

BILL

No. 37 of 1917.

The Dower Act.

(Assented to _____, 1917.)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as "*The Dower Act.*"
2. In this Act, unless the context otherwise requires—
The expression "homestead" shall mean—
 - (a) Land in a city, town or village, consisting of not more than four lots in one block, as shown on plan duly registered in the proper registry office in that behalf, on which the house occupied by the owner thereof as his domicile is situated;
 - (b) Lands, other than referred to in clause (a) of this section on which the house occupied by the owner thereof as his domicile is situated, consisting of not more than one quarter section;
 - (c) The expression "disposition" shall include every transfer, sale, mortgage and every other disposition by act *inter vivos* and every devise or other disposition made by will.
3. Every disposition by act *inter vivos* of the homestead of any married man whereby the interest of such married man shall or may vest in any other person at any time during the life of such married man or during the life of such married man's wife living at the date of such disposition, shall be null and void unless made with the consent in writing of the wife aforesaid.
4. Every disposition by will of such married man and every devolution upon his death intestate shall, as regards the homestead of such married man, be subject and postponed to an estate for the life of such married man's wife hereby declared to be vested in the wife so surviving.
5. The domicile of a married man shall not be deemed, for the purposes of this Act, to have been changed unless such change of domicile is consented to in writing by the wife of such married man.
6. Any consent required for the disposition *inter vivos* of such homestead, or for the purpose of establishing a change of domicile under this Act shall, whenever any instrument by which such disposition is effected is produced for registration under the provisions of *The Land Titles Act*, be produced and registered therewith. Such consent may be embodied in or endorsed upon the instrument effecting such disposition.

7. When a wife executes any instrument concerning any disposition or consent under this Act she shall acknowledge the same, apart from her husband, to have been executed by her of her own free will and accord and without any compulsion on the part of her husband.

(2) Such instrument may be made before any person authorized to take proof of the execution of instruments under section 103 of *The Land Titles Act*, and a certificate thereof in form A to this Act shall be endorsed on or attached to the instrument so executed by her.

8. *The Married Women's Home Protection Act*, being chapter 4, Statutes of Alberta, 1915, is hereby repealed.

FORM A.

ACKNOWLEDGMENT OF WIFE.

This document was acknowledged before me by....., apart from her husband, to have been voluntarily executed by her, and she has further acknowledged that she was aware at the time of such execution of the nature of the contents thereof.

Dated at....., in the Province of....., this..... day of....., 19.....

.....
(Title of Officiating Officer.)

No. 37.

FIFTH SESSION
THIRD LEGISLATURE
7 GEORGE V
1917

BILL

The Dower Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. CROSS.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER.
A.D. 1917