

## An Act to protect the property and rights of Married Women in Upper Canada.

**W**HEREAS 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, &c., enacts as follows: Preamble.

5 I. From and after the passing of this Act, every woman who shall have already married, or shall hereafter marry, 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  
10 any acquisitions therefrom, free from the debts, obligations, control or disposition of her husband 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 always, that nothing herein contained shall be construed to protect the property of a married woman from seizure  
15 and sale on any execution against her husband for her torts, and in such case execution shall first be levied on her separate property.

A woman married without a marriage contract or settlement, shall enjoy her personal property free from her husband's debts or control.  
Proviso: Such property to be liable for her torts.

II. The real estate of a married woman shall not, during her life, be subject to execution on any judgment against her husband, on account of any interest he may have acquired in such real estate as tenant by the curtesy.

Wife's real estate not to be liable by reason of husband's tenancy by the curtesy.

20 III. Every married woman having separate property, whether real or personal not settled by any ante-nuptial contract, shall be liable upon any separate contract made, or debt incurred by her, whether before or after marriage, to the extent and value of such separate property, in the same manner as if she were sole and unmarried.

Wife's separate property to be liable on her separate contracts, &c.

25 IV. Every husband who takes any interest in the separate, real or personal property of his wife, under any contract or settlement on marriage, shall be liable upon the contracts made or debts incurred by her before marriage, to the extent or value of such interest only, and no more.

Husband's liability for wife's ante-nuptial debts limited.

V. Every married woman shall and may make any devise or bequest  
30 of her separate property, real or personal, or of any rights therein, whether such property be acquired before or after marriage, in the same manner as if she were sole and unmarried; Provided that such devise or bequest be executed in the presence of two or more witnesses, neither of whom shall be her husband, and that her husband shall not be deprived by such devise  
35 or bequest, of any right he may have acquired as tenant by the curtesy.

Wife may devise or bequeath her separate property.  
Proviso: as to execution of her will.  
Tenancy by the curtesy not to be affected.