

Laws of His Majesty's Province of Upper-Canada in North America. West Niagara: Titus G. Simons, Printer to the King's Most Excellent Majesty, 1797.

37 George III – Chapter 7

An Act for the more easy Barring of Dower.

For the more easy barring of dower; Be it enacted by the king's most excellent majesty, by and with the advice and consent of the legislative council and assembly of the province of Upper-Canada, constituted and assembled by virtue of, and under the authority of an act passed in the parliament of Great-Britain, entitled "An act to repeal certain parts of an act passed in the fourteenth year of his majesty's reign, entitled, "An act for making more effectual provision for the government of the province of Quebec in North America, and to make further provision for the government of the said province," and by the authority of the same, That it shall and may be lawful to and for any person entitled to dower, by any deed executed either alone or jointly with other persons, to release all her right and title to dower in the lands, tenements or hereditaments therein mentioned and described; and such release shall be as valid and effectual to bar the person executing the same of dower in such lands, tenements and hereditaments, and every part thereof, as if a fine had been levied thereof, any law or usage to the contrary notwithstanding.

II. Provided nevertheless, That no such release so executed as aforesaid, shall have nay force or effect to bar the person so entitled to dower, and executing the same, unless such person shall come before his majesty's chief justice of this province, or one of the justices of the court of king's bench, or shall appear at some general quarter-sessions of the peace for the district, county or place in which she shall reside, and shall have been examined by such chief justice, or justice, or by the chairman or presiding magistrate of such quarter-sessions, when not less than three magistrates besides himself shall be present, touching her consent to be barred of dower in the premises in he said deed or writing mentioned; and in case the she shall give her consent thereto, and it shall appear to the said chief justice, or justice, or to the said court, that such consent is free and voluntary, and not the effect of any coercion on the part of her husband, or any other person, it shall and may be lawful to and for the said chief justice, or justice, or to the said chairman, or other presiding magistrate, and they are, and each of them respectively, is hereby required to certify the same by indorsement on the said deed, which certificate, in the case of the said court of quarter-sessions, may be in the following

FORM:—

At a general quarter-sessions for the district of _____ held at _____ in the county of _____ on the _____ day of _____ personally appeared the within named A. B. and being openly examined in the presence of L M, C D, E F, and G H, (at least four) esquires, his majesty's justices of the peace in and for the said district, touching her consent thereto, and did appear to this court to give the same freely

and voluntarily, without any coercion on the part of her husband, or any other person. S. M. Chairman.

And the clerk of the peace shall be entitled to receive the sum of five shillings, and no more, for the said certificate.

III. Provided nevertheless, That nothing in this act contained shall be taken to bar any person of dower, unless the said certificate shall within six months after the making of the same, be duly enregistered according to the provisions of an act passed in the thirty-fifth year of his majesty's reign, entitled "An act for the public registering of deeds, conveyances, wills, and other incumbrances, which shall be made, or may effect any lands, tenements, or hereditaments within this province."