



BY AUTHORITY.

ANNO VICESIMO PRIMO VICTORIÆ REGINÆ.

CAP. XXIV.

An Act in addition to Chapter 113, of Title XXX, of the Revised Statutes, "Of Judgments, Executions, and Proceedings thereon."

How Registry of Memorial of Judgment to be cancelled, when judgment set aside.

Passed 6th April 1858.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly,—That when any judgment of the Supreme Court, of which a memorial shall have been registered, shall be set aside, annulled or altered by any rule or order of the said Court, a copy of the said rule or order, certified under the hand of the Clerk of the Pleas, whose signature shall be proved by affidavit, to be made by any person who shall have seen him sign the same, before any Judge of the said Court or Commissioner for taking affidavits in the said Court, shall be registered in the same office where the memorial shall have been registered, and the Registrar shall in the margin of the entry of memorial make a memorandum referring to the book and page wherein the said rule or order may be registered, and the memorial shall have no other or greater effect as a charge on the lands than is allowed by such rule or order.

CAP. XXV.

An Act relating to Dower.

Section.

1. Dower and arrears assignable.
2. Order for view, and return of Viewers as Jurors.
3. Interlocutory judgment and proceedings on non-appearance.

Section.

4. Equity of Dower to inure, in a certain case.
5. Dower to inure where husband shall have had right of entry, &c.
6. Act not to extend to suits now pending.
7. Execution as in Action of Ejectment.

Passed 6th April 1858.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. Dower and all arrears may be assigned and recovered in an action of ejectment with costs.

2. A Judge in case of defence shall make an order directing a view to be had, and the proceedings thereon shall be the same as heretofore had under a writ of view; and the Sheriff upon request shall deliver to either party the names of the viewers, and shall also return such names attached to the order to the Clerk of Nisi Prius, who shall call them as Jurors upon the trial, which return shall be the panel in such case.

3. If no appearance be entered, interlocutory judgment may be signed as in ordinary cases, and the plaintiff may proceed by writ (A).

4. Where a husband shall die beneficially entitled to any lands for an interest which shall not entitle his widow to dower out of the same at law, and such interest whether wholly equitable, or partly legal and partly equitable, shall be an estate of inheritance in possession (other than an estate in joint tenancy,) the widow shall be entitled in equity to dower out of the same land.

5. Where a husband shall have been entitled to a right of entry or action in any land, and his widow would have been

entitled to dower out of the same if he had recovered possession thereof, she shall be entitled to dower out of the same, although her husband shall not have recovered possession thereof, if such dower be sued for or obtained within the period during which such right of entry or action might be enforced.

6. Nothing in this Act contained shall extend to actions or suits in dower now pending, but the same may be prosecuted in like manner as if this Act had not been passed.

7. The execution shall be in like manner as in the action of ejectment, as near as may be.

SCHEDULE.

( A )

Victoria, &c. To the Sheriff of

We command you, that you summon seven men of your County as a Jury of inquiry, to assign the Dower and to ascertain the arrears thereof in the following action, [*here insert declaration*] and make return hereof and of the verdict of the Jury to us forthwith. Witness, &c.

CAP. XXVI.

An Act to amend the Act relating to Intestate Estates.

Section.

1. Distribution of Estates of Intestates.
2. Force of Act limited.

Section.

3. Chap. 3, s. 1, Revised Statutes, repealed.

Passed 6th April 1858.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. When any person shall die intestate, his estate shall be divided equally to and amongst his children or their legal representatives, including in the distribution children of the half blood; and in case there be no children of the intestate, then to the next of kindred in equal degree, and their representatives, but children advanced by settlement or portions not equal to the other shares, shall have so much of the surplusage as shall make the estate of all equal, reserving the widow's right of dower.

2. This Act shall not extend to the estate of any person who may have died before the passing thereof, nor to the estate of any person who at the time of the passing thereof was *non compos mentis*, and does so continue until his death.

3. Section 1, Chapter iii, Title xxx, of the Revised Statutes, "Of Intestate Estates," is hereby repealed.

CAP. XXVII.

An Act to continue and amend an Act relating to Steam Navigation in this Province.

Section.

1. Act 17 V. c 9, continued.
2. Pressure at inspection and for working.
3. Life Boats, construction of.
4. Life preservers, number of, regulated.

Section.

5. Lock up safety escape valve.
6. Act not to apply to H. M. Steamers.
7. Commencement of Act.

Passed 6th April 1858.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. An Act made and passed in the seventeenth year of the Reign of Her present Majesty, intituled *An Act relating to Steam Navigation in this Province*, is hereby continued, and shall, together with the amendments hereinafter made, be and remain in full force until the first day of May in the year of our Lord one thousand eight hundred and sixty.