

Laws of His Majesty's Province of Upper Canada in North America, passed in the year 1819.
York: R. C. Horne, 1819.

59 George III – Chapter 3

An Act to give effect and validity to Deeds executed by Married Women in the United Kingdom of Great Britain and Ireland, or in any of His Majesty's Colonies, and to repeal part of and amend an Act passed in the forty-third year of His Majesty's Reign, entitled, "*An Act to enable Married Women having Real Estate, to Alien and Convey the same.*" (Passed 12th July, 1819.)

Whereas, there is by Law no provision enabling Married Women resident abroad, and owning Real Estate in this Province, to Alien the same; Be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Assembly of the Province of Upper-Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled, "*An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled, 'An Act for making more effectual provision for the Government of the Province of Quebec in North America, and to make further provision for the Government of the said Province,'*" and by the authority of the same, That from and after the passing of this Act, it shall and may be lawful to and for any Married Woman, having Real Estate in this Province, and being above the age of twenty one years, with the knowledge and consent of, and by any Deed or Deeds jointly with her husband, to Alien, depart with, and convey any Real Estate whereof she may be seized within this Province, to such use or uses, as to her and her said husband shall seem meet, which conveyance shall be as valid and effectual in Law to all intents and purposes as if she were sole, any Law or usage to the contrary notwithstanding.

II. Provided nevertheless, And it is hereby declared, that nothing in such Deed contained, shall have any force or effect to bar such Married Woman or her said Husband, or her Heirs during the continuance of her coverture, or after the dissolution thereof, or shall be held to have any force or effect whatsoever, unless such Married Woman, if resident in Upper Canada, shall appear before any Judge or other Person mentioned and described in a certain Act passed in the Parliament of this Province, in the forty-third year of His Majesty's Reign, entitled, "*An Act to enable Married Women, having Real Estate, more conveniently to Alien and convey the same,*" or unless such Married Woman, being resident in Great Britain or Ireland, or any Colony belonging to the Crown of Great Britain, shall appear before the Mayor or Chief Magistrate of any City, Borough or Town Corporate in Great Britain or Ireland, or the Chief Justice or any one of the Judges of the Supreme Court of any Colony belonging to the Crown of Great Britain, and be examined by such Mayor or Chief Magistrate, or Chief Justice or Judge, touching her consent to Alien and depart with such Real Estate, and shall freely and voluntarily, and without coercion give her consent before such Mayor or Chief Magistrate, or Chief Justice or Judge as aforesaid, to Alien and depart with such Estate.

III. And be it further enacted by the authority aforesaid. That in case it shall appear to such Mayor or Chief Magistrate, Chief Justice or Judge, that such Married Woman doth freely and voluntarily consent to depart with, Alien, and convey her said Real Estate, without coercion on the part of her

Husband or any other person, it shall and may be lawful for such Mayor or Chief Magistrate, Chief Justice or Judge, to cause a certificate thereof to be endorsed on the Deed so executed by her and her said Husband as aforesaid, which certificate shall state the day on which such examination is taken, and shall be signed by the Mayor or Chief Magistrate, Chief Justice or Judge before whom the same shall be taken, and for as much as the second Section of the said recited Act of the forty-third year of the Reign of His Majesty, the examination of any Married Woman touching her consent to Alien, depart with and convey any Real Estate in this Province, shall take place within six months from the time of the execution of any Deed or Conveyance, the same being found inconvenient and impracticable in many cases: It is hereby enacted, that so much of the said second Section of the said Act, as enacts that such examination shall take place within six months from the time of the execution of any Deed or Conveyance as therein stated, shall be and the same is hereby repealed.

IV. And be it further enacted by the authority aforesaid, That all examinations of such Married Women, and certificate of such Deeds as before mentioned, which may be taken and made, as by the said several recited Acts are mentioned, shall be valid in Law, if the said examination and certificate shall be taken and made within twelve months from the date of the execution of any such Deed or Conveyance.

V. And be it further enacted by the authority aforesaid, That no Certificate to be granted as aforesaid by any such Mayor or Chief Magistrate of any Borough or Town Corporate in Great Britain or Ireland, or of any Colony belonging to the Crown of Great Britain, shall have any force or effect, unless the Seal of such City, Borough or Town Corporate shall be affixed thereto.