

Acts of the General Assembly of Her Majesty's Province of New-Brunswick passed in the year 1851. Fredericton, NB: John Simpson, Printer to the Queen's Most Excellent Majesty, 1851.

14 Victoria – Chapter 24

An Act to secure to Married Women Real and Personal Property held in their own right. Passed 30th April 1851.

I. Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the real and personal Property belonging to a Woman before or accruing in any way after marriage, except as hereinafter excepted, shall be owned as her separate property, and shall be exempt from seizure, execution, attachment, detention, or responsibility in any way for the debts or liabilities of her husband, and shall not be conveyed, mortgaged, encumbered, or disposed of without her full consent and concurrence, testified by her being a party to the instrument conveying, mortgaging, encumbering or disposing of the same, and duly acknowledged, as provided in and by the Act of Assembly regulating the acknowledgements of *feme covert*s; provided always, that her said separate property shall be liable for her own debts, contracted before marriage, and for judgments recovered against her husband for her torts.

II. Be it enacted, That the exemption hereinbefore provided shall not be held to extend to any property received by any married woman from her husband during coverture.

III. Be it enacted, That in case of desertion or abandonment by her husband, it shall and may be lawful for any married woman, in her own name, and for her own use, to sue for, recover and receive from any person or persons indebted or liable to her, in her separate capacity, for debts due and owing to her, or for damages for injuries to herself or her separate property, such debt, debts or damages, or withholding from her any property, real or personal, being her separate property, and no receipt, discharge, deed, release, or commutation thereof, given or made by her said husband after such desertion or abandonment, shall be valid or effectual to bar her said claim; and in any suit so brought, said married woman, and all her separate property, shall be held liable for all costs of suit, as in cases of the like nature brought by other parties in the several Courts of Law in this Province.

IV. Be it enacted, That nothing in this Act contained shall be held to affect the right of dower of any married woman in the property of her said husband, or the right of any husband in the property of his said wife, otherwise than as herein expressly provided.

V. Be it enacted, That when any married woman shall be deserted by her husband, or compelled to support herself, and she shall, under such circumstances, accumulate property by her own labour and exertions, the same shall vest absolutely in her, and shall neither be liable to the debts nor subject to the control or interference of her said husband, but shall be at her own sole disposed, free and clear of her said husband.