

REPRINTED BILL.

BILL

No. 14 of 1919.

An Act to amend The Dower Act.

(Assented to , 1919.)

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

1. *The Dower Act*, being chapter 14 of the Statutes of 1917, is amended as follows:

1. By repealing clause (c) of section 2 thereof, and substituting therefor the following, as subsection (2) of the said section:

"(2) 'Disposition' shall mean any disposition by act *inter vivos* and requiring to be executed by the owner of the land disposed of, and shall include every transfer, agreement of sale, lease or other instrument intended to convey or transfer any interest in land and every mortgage or incumbrance intended to charge land with the payment of a sum of money (and requiring to be so executed) and every devise or other disposition made by will."

2. By inserting in section 3 thereof, after the word "shall" in the sixth line of the said section, the words "in so far as it may affect the interest of the said wife in such homestead under this Act".

3. By adding to section 6 thereof the following subsections:

"(2) The execution by the wife of any such disposition shall constitute a consent under this Act.

"(3) The registrar of land titles, before registering any such disposition not purporting to be consented to under this Act, shall require an affidavit of the owner in form B in the schedule hereto or to the like effect, supported by such other evidence by affidavit or otherwise as the registrar may prescribe:

"Provided that if the said disposition is executed under a power of attorney the party so executing the same may, if he is acquainted with the facts make the said affidavit."

4. By striking out the word "instrument" where it appears in the first line of subsection (2) of section 7, and substituting therefor the word "acknowledgment."

5. By repealing the first subsection of section 7*a* thereof, and substituting therefor the following:

"Where a husband and his wife are living apart, a judge of the Supreme Court may, by order, dispense with the consent of the wife to any proposed disposition if in the opinion of such judge it seems fair and reasonable under the circumstances so to do."

6. By striking out the word "already" where it appears in the second line of section 9 thereof, and by adding to the said section the following words: "before the first day of May, A.D. 1917."

7. By adding thereto immediately before section 10 thereof the following new sections:

"9*b*. When any woman shall have executed a contract for the sale of property, or joined in the execution thereof with her husband, or given her consent in writing to the execution thereof, and the consideration under such contract has been totally or partly performed by the purchaser, she shall, in the absence of fraud on the part of such purchaser, be deemed to have consented to such sale, in accordance with the provisions of this Act.

"(2) When any subsequent disposition by way of transfer of such property is presented for registration under *The Land Titles Act*, the consent so previously given, or the agreement so executed, shall, if produced and filed with the registrar be sufficient for the purposes of this Act.

"9*c*. The provisions of this Act shall not apply to any transfer, agreement of sale, assignment or other instrument intended to convey or transfer to His Majesty in the right of the Province of Alberta, or to any city, town, village or municipal district, land required for the purpose of any public work of the province, or of such city, town, village or municipal district."

8. By adding to the schedule thereto the following form:

"FORM B.

"I, *A.B.* of
in the Province ofmake oath and say:

"1. That I am the transferor (*or* mortgagor, lessor, *or* encumbrancer, *as the case may be*, *or* the duly appointed attorney of the transferor, mortgagor, lessor *or* encumbrancer) named in the within instrument.

"2. That the land in the said instrument described is not, and does not include any part of my home property.

"3. That the land on which the house occupied by me as my residence is situated is (*here give description of owner's home property, or state facts according to case*):

"or

"1. That I am the.... named in the within instrument, and that I have no wife.

"Sworn before me at.....

 in the.....
 of.....
 this.....day of.....
 A.D. 19.....

"....."

No. 14.

SECOND SESSION
FOURTH LEGISLATURE
9 GEORGE V
1919

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Received and read the

First time

Second time

Third time

HON. MR. BOYLE.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A. D. 1919