

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1808.
York: John Cameron, 1808.

48 George III – Chapter 7

An Act to extend the benefits of an Act passed in the thirty seventh year of his Majesty's reign, entitled, "an Act for the more easy barring of Dower," and to repeal certain parts of the same. Passed 16th March, 1808.

Whereas by an act passed in the thirty-seventh year of his Majesty's reign, entitled "an act for the more easy barring of Dower," no provision is made to entitle any person, not residing in this Province, and who may be entitled to dower of any lands or tenements situate therein, to release her right and title to the same. 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, intituled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of his Majesty's reign, intituled, "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 from and after the passing of this Act, it shall and may be lawful to and for any person within the United Kingdom of Great Britain and Ireland, or any of his Majesty's colonies or Plantations, or within the United States of America entitled to dower of any lands or tenements within this Province, by any deed, executed either alone or jointly with other persons, to release all her right and title to the same, and such release shall be as valid and effectual to bar the person so executing the same, of the dower of such lands and tenements, as if a fine had been levied thereof.

II. Provided Nevertheless, That no such release so executed shall have any force of effect to bar the person so entitled to dower, unless such person shall come before the Mayor or chief magistrate of some city, borough or town corporate in the said United Kingdom, or before the chief judge or any other judge of the supreme court of the said colony, plantation, or state, or before the mayor or chief magistrate of any city, borough or town corporate, within the same, and shall have been examined by the said mayor or chief magistrate, chief judge or judge, touching her consent to be barred of dower in the premises in the said deed of the release mentioned, and unless she shall give her consent thereto, and it shall appear to the said mayor, chief magistrate, chief judge or judge, that such consent is free and voluntary, and not the effect of any coercion on the part of the husband or any other person, and unless the said mayor, chief magistrate, chief judge or judge, that such consent is free and voluntary, and not the effect of any coercion on the part of the husband or any other person, and unless the said mayor, chief magistrate, chief judge or judge, shall certify the same by endorsement on the said deed.

III. And be it further enacted by the authority aforesaid, that for the purpose of certifying the said certificate, when the same shall be granted as aforesaid by the mayor or chief magistrate of any city, borough or town corporate, within the said United Kingdom, or within any of the said colonies, plantations or states, the common seal of such city, borough or town corporate, or the

seal of office of such mayor or other chief magistrate, shall be affixed thereto; & that when such certificate shall be granted by the chief judge or judge of the supreme court of any of his Majesty's colonies or plantations, or of any of the United States of America, the same shall be verified by the seal of the person administering the government of such colony, plantation or state.

IV. And be it further enacted by the authority aforesaid, That so much of the abovementioned act, entitled "*an act for the more easy barring of dower,*" as relates to the registering of the certificate, required by the said act, be and the same is hereby repealed.