
B I L L .

[As passed by the Legislative Council.]

An Act to secure to Married Women certain separate rights of property.

WHEREAS the law of Upper Canada relating to the property of Married Women is frequently productive of great injustice, and it is highly desirable that amendments should be made therein for the better protection of their rights : Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Every woman who shall marry after the passing of this Act without any marriage contract or settlement, shall and may, notwithstanding her coverture, have, hold and enjoy all her personal property, whether belonging to her before marriage, or acquired by her after marriage, and also all her personal earnings and any acquisitions therefrom, free from the debts and obligations of her husband and from his control or disposition without her consent, in as full and ample a manner as if she continued sole and unmarried, any law, usage or custom to the contrary notwithstanding ; provided that this clause shall not extend to any property received by a married woman from her husband during coverture.

2. Every woman already married without any marriage contract or settlement, shall and may, from and after the passing of this Act, notwithstanding her coverture, have, hold and enjoy all her personal property not already reduced into the possession of her husband, whether belonging to her before marriage or acquired by her after marriage, and also all her personal earnings and any acquisitions therefrom not already reduced into the possession of her husband, free from his debts and obligations contracted after the passing of this Act, and from his control or disposition without her consent, in as full and ample a manner as if she were sole and unmarried ; any law, usage or custom to the contrary notwithstanding.

3. Provided always that nothing herein contained shall be construed to protect the property of a married woman from seizure and sale on any execution against her husband for her torts ; and in such case, execution shall first be levied on her separate property.