ANNO TERTIO & QUARTO

GULIELMI IV. REGIS.

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An Act for the Amendment of the Law relating to Dower. [29th *August* 1833.]

BE it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; that is to say, the Word "Land" shall extend to Manors, Advowsons, Messuages, and all other Hereditaments, whether Corporeal or Incorporeal (except such as are not liable to Dower), and to any Share thereof; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as One Person or Thing.

Meaning of the Words in the Act:

"Land."

Number.

II. And be it further enacted, That when a Husband shall die, beneficially entitled to any Land for an Interest which shall not entitle his Widow to Dower out of the same at Law, and such Interest, whether wholly equitable, or partly legal and partly equitable, shall be an Estate of Inheritance in possession, or equal to an Estate of Inheritance in possession, (other than an Estate in Jointenancy,) then his Widow shall be entitled in Equity to Dower out of the same Land.

Widows to be entitled to Dower out of equitable Estates.

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III. And

Seisin shall not be necessary to give Title to Dower.

III. And be it further enacted, That when a Husband shall have been entitled to a Right of Entry or Action in any Land, and his Widow would be entitled to Dower out of the same if he had recovered Possession thereof, she shall be entitled to Dower out of the same although her Husband shall not have recovered Possession thereof; provided that such Dower be sued for or obtained within the Period during which such Right of Entry or Action might be enforced.

No Dower out of Estates disposed of.

IV. And be it further enacted, That no Widow shall be entitled to Dower out of any Land which shall have been absolutely disposed of by her Husband in his Lifetime, or by his Will.

Priority to Partial Estates, Charges, and Specialty Debts.

V. And be it further enacted, That all partial Estates and Interests, and all Charges created by any Disposition or Will of a Husband, and all Debts, Incumbrances, Contracts, and Engagements to which his Land shall be subject or liable, shall be valid and effectual as against the Right of his Widow to Dower.

Dower may be barred by a Declaration in a Deed;

VI. And be it further enacted, That a Widow shall not be entitled to Dower out of any Land of her Husband when in the Deed by which such Land was conveyed to him, or by any Deed executed by him, it shall be declared that his Widow shall not be entitled to Dower out of such Land.

or by a Declaration in the Husband's Will.

VII. And be it further enacted, That a Widow shall not be entitled to Dower out of any Land of which her Husband shall die wholly or partially intestate when by the Will of her Husband, duly executed for the Devise of Freehold Estates, he shall declare his Intention that she shall not be entitled to Dower out of such Land, or out of any of his Land.

Dower shall be subject to Restrictions.

VIII. And be it further enacted, That the Right of a Widow to Dower shall be subject to any Conditions, Restrictions, or Directions which shall be declared by the Will of her Husband, duly executed as aforesaid.

Devise of Real Estate to the Widow shall bar her Dower.

IX. And be it further enacted, That where a Husband shall devise any Land out of which his Widow would be entitled to Dower if the same were not so devised, or any Estate or Interest therein, to or for the Benefit of his Widow, such Widow shall not be entitled to Dower out of or in any Land of her said Husband, unless a contrary Intention shall be declared by his Will.

Bequest of Personal Estate to the Widow shall not bar her Dower.

X. And be it further enacted, That no Gift or Bequest made by any Husband to or for the Benefit of his Widow of or out of his Personal Estate, or of or out of any of his Land not liable to Dower, shall defeat or prejudice her Right to Dower, unless a contrary Intention shall be declared by his Will.

Agreement not to bar Dower may be enforced.

XI. Provided always, and be it further enacted, That nothing in this Act contained shall prevent any Court of Equity from enforcing any Covenant or Agreement entered into by or on the Part of any

Husband not to bar the Right of his Widow to Dower out of his Lands, or any of them.

XII. And be it further enacted, That nothing in this Act contained shall interfere with any Rule of Equity, or of any Ecclesiastical Court, by which Legacies bequeathed to Widows in satisfaction of Dower are entitled to Priority over other Legacies. Legacies in bar of Dower still entitled to Preference.

XIII. And be it further enacted, That no Widow shall hereafter be entitled to Dower ad ostium ecclesiæ, or Dower ex assensu patris. Certain Dowers abolished.

XIV. And be it further enacted, That this Act shall not extend to the Dower of any Widow who shall have been or shall be married on or before the First Day of *January* One thousand eight hundred and thirty-four, and shall not give to any Will, Deed, Contract, Engagement, or Charge executed, entered into, or created before the said First Day of *January* One thousand eight hundred and thirty-four, the Effect of defeating or prejudicing any Right to Dower. Act not to take effect before the 1st January 1834.

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