

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers /  
Couverture de couleur
- Covers damaged /  
Couverture endommagée
- Covers restored and/or laminated /  
Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) /  
Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations /  
Planches et/ou illustrations en couleur
- Bound with other material /  
Relié avec d'autres documents
- Only edition available /  
Seule édition disponible
- Tight binding may cause shadows or distortion along  
interior margin / La reliure serrée peut causer de  
l'ombre ou de la distorsion le long de la marge  
intérieure.
- Blank leaves added during restorations may appear  
within the text. Whenever possible, these have been  
omitted from filming / Il se peut que certaines pages  
blanches ajoutées lors d'une restauration  
apparaissent dans le texte, mais, lorsque cela était  
possible, ces pages n'ont pas été filmées.
- Additional comments /  
Commentaires supplémentaires:

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated /  
Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed /  
Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies /  
Qualité inégale de l'impression
- Includes supplementary material /  
Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips,  
tissues, etc., have been refilmed to ensure the best  
possible image / Les pages totalement ou  
partiellement obscurcies par un feuillet d'errata, une  
pelure, etc., ont été filmées à nouveau de façon à  
obtenir la meilleure image possible.
- Opposing pages with varying colouration or  
discolourations are filmed twice to ensure the best  
possible image / Les pages s'opposant ayant des  
colorations variables ou des décolorations sont  
filmées deux fois afin d'obtenir la meilleure image  
possible.

This item is filmed at the reduction ratio checked below /  
Ce document est filmé au taux de réduction indiqué ci-dessous.

<b>10x</b>		<b>14x</b>		<b>18x</b>		<b>22x</b>		<b>26x</b>		<b>30x</b>	
										✓	
<b>12x</b>		<b>16x</b>		<b>20x</b>		<b>24x</b>		<b>28x</b>		<b>32x</b>	

No. 11.

---

---

3rd Session, 5th Parliament, 2d Victoria, 1857.

---

**BILL,**

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

---

Received and read first time, Tuesday, 3rd March,  
1857.

Second reading, Monday, 16th March, 1857.

---

HON. MR. CAMERON.

---

TORONTO :

PRINTED BY JOHN LOVELL, YONGE STREET.

## 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.

- 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.