the Wife of E. D. Writ of Dower.
 late of aforesaid deceased, her reasonable Dower whic'
 happens to her of a certain Messuage or Tenement with the Appurte-
 nances, situate in aforesaid; in the Possession of the said A. B.
 which was in the Seizin and Possession of her said Husband E. D. an
 whereof he was seized in his Demesne as of Fee during the Coverture
 and whereof she hath nothing (as she saith) and the said C. D. com-
 plains that the said A. B. hath deforced her thereof. And unless the
 said A. B. shall so do, then summon by good and lawful Men in the sai-
 County, the said A. B. that be before our Justices of Our
 Court next to be holden at for the County of
 aforesaid, on the Day of then and there to shew Cause,
 why to the said C. D. her reasonable Dower as aforesaid doth
 not render. And have you the Names of them by whom you summon
 the said A. B. and this Writ. Witness E. H. Esquire, at
 the Day of in the Year of Our Reign, Annoque
 Domini

A. D. Clerk,

II. And be it further Enacted, That upon Judgment being given
 for any Woman to recover her Dower in any Estate of Houses and
 Lands, and other Hereditaments, which were her Husband's,
 reasonable Damage shall also be assigned to her from the Time of
 the Demand made, and a Writ of Seizin shall be directed to the

Reasonable Da-
 mage to be as-
 signed to the Wi-
 dow.

Provost Marshal or his Deputy, in Manner and Form following;
That is to say.

ff. *GEORGE the Third, by the Grace of GOD, of Great Britain, France, and Ireland, KING, Defender of the Faith, &c.*

To the Provost Marshal of Our Province of Nova Scotia, or his Deputy, Greeting.

WHEREAS C. D. Widow, who was the Wife of E. D. late of in the County aforesaid deceased, before our Justices of our Court holden at for Our County aforesaid, on the Day of now last past, did recover her Seizin against A. B. of aforesaid of one Third Part of a certain Messuage or Tenement, &c. with the Appurtenances, situate in aforesaid, in the Possession of the said A. B. as her Dower of the Endowment of the said E. D. her certain Husband, by Our Writ of Dower, whereof she hath nothing. Therefore We Command you that to the said C. D. full Seisin of one Third Part of the aforesaid Messuage or Tenement, &c. with the Appurtenances you cause to be had without Delay: To hold to her in Severalty by Metes and Bounds. We Command you also, that of the Goods or Chattels of the said A. B. within your Precinct, you cause to be paid and satisfied unto the said C. D. at the Value thereof in Money, the Sum of for Damages awarded her by our said Court, for her being held and kept out of her Dower aforesaid, and Costs expended on this Suit, with more for this Writ; and thereof also to satisfy yourself your own Fees. And for want of Goods or Chattels of the said A. B. to be by him shewn unto you, or found within your Precinct, to satisfy the same, We Command you to take his Body, and commit him to the Keeper of Our Gaol in in Our County aforesaid within the said Prison. Whom we likewise Command to receive the said A. B. and him safely to keep, until he pay unto the said C. D. the full Sum above mentioned, and also satisfy your Fees. Hereof fail not, and make Return of this Writ, and how you shall have executed the same, to Our next Court to be holden at for Our said County of on the Day of next. Witness E. H. Esquire, at the Day of in the Year of Our Reign, Annoque Domini 17 A. D. Clerk.

And where no Damages shall be awarded, the Writ to run only for Seisin and Costs of Suit.

III. And be it further Enacted, That the Provost Marshal or his Deputy, to whom such Writ is directed, is to cause her Third Part of Dower in such Estate, to be set forth unto her by five Freeholders of the Neighbourhood, upon their Oaths, (Three at least to agree) who shall be sworn before a Justice of the Peace, to set forth the same equally and impartially without Favor or Affection, as convenient as may be; which Oath every Justice of the Peace is hereby impowered to administer.

IV. And

IV. *And be it further Enacted*, That of Inheritances that be intire, where no Division can be made by Metes and Bounds, so as a Woman cannot be endowed of the Thing itself, she shall be endowed thereof in a special and certain Manner, as of a Third Part of the Rents, Issues, or Profits thereof, to be computed and ascertained in Manner as aforesaid. And no Woman that shall be endowed of any Lands, Tenements, or other Inheritances, as aforesaid, shall commit or suffer any Strip or Waste thereupon, but shall maintain the Houses or Tenements, with the Fences and Appurtenances thereof, with which she shall be so endowed, in good Repair during her Term, and leave the same so at the Expiration thereof, and shall be liable to Action for any Strip or Waste by her done, committed or suffered.

Widow shall not
make Strip or
Waste.

C A P. IX.

An ACT in further Addition to and in Amendment of an Act made and passed in the Thirty Fourth Year of his late Majesty's Reign, intituled *An Act for appointing Commissioners of Sewers*.

WHEREAS in an Act made and passed in the Thirty Fourth Year of his late Majesty's Reign, intituled *An Act for appointing Commissioners of Sewers*, it is amongst other Things Enacted, "That the Commissioners of Sewers shall be impowered to meet and convene together from Time to Time, as occasion may require, to view, consider, consult, and contrive such Ways and Methods for building and repairing such Dykes and Wears, as are necessary to prevent Inundations, and for drowning and draining of Swamps and other unprofitable Grounds, and to employ Workmen and Labourers for such reasonable Wages as may be agreed on for effecting the Premises, and from Time to Time, to assess and tax all such Persons as may or shall be Owners of such Meadows, Marshes, or such unprofitable Swamps or Lands aforesaid, towards the Charge thereof." *And Whereas many of the Commissioners of Sewers complain that assessing the Owners of such Lands as aforesaid, by no means answers the Intention proposed by said Act, as Labourers cannot be hired in lieu of such Owners of Lands as aforesaid, whereby it may happen that large Quantities of Corn or Grass on the Marsh Lands, may be greatly damaged or utterly spoiled by the Sea overflowing the same, for want of immediate Labour, to the great Loss and Discouragement of the industrious Farmer, and to the Detriment of the Province; For Remedy whereof, Be it Enacted by the Lieutenant Governor, Council, and Assembly*, That from and after the Publication hereof, each and every Owner or Possessor of Marsh Lands in any Township, District, or Place, within this Province, (where Commissioners of Sewers are appointed) shall in all common Cases, either in raising new or repairing old Dykes, or ditching or draining

Owner &c. of
Marsh Lands shall
attend himself or
send a sufficient
hourer in