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No. 72.

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3d Session, 3d Parliament, 13 Victoria, 1850.

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## BILL.

An Act to provide for the protection of  
Married Women in the enjoyment of  
their own properties.

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Received and Read a first time, Thursday, 6th  
June, 1850.

Second Reading, Monday, 10th June, 1850.

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MR. FLINT.

## BILL.

An Act to provide for the protection of Married  
Women in the enjoyment of their own properties.

**F**OR the protection of Married Women in the just Preamble.  
exercise and enjoyment of their rights and property:  
Be it enacted, &c.

5 That the real estate, and the rents, issues and profits As to property  
of women  
now married;  
thereof hereafter to accrue, of any female now married,  
shall not be subject to the disposal of her husband, nor  
liable for his debts, but shall be her sole and separate  
property, and at her disposal, as if she were a single  
female.

10 II. And be it enacted, That the real and personal And of women  
marrying  
hereafter.  
property of any female who may hereafter marry, whether  
acquired before or after the marriage, and the rents,  
issues and profits thereof, shall not be subject to the  
15 disposal of her husband, nor be liable for his debts,  
and shall continue her sole and separate property, and at  
her disposal, as if she were a single female.

20 III. And be it enacted, That any married female Married  
women may  
acquire  
property, and  
dispose of it.  
may acquire by inheritance, devise or bequest, or by gift  
or grant, from any person other than her husband, and  
hold to her sole and separate use, and convey and devise,  
real and personal property, and any interest or estate  
therein, and the rents, issues and profits, in the same  
manner and with like effect as if she was unmarried, and  
25 the same shall not be subject to the disposal of her  
husband, nor be liable for his debts.

IV. And be it enacted, That all contracts made between Contracts in  
contemplation  
of marriage to  
be valid.  
persons in contemplation of their marriage, shall remain  
in full force after such marriage takes place, except in so  
far only as it shall appear that such contracts were made  
30 by the parties, or either of them, with a view to defraud  
any creditor or creditors of the one or of the other.

V. And be it enacted, That no real property of any As to tenancy  
by courtesy  
and dower.  
woman now married, shall be subject to tenancy by the  
courtesy, unless she shall have reserved it in favour of  
35 her husband in any deed executed by her conveying it  
to a third party, or shall die seized of such property  
without forbidding such tenancy by her will; and the real  
estate of any man or woman married after the passing of  
this Act, shall neither be subject to tenancy by the  
40 courtesy nor to dower at common law.

Proviso ;  
As to marriage  
settlements  
or contracts,  
devise, &c.

VI. Provided always, and be it enacted, That nothing in this Act shall affect any trust created by any marriage settlement or otherwise, or prevent the effect of any stipulation in any such contract as aforesaid, made in contemplation of marriage, which shall not be immoral in its nature, but such contract shall not be varied after the marriage to the prejudice or advantage of either party, nor shall any conveyance of real property, or any gift or transfer of personal property not actually delivered at the time of such gift or transfer, by one party to the other during the marriage, be of any legal effect: Provided always, that each party may freely devise or bequeath to the other any property which, under the said contract and by law, he or she could bequeath or devise to any other party at pleasure. 5 10 15

Extent of Act.

VII. And be it enacted, That this Act shall apply only to Upper Canada.