



University
of Victoria

Graduate Studies

Notice of the Final Oral Examination
for the Degree of Master of Arts

of

COURTENAY MERCIER

Juris Doctor (University of Manitoba, 2004)
BA (University of British Columbia, 2001)

**“These kind of flesh-flies shall not suck up or devour their
husbands estates:” Married Women’s Separate Property Rights in
England, 1630-1835”**

Department of History

Friday, May 18, 2018
10:00 A.M.
Clearihue Building
Room B017

Supervisory Committee:

Dr. Andrea McKenzie, Department of History, University of Victoria (Supervisor)
Dr. Simon Devereaux, Department of History, UVic (Member)

External Examiner:

Dr. Tim Stretton, Department of History, St. Mary’s University

Chair of Oral Examination:

Dr. Issa Traore, Department of Electrical and Computer Engineering, UVic

Dr. Stephen Evans, Acting Dean, Faculty of Graduate Studies

Abstract

During the long eighteenth century, married women in England were subject to the law of coverture, which denied them a legal identity independent of their husbands and severely curtailed their acquisition, possession and disposition of property. There is a consensus among historians that married women circumvented the restrictions of coverture both in their daily lives and by use of the legal mechanism of the separate estate. This study reviews contemporary legal and social attitudes towards women's property rights in marriage to test the assertion that married women had any economic agency under coverture. Through a review of reported cases out of the Court of Chancery, treatises on the law of property, and a contemporary fictional representation of pin-money, I assess the foundations justifying the law of coverture, and the challenges presented to coverture by the separate estate. I argue that there is a distinction between the theory and practice of the separate estate; the separate estate must be understood as a type of property set aside for a special purpose rather than a type of property separated from a husband's control. More precisely, the existence of the separate estate generally, and pin-money in particular, did little to advance married women's economic agency.