

Uniform Married Women's Property Act

(1962 Consolidation, page 223)

1. In this Act "property" includes a thing in action and any interest in real or personal property. Interpretation

2. Subject to this Act, a married woman

Rights and obligations of a married woman

- (a) continues to be liable in respect of any tort committed, contract entered into, or debt or obligation incurred by her before her marriage;
- (b) is capable of making herself, and being made, liable in respect of any contract, debt or obligation;
- (c) is capable of acquiring, holding and disposing of any property;
- (d) is capable of suing and being sued, either in tort, contract or otherwise;
- (e) is subject to the enforcement of judgments and orders; and
- (f) is capable of acting in any fiduciary or representative capacity,

in all respects as if she were unmarried.

3. (1) All property that

Rights of married woman in property after coming into force of Act

- (a) immediately before the coming into force of this Act was the property of a married woman;
- (b) belongs at the time of her marriage to a woman married after the coming into force of this Act; or
- (c) after the coming into force of this Act is acquired by or devolves upon a married woman,

belongs to her in all respects as if she were unmarried and may be dealt with accordingly.

(2) Nothing in subsection (1) interferes with or renders inoperative a restriction upon anticipation or alienation attached to the enjoyment of any property by virtue of a provision attaching such restriction contained in an instrument executed before the first day of January, 19..... Exception

(3) An instrument executed on or after the first day of Abolition of restraint upon anticipation

January, 19....., in so far as it purports to attach to the enjoyment of property by a married woman a restriction upon anticipation or alienation that could not have been attached to the enjoyment of that property by a man, is void.

When restraint deemed to have been imposed

(4) For the purposes of the provisions of this section relating to restrictions upon anticipation or alienation,

- (a) an instrument attaching such a restriction executed on or after the first day of January, 19....., in pursuance of an obligation imposed before that date to attach such a restriction shall be deemed to have been executed before the said first week of January;
- (b) a provision contained in an instrument made in exercise of a special power of appointment shall be deemed to be contained in that instrument only and not in the instrument by which the power was created; and
- (c) the will of a testator who dies after the thirty-first day of December, 19....., notwithstanding the actual date of execution thereof, shall be deemed to have been executed after the first day of January, 19.....

Restrictions of husband's liability

4. (1) The husband of a married woman is not, by reason only of his being her husband, liable

- (a) in respect of a tort committed by her before or after marriage; or
- (b) in respect of a contract entered into, or debt or obligation incurred, by her before marriage.

(NOTE: In provinces where the law imposes liability on the owner of a motor vehicle for the acts of members of his family living with him, a subsection as follows, or to the like effect, should be added.)

(2) Subsection (1) is subject to the Act.

Saving

5. Nothing in this Act

- (a) exempts a husband from liability in respect of a contract entered into or debt or obligation incurred by his wife after marriage in respect of which he would be liable if this Act had not been passed;
- (b) prevents a husband and wife from acquiring, holding, and dealing with, property jointly or as tenants in common, or from making themselves, or being

made, jointly liable in respect of any tort, contract, debt or obligation and from suing or being sued either in tort, contract or otherwise in like manner as if they were not married; or

- (c) prevents the exercise of any joint power given to a husband and wife.

6. (1) A married woman has, in her own name, against all persons, including her husband, the same remedies for the protection and security of her property, as if she were unmarried. Remedies of married woman for protection of property

(2) No husband or wife is entitled to sue the other for tort except Actions in tort restricted

- (a) for the purposes set out in subsection (1); or
- (b) while living apart under a decree or order of judicial separation for a tort committed during the separation.

(NOTE: Subsection (2) may be omitted in provinces where no decrees of judicial separation may be made.)

(3) A married man has against his wife the same remedies for the protection and security of his property as his wife has against him for the protection and security of her property. Remedies of married man for protection of property

(NOTE: Each province should consider the desirability of inserting a section dealing with the summary disposal of questions between husband and wife as to property.)

7. This Act is subject to the *Dower Act*.

Dower Act
paramount

The following information was obtained from a review of the files of the [redacted] and [redacted] and is being furnished to you for your information.

[redacted] was born on [redacted] at [redacted] and is currently residing at [redacted]. [redacted] was employed by [redacted] from [redacted] to [redacted].

[redacted] was employed by [redacted] from [redacted] to [redacted]. [redacted] was employed by [redacted] from [redacted] to [redacted]. [redacted] was employed by [redacted] from [redacted] to [redacted].

[redacted] was employed by [redacted] from [redacted] to [redacted]. [redacted] was employed by [redacted] from [redacted] to [redacted]. [redacted] was employed by [redacted] from [redacted] to [redacted].

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