

Legislative Council.

46^o VICTORIÆ, 1882.

A BILL

Further to amend the Dower Acts 3 and 4 Wm. IV c. 105 and
14 Vic. No. 27.

[MR. TERRY ;—14 *September*, 1882.]

BE it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

- 5 1. After the passing of this Act no widow shall be entitled to Dower out of any hereditaments whatsoever whether corporeal or incorporeal reserved to her under Acts third and fourth William the Fourth chapter one hundred and five and fourteenth Victoria number twenty-seven. But this enactment shall be subject to the savings and
- 10 provisions following viz. nothing herein contained shall affect the rights or remedies of any person under any order direction or decree of the Supreme Court heretofore made or shall prejudice or affect the interest of any widow in the real estate of her husband on his death
- 15 Intestates Distribution Act of 1862" or shall affect the right of any widow entitled to dower at the time of the passing of this Act or of any married woman contingently entitled to dower if such widow or married woman or some one on her behalf shall within two years from the passing of this Act have lodged a claim in writing with the Registrar-
- 20 General and if such claim shall not have been removed from off the list filed under the provisions hereinafter contained.

Certain rights and remedies not to be affected by this Act.

Particulars to be set forth in claim.

2. Every such claim shall contain the name and residence of the claimant and shall also set forth as clearly and distinctly as may be the lands sought to be charged or affected the date and place of the marriage of the claimant the name of her husband through whom she claims and such claim may be signed by such claimant or by any one on her behalf. 5

Claimant to have an address in Sydney. No service of proceedings.

3. No claim shall be received unless some address or place within the present limits of the City of Sydney shall be appointed therein as the place at which all proceedings relating to such claim may be served. A claimant may however from time to time change such address within the said City by endorsing a memorandum of such change on the claim. Every proceeding relating to such claim in respect thereof if served at the address or place appointed as aforesaid or at the changed address in case such address shall be changed as aforesaid shall be deemed to be duly served. 10 15

Registrar-General to make list of claims.

4. The Registrar-General shall as soon as any claim is lodged enter it on a list of such claims specifying the name and address of claimant and the land sought to be charged or affected. Such list shall be filed by the Registrar-General and may be inspected by any person without the payment of any fee and any such claim may be inspected by any person interested in the land sought to be charged or affected or his agent on payment of a fee of one shilling. 20

Proceedings to remove claim.

5. It shall be lawful for any person interested in any land sought to be charged or affected by any such claim to apply to a Judge of the Supreme Court in chambers in a summary way to remove such claim from off the said list or for such other relief in respect of such claim as may be applied for and such Judge may hear receive and examine evidence in respect of the subject matter of such application and shall make such order therein as he may think fit. Provided that every such order so made shall be liable to be set aside varied or altered on application to be made to the Supreme Court sitting in *banco* in its common law jurisdiction by motion on notice at any time within the first four days of the next ensuing term. 25 30

Appeal from Judge's order.

6. Every such notice of motion shall be given within six days from the making of such order and the grounds of such application shall be shortly stated therein. 35

Notice and setting down of appeal.

Court may enlarge time.

7. Notwithstanding anything herein contained the said Court or a Judge may at any time enlarge the time for giving such notice of motion or making such motion.

Costs.

8. The said Court or Judge may make any order as to the costs of any proceedings under this Act as it or he may think fit. 40

Notification of this Act. Schedule.

9. The Registrar-General shall cause a notice in the form contained in the Schedule to this Act or to the like effect to be advertised as soon as possible after the passing hereof twelve times with an interval at least of one month between each advertisement in a newspaper published in each of the following cities London Edinburgh Dublin Melbourne Adelaide Perth Brisbane Wellington and Hobart Town during the period of two years next after the passing of this Act and also twenty-four times with an interval at least of fourteen days between each advertisement during the same period in two newspapers published daily in Sydney and shall also send a copy of such notice in a registered letter addressed to any person known by the Examiners of Titles to possess right of dower and whose address is also known to the Registrar-General. 45 50

Short title.

10. This Act shall be called and may be cited as the "Dower Amendment Act of 1882." 55

SCHEDULE.

Notice under the "Dower Amendment Act of 1882 of the Colony of New South Wales."

ATTENTION is directed to the Act of the Parliament of New South Wales called the "Dower Amendment Act of 1882" by which all widows entitled to dower and all 5 married women contingently entitled to dower are required before the day of 188 to lodge a claim in writing with the Registrar-General at Sydney otherwise they will lose their right to dower. Every such claim must contain the name and residence of the claimant and set forth as clearly and distinctly as may be the lands sought to be charged or affected the date and place of the marriage of the 10 claimant the name of her husband through whom she claims and such claim may be signed by such claimant or any one on her behalf and no such claim will be received unless some address or place within the present limits of the City of Sydney be named therein as the place at which all proceedings relating to such claim may be served.

The address may from time to time be changed as provided for in section three 15 of the Act by endorsing a memorandum of such change on the claim.

Dated at the Registrar-General's Office at Sydney this day of
A.D. 188

Registrar-General.

