

Certificate of acknowledgment of a deed by a married woman

These parchment certificates can sometimes be found attached to conveyances, or occasionally on their own, having become detached from the relevant deed.

The earliest certificates date from 1833. They were brought in thanks to a clause in the Fines and Recoveries Act of that year. A married woman selling or mortgaging property jointly with her husband had to be interviewed separately by a public official to certify that she was 'of full age and competent understanding', to confirm that she was not being forced into agreeing to the sale.

The background to this procedure was that any land or property owned by a woman became the property of her husband on their marriage. Therefore, if she had inherited a house from her parents, her husband could sell it. However, under common law she was required to be a party to the deed. The acknowledgments represented an attempt to prevent husbands from abusing their position as owners of property which had come to them through their wives.

The Married Women's Property Act of 1882 gave married women the same rights over their own property as single or widowed women, and did away with the need for acknowledgments.

Purpose

Confirmation that a married woman was fully consenting to the sale of property.

SOURCE: THE UNIVERSITY OF NOTTINGHAM