

Laws of Her Majesty's Province of Upper Canada, passed in the year 1839. Toronto: Robert Stanton, 1839.

2 Victoria – Chapter 6

An Act to amend the law enabling Married Women to convey their Real Estates within this Province. Passed 11th May, 1839.

Whereas by an Act passed in the first year of the reign of His late Majesty King William the Fourth, entitled "*An Act to enable Married Women more conveniently to alien and convey their Real Estate, and to repeal an Act passed in the forty-third year of the reign of King George the Third, entitled, 'An Act to enable Married Women having Real Estate more conveniently to alienate and convey the same,*" it is enacted, that it shall be lawful for any Married Woman, above the age of twenty-one years, residing in this Province, and seized of Real Estate therein, to alien such Estate by Deed, jointly with her Husband, executed in the presence of a Judge of the Court of King's Bench, in certain cases a Judge of the Surrogate Court, or two Justices of the Peace, who shall, on the day of the execution of such Deed, certify on the back of the same certain facts, as set forth in the said Act: And whereas in some cases such Certificates may not have been signed on the day of the date of the Deed to which they relate as required, and it is nevertheless expedient to render valid such Deeds, and also to provide that in future such Certificates shall state, that the Deed was executed as required on the day in which the Certificate shall be signed; and also that the said Certificate shall in all cases be prima facie evidence of the facts certified therein: Be it therefore enacted by the Queen'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 when any Certificate upon the back of any Deed, executed by any married Woman pursuant to the said Act, shall have been heretofore given on any day subsequent to the execution of the said Deed, such Certificate shall be deemed and be taken to have been given on the day on which the said Deed was executed; and such Deed shall be as good and valid in Law, as if such Certificate had been in fact signed on the day of the execution of the Deed to which it relates, as required by the said Act.

II. And be it further enacted by the authority aforesaid, That the Certificate to be endorsed upon any Deed, pursuant to the said Act, shall be to the following effect: _____do hereby certify, that on this _____ day of _____, at _____, the within Deed was duly executed in the presence of _____, by _____, wife of _____, one of the grantors therein named; and that the said _____, at the said time and place, being examined by _____, apart from her Husband, did appear to give her consent to depart with her Estate in the Lands mentioned in the said Deed, freely and voluntarily, and

without coercion or fear of coercion on the part of her Husband, or of any other person or persons whatsoever; and that such Certificate shall be deemed and taken to be prima facie evidence of the facts contained therein, any thing in the said recited Act to the contrary thereof in any wise notwithstanding.

III. And whereas it is expedient to provide greater facilities for Barring Dower; Be it therefore enacted by the authority aforesaid, That from and after the passing of this Act, whenever any married Woman shall join with her Husband in any Deed or Conveyance whatever, (wherein a release of Dower is contained) it shall not be necessary to acknowledge the same before any Court, Judge or Justice of the Peace, but such execution shall be deemed a valid and effectual Bar of Dower of and in the premises mentioned and described in such Deed or Conveyance, any law, usage or custom, to the contrary thereof in any wise notwithstanding.

IV. And whereas it is necessary, by Legislative provision, to legalize the Bar of Dower in certain Deeds and Conveyances where the Wife has not been a party to such Deeds or Conveyances, but has acknowledged the same before some competent authority; Be it therefore enacted by the authority aforesaid, That all acknowledgments which have been taken before any competent authority, shall be taken and deemed to be a valid and effectual Bar of Dower to all intents and purposes whatever, although the said Wife shall not have joined in the execution of such Deed or Conveyance, or shall not have acknowledged the same on the day of the execution of such Deed or Conveyance.