

Legislative Council.

53^o VICTORIÆ, 1890.

A BILL

To amend the Law relating to Dower.

[MR. HEYDON ;—30 *April*, 1890.]

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. This Act shall be called and may be cited as the "Dower Short title.
Abolition Act, 1890."

2. From and after the passing of this Act (except as hereinafter Dower abolished.
provided) no widow shall be entitled to dower out of any land, messuage, or hereditaments, whether corporal or incorporeal.

10 3. Nothing herein contained shall affect the rights or remedies Certain rights and
remedies not to be
affected by this Act.
of any person under any order, direction, or decree of the Supreme Court heretofore made, and nothing herein contained 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, provided
15 that such widow or married woman, or some one on her behalf, shall within the period of two years from the passing of this Act have lodged a claim in writing with the Registrar-General of New South Wales, and that such claim shall not have been removed from off the list filed under the provisions hereinafter contained.

Particulars to be set forth in claim.

4. 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 for service of proceedings.

5. No such 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 lists of claims.

6. 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.

7. 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 of New South Wales 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.

Notice and setting down of appeal.

8. 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

Court may enlarge time.

9. 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.

10. 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.

11. 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, namely, London, Edinburgh, Dublin, Melbourne, Adelaide, Perth, Brisbane, Wellington, and Hobart, 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 Land-Titles Commissioners to possess right of dower, and whose address is also known to the Registrar-General. 45 50

SCHEDULE.

Notice under the Dower Abolition Act of the Colony of New South Wales.

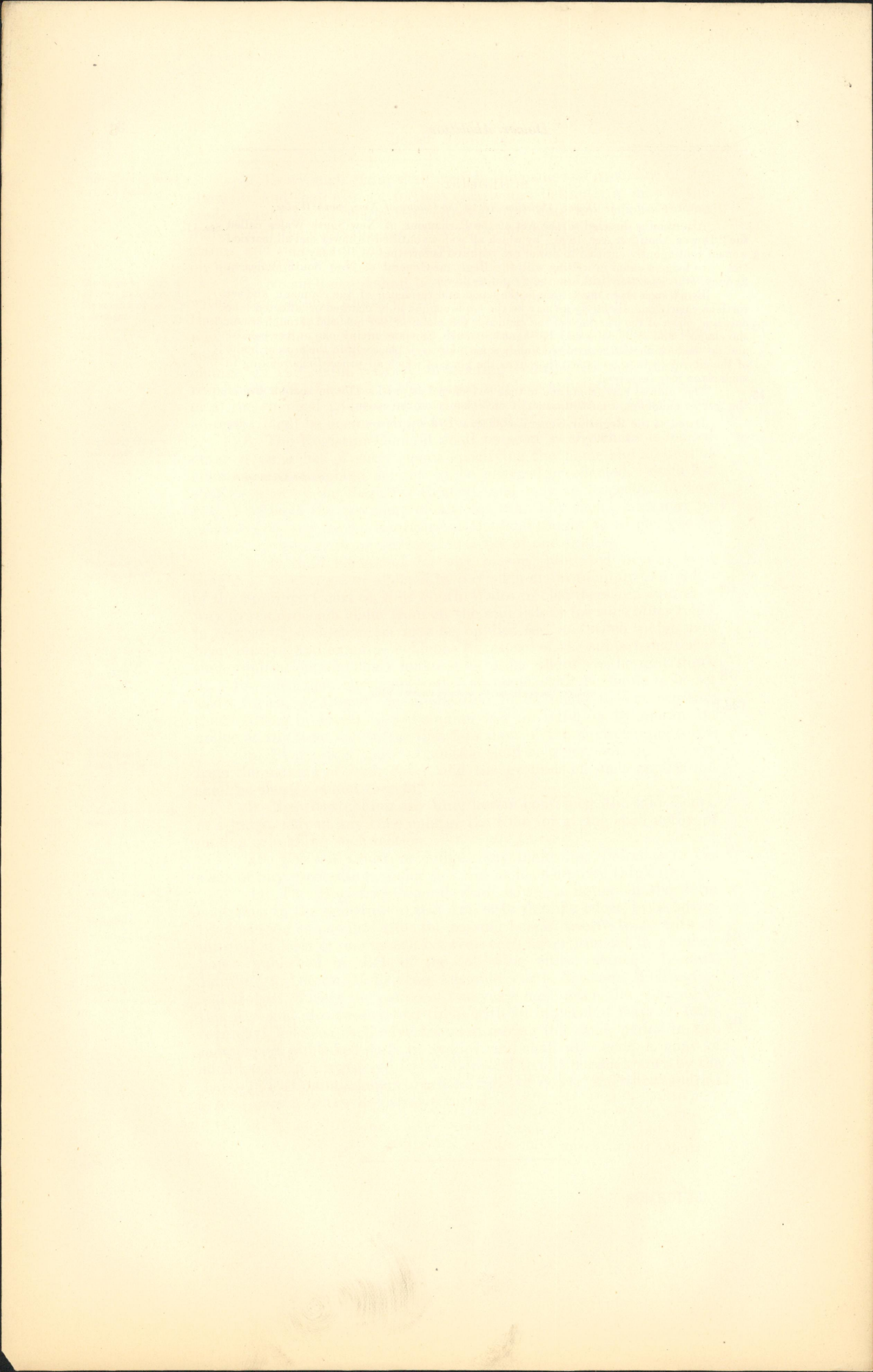
Attention is directed to the Act of the Parliament of New South Wales called Sec. 11.
the "Dower Abolition Act, 1890," by which all widows entitled to dower and all married
5 women contingently entitled to dower are required before the day of
189 , to lodge a claim in writing with the Registrar-General of New South Wales, 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
10 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 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.

15 The address may from time to time be changed as provided for in section five 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. 189 .

Registrar-General.



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10 3. Nothing herein contained shall affect the rights or remedies Certain rights and remedies not to be affected by this Act. of any person under any order, direction, or decree of the Supreme Court heretofore made, and nothing herein contained 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, provided
15 that such widow or married woman, or some one on her behalf, shall within the period of two years from the passing of this Act have lodged a claim in writing with the Registrar-General of New South Wales, and that such claim shall not have been removed from off the list filed under the provisions hereinafter contained.

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