

At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax, on Tuesday the 28th day of May 1765, in the Fifth Year of His Majesty's Reign, and there continued by several Prorogations until the eighteenth day of June, 1768, in the Eighth Year of His said Majesty's Reign; being the Sixth Session of the Fourth General Assembly convened in the said Province.

8 George III – Chapter 8 (Session 1)

An Act for the convenient and speedy Assignment of Dower.

Forasmuch as some directions in the law are necessary, that women may be enacted to come by their dower; Be it enacted by the Lieutenant Governor, Council, and Assembly, that when and so often as the heir or other person having the freehold, shall not within one month next after demand made, assign and set out to the widow of the deceased, [her] 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 Dower to be therefore brought against such persons as have, or claim [to] have right as aforesaid in the said estate, 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.

Command A. B. within the said county, that instantly without delay _____ render to C. D. who was the wife of E. D. late of _____ aforesaid _____ deceased, her reasonable dower which happens to her of a certain messuage or tenement with the appurtenances, situate in _____ aforesaid, in the possession of the find A. B. which was in the seizin and possession of her said husband E. D. and whereof he was seized in his demesne as of fee during the coverture and whereof she hath nothing (as she faith) and the said C. D. complains 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 said 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 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 seizin 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 seizin and costs of suit.

II. 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 empowered to administer.

III. 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.