

- Married woman not to be liable to arrest in civil cases, 5
- Distribution of separate property of wife dying intestate, 5
- When the husband must be made a party to any action, &c. against the wife, 10
- Form of declaration, proceedings and judgment in such action, &c., 15
- Act not to prevent effect of ante-nuptial contract; but to apply to wife's separate property not affected by such contract, 25
- Act limited to Upper Canada, 30
- VI. A married woman shall not be liable to arrest either on mesne or final process, on any contract made or debt incurred by her either before or after marriage.
- VII. The separate personal property of a married woman dying intestate, shall be distributed in the same proportions between her husband, children and relations, *per capita et per stirpes*, as the personal property of a husband dying intestate, is or shall be distributed between his wife, children and relations.
- VIII. In any action or proceeding, at law or in equity, by or against a married woman, upon any contract made or debt incurred by her before or after marriage, her husband shall be made a party, if within the Province, but if absent therefrom, the action or proceeding may go on for or against her alone; and in the declaration, bill or statement of the cause of action, it shall be alleged whether such cause of action accrued before or after marriage, and also that such married woman has separate estate, and the judgment or decree therein, if against such married woman, shall be to recover of her separate estate only, unless in any action or proceeding against her, in which her husband has been joined as a party, any false plea or answer has been pleaded or put in, when the judgment or decree shall be, in addition, to recover against him the costs occasioned by such false plea or answer, as in ordinary cases.
- IX. Nothing in this Act contained shall be construed to prevent any ante-nuptial settlement or contract being made in the same manner and with the same effect as such contract or settlement might be made if this Act had not been passed; but notwithstanding any such contract or settlement, any separate real or personal property of a married woman, acquired either before or after marriage, and not coming under, or being affected by such contract or settlement, shall be subject to the provisions of this Act, in the same manner as if no such contract or settlement had been made.
- X. This Act shall apply only to Upper Canada.