

she may be entitled to therein, without coercion on the part of her husband or any other person, it shall and may be lawful for such Governor, or other Chief Executive Officer, British Consul or Judge, to cause a Certificate thereof to be endorsed on the Deed so executed by her and her said husband as aforesaid, which Certificate shall state the day on which such examination is taken, and shall be signed by such Governor, or other Chief Executive Officer, and shall be also under the Seal of the State or Country of which such Governor or other Chief Executive Officer shall be the Governor or Chief Executive Officer as aforesaid, in cases where the said Certificate is made by such Governor or Chief Executive Officer, or signed by the said British Consul, or Judge of a Court of Record, and under the Seal of such Court, and which Certificate shall be in form or to the effect following, viz :

Particulars to be stated therein.

"I, \_\_\_\_\_, do hereby certify, that on this \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, the within Deed was duly executed in the presence of \_\_\_\_\_, by A. B., of \_\_\_\_\_, wife of \_\_\_\_\_, one of the grantors therein named; and that the said wife of the said \_\_\_\_\_, at the said time and place being examined by me, 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."

Form of certificate.

And such Certificate shall be deemed and taken to be *prima facie* evidence of the facts contained therein.

Its effect.

III. And be it enacted, That the first section of an Act of the Parliament of the Province of Upper Canada, passed in the first year of the Reign of His late Majesty King William the Fourth, and intituled, *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, intituled, 'An Act to enable Married Women, having Real Estate, more conveniently to alienate and convey the same,'* be, and the same is hereby amended, by expunging from the proviso of the said section the following paragraph, viz: "Or in the presence of a Judge in the District Court, or of a Judge of the Surrogate Court of the District in which such Married Woman shall reside, or of two Justices of the Peace for such District," and inserting in the place thereof and substituting therefor the following paragraph, viz: "Or in the presence of the Judge of the County Court, or Judge of the Surrogate Court, or two Justices of the Peace of the County where such Married Woman shall reside, or happen to be when the said Deed is executed by such Married Woman."

Part of sec. 1 of Act of U. C. 1 Will. 4, c. 2. repealed.

Other provisions substituted.

IV. And be it enacted, That this Act shall apply to Real Estate in Upper Canada only.

Extent of Act.

### C A P. C X V I.

An Act to extend the provisions of the Insolvent Debtors' Act, and to afford relief to a certain description of persons therein named.

[ 30th August, 1851. ]

**W**HEREAS there are many instances of Traders who did, while the Bankrupt Act was in force in this Province, at the request of a number of their Creditors, expressed by their coming in under the Assignments hereinafter mentioned, execute Assignments of all their property for the benefit of their Creditors, or of such as might choose to come into such Assignments, for the purpose of avoiding the expense and delay attending proceedings in Bankruptcy, thereby, at such especial instance of the said Creditors, foregoing the advantage of the said Bankrupt Act; and in some instances it has happened that, notwithstanding such complete yielding up of all the property of such Traders, some of their Creditors have afterwards declined becoming parties to such Assignments, without fraud, or gross or culpable negligence on the part of such Traders; and whereas such parties are precluded from availing themselves of the benefit of the Act of the eighth Victoria, chapter forty-eight, for the relief

comble.

relief of Insolvent Debtors: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That all such Traders coming within the description above, in the preamble to this Act set forth, shall be entitled to avail themselves of the benefit of the Act of this Province, passed in the eighth year of the reign of Her Majesty Queen Victoria, and intituled, *An Act for the relief of Insolvent Debtors in Upper Canada, and for other purposes therein mentioned*, on their taking the steps and proceedings therein set forth for obtaining their discharge.

Such traders as are mentioned in the Preamble, to have the benefit of the Act 8 Vict. c. 48.

Effect of the Final Order in such cases.

II. And be it enacted, That, as to such persons, the Order called the Final Order, in the said last mentioned Act, shall, in addition to its effect as mentioned in the fourth section of the said Act, operate as a discharge of all debts due up to the date of the said Assignment, in each case respectively, as fully and completely, and to the same extent, as if such Trader had obtained a Certificate under the fifty-ninth section of the Act relating to Bankrupts, passed in the seventh year of the reign of Her Majesty, and intituled, *An Act to repeal an Ordinance of Lower Canada, intituled, 'An Ordinance concerning Bankrupts, and the Administration and Distribution of their Estate and Effects', and to make provision for the same object throughout the Province of Canada.*

7 Vict. c. 10.

Extent of Act.

III. Provided always, and be it enacted, That this Act shall be construed to apply, and be in force only in that part of this Province formerly Upper Canada.

#### C A P . C X V I I .

An Act to authorize the Payment of certain Expenses of the Administration of Justice in the Recorders' Courts in Upper Canada, out of the Consolidated Revenue Fund of this Province.

[ 30th August, 1851. ]

Preamble.

**W**HEREAS it is expedient that the Expenses of the Administration of Justice in Criminal Cases in the Recorders' Courts in Upper Canada, should be defrayed by the Province to the same extent to which such expenses were so defrayed when incurred in the Courts for which such Recorders' Courts are substituted: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Expenses of the Administration of Justice in Criminal Cases in the Recorders' Courts established or to be established in the several Cities of Upper Canada, under the provisions of the Act passed in the twelfth year of Her Majesty's reign, and intituled, *An Act to provide, by one general law, for the erection of Municipal Corporations, and the establishment of Regulations of Police, in and for the several Counties, Cities, Towns, Townships and Villages, in Upper Canada*, or of any Act amending the same, to be incurred after the first day of January next, shall be defrayed out of the Consolidated Revenue Fund of this Province, in like manner and to the like extent as the Expenses attending the Administration of Justice in Criminal Cases in the several Courts of Quarter Sessions in Upper Canada.

Certain expenses of administration of Justice in Recorders' Courts to be paid out of Provincial Funds.