

C A P. III.

An ACT in amendment of an act intituled "An Act for more effectually securing the TITLE of Purchasers of REAL Estates against CLAIMS of DOWER." and also to enable FEMES COVERT more easily to convey any REAL Estate they may hold in their OWN Right.

WHEREAS in and by an act made and passed in Preamble. the twenty-seventh year of His MAJESTY'S reign intituled "An Act for more effectually securing the Title of Purchasers of Real Estates against Claims of Dower" IT IS ENACTED, that no deed of bargain and sale or other conveyance of any lands, tenements or hereditaments in which any *Feme Covert* is or may be intituled to a right of Dower, shall be valid and sufficient to bar such right of dower or the recovery thereof after the decease of her husband, unless such *Feme Covert* or married woman shall sign, seal, and deliver such deed; and shall also appear before some one of His MAJESTY'S Council, Judge of the Supreme Court, or one of the Judges of the Inferior Court of Common Pleas in the several counties of this province, and being examined sepearte and apart from her said husband, shall declare that she executed the same freely and voluntarily without any threat, fear or compulsion from him: AND WHEREAS it is expedient that some provision should be made to secure such purchasers against the claims of dower of *Femes Covert* residing out of the province who cannot conveniently appear to make the acknowledgment required by the said recited act: AND WHEREAS it is also expedient that some further provision should be made to enable *Femes Covert* or married women to convey any estate of freehold or inheritance which may be vested in them in their own right:

I. BE IT THEREFORE ENACTED, If Femes Covert whose right of dower is to be barred by any conveyance, live out of the province, the acknowledgement of such convey- by the Lieutenant Governor, Council and Assembly, That if any *Feme Covert*, whose right of dower is to be barred by any deed of bargain and sale or other conveyance of any lands, tenements or hereditaments in this province, shall live in parts beyond the

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ance to be made as follows—

in Great-Britain or Ireland, before a Judge of the courts of King's Bench or Common Pleas, Baron of the Exchequer, Master in Chancery, or Judge or Lord of Council and Session—

in other parts of the British dominions before a Judge of the Supreme Court

And in any foreign state, before an ambassador or consul from the court of Great-Britain—

All acknowledgements taken under this act, to be registered with the conveyances—

The acknowledgement of conveyances, made by Females of estate held in their own right, to be taken and certified in the same manner.

sea, or out of the limits of this province, the acknowledgement of such deed or conveyance shall be made as follows that is to say; if such *Feme Covert* live within the kingdoms of Great-Britain or Ireland, the acknowledgement of such deed or conveyance may be had and taken by and before any Judge of any of the Court's of King's Bench or Common Pleas, or Baron of the Exchequer, or any Master in Chancery, or any Judge or Lord of Council and Session in Scotland; and if in any other part of the British dominions, by and before any Judge of the Supreme or Superior Court of Judicature in such colony or part of the said British dominions wherein such *Feme Covert* shall reside, and certified on the said deed or conveyance by and under the hand of such Judge or other person so taking the acknowledgement thereof as aforesaid, such certificate being also authenticated, if in the British Plantations, under the hand and seal of the Governor, Lieutenant Governor or Commander in Chief of the province where the same shall be made, and if in Great-Britain or Ireland affidavit in writing shall be made, and certified under the seal of some corporation there, that the signature of the person taking such acknowledgement is the actual and proper hand writing of such person so taking such acknowledgement: And if such *Feme Covert* live in any foreign state or kingdom, the acknowledgement of such deed or conveyance may be had and taken by and before any public Minister, Ambassador or Consul from the Court of Great-Britain resident in any such state or kingdom, and certified on such deed or conveyance by and under the hand and seal of such Minister, Ambassador or Consul so taking the acknowledgement thereof as aforesaid. And all such acknowledgements so taken under and by virtue of this act shall be registered with the respective deeds and conveyances so acknowledged, and shall be an effectual bar to the recovery of any such *Femes Covert* respectively of their right of dower in and to the premises mentioned in any such deed or conveyance, any thing in the said herein before recited act to the contrary notwithstanding.

II. *And be it further enacted*, That the acknowledgement of all deeds of bargain and sale, or other conveyances duly made and executed by any *Feme Covert* of any estate of freehold or inheritance, which such *Feme Covert* may hold in her own right, in any lands, tenements or hereditaments in this province shall and may be had and taken and certified in the same manner and before the same persons respectively as any such *Feme Covert* can or may acknowledge any deed of bargain or sale or other conveyance for barring her right of dower under and by virtue of this or the said herein before recited act.

C A P.