

scribed, or if such widow shall not make such demand by petition within one year after her husband's death, the heirs of the husband of such widow, or any of them, or the owner of any land subject to dower, claiming a legal or equitable freehold interest therein, or the guardian of any such heir or owner, may apply by petition to the said Court for the admeasurement of the said widow's dower in the lands of her husband, or of such part thereof as shall be specified in the petition.

8. A copy of such petition, with notice of the time of presenting the same, shall be served personally on said widow twenty days previous to the presentation.

9. The owners of separate parts of any one tract originally owned by the husband may, if they think fit, appear to the application of the widow, or make a joint application by petition, so as to have only one admeasurement of dower for the whole tract.

10. Upon such application being made, either by the widow or any heir or owner, or by the guardian of such heir or owner, the Court may upon such notice order that admeasurement be made of such widow's dower of all the lands of her husband, or of such part thereof as shall be specified in such application; and if on the hearing of such petition, the widow's right of dower should be disputed, the Court may order a hearing of the matter by evidence *viva voce*, or may direct an issue to try such right, and until the decision thereof, the admeasurement of dower shall be suspended.

11. The Court shall thereupon appoint three respectable and disinterested freeholders to be Commissioners for the purpose of making such admeasurement, by an order which shall specify the lands of which dower is to be admeasured, and the time at which the Commissioners are required to report, and may also direct the Commissioners to enquire into and report upon the arrears of dower, if any.

12. The Commissioners, before entering upon their duties, shall be sworn faithfully, honestly and impartially to discharge their duties according to the best of their skill and ability.

13. If the persons so appointed Commissioners shall die, resign, or neglect or refuse to serve, others shall be appointed in their place by the Court.

14. The Commissioners so appointed shall execute their duties as follows:—

1st.—They shall admeasure and lay off as speedily as possible, a portion or portions, equivalent to one-third part in each, of the lands embraced in the order for their appointment, as the dower of such widow, designating such part or parts with posts, stones or other permanent monuments:

2nd.—In making such admeasurement they shall take into account any permanent improvements made upon the lands embraced in the said order by any heir, guardian of minors, or other owners, since the death of the husband of such widow, or since the alienation thereof by such husband, and if practicable shall award such improvements within that part of the lands not allotted to such widow, and if not practicable so to award the same, they shall make a deduction from the lands allotted to such widow proportionate to the benefit she will derive from such part of the said improvements as shall be included in the portion assigned to her:

3rd.—They shall make a full report of their proceedings, with the quantity, courses, distances, and metes and bounds of the land admeasured and allotted by them to the widow, with a description of the posts, stones, boundaries, marks,

and other permanent monuments thereof, and the items of their charges and the amount of arrears, if any, to the Court, at the time specified in the order for their appointment:

4th.—If both parties desire it, or if from any cause the Commissioners find it difficult to make such admeasurement, they may make a special report shewing the value of the widow's dower in the said premises:

5th.—They may employ a surveyor to aid them in such admeasurement:

15. The Court appointing such Commissioners may, on their application, or on the application of either party, enlarge the time for making their report, and may by order accept such report, or discharge the Commissioners neglecting to make the same, and appoint others in their place.

16. The Court may on good cause shewn set aside, alter or amend the said report, and may appoint new Commissioners, or make such further order as may be consistent with justice, or if no cause is shewn against the said report, may confirm the same.

17. The admeasurement or the valuation so made and confirmed, and the amount of arrears, if any, shall at the expiration of thirty days from the time of such confirmation, unless appealed from, be binding and conclusive as to the location and extent of the widow's right of dower, or of such valuation and amount of arrears on the parties who have applied for the same, and on all parties to whom such notice has been given as hereinbefore directed, and the arrears may be recovered by action of debt in any Court of competent jurisdiction.

18. Such appeal shall be to the Supreme Court by notice in the same manner as other appeals from the Supreme Court in Equity, and shall be a stay of proceedings until such appeal is decided.

19. In case of a valuation so confirmed, such valuation shall be a lien upon the lands in which a widow is dowable, and may be recovered against the owner of the lands, with interest, by action of debt, or by a Bill in Equity, against the owners and all parties claiming under them.

20. The widow to whom dower shall be admeasured, at the expiration of thirty days from the date of the said confirmation, unless the same shall be appealed from, may apply to the Court for a Writ of Possession, and the Court may, on fourteen days' notice of such application being given to the owner of such lands, or to the person or persons in the actual occupation thereof, if no reasonable cause is shewn to the contrary, order a Writ of Possession to be issued in the form of a Writ *habere facias possessionem* in an action of ejectment, as near as may be.

21. The Sheriff or other officer authorized to execute the said writ, shall have the like power and authority in respect thereof as are given to him on the execution of a writ *habere facias possessionem* in an action of ejectment, and shall be entitled to the like fees, charges and expenses as in such case.

22. That all Acts and parts of Acts, in so far but no further than they are repugnant to or inconsistent with the provisions of this Act, are hereby repealed, but nothing herein contained shall be held to effect in any way proceedings now pending in any Court in this Province.