



# Conjugal Rights (Scotland) Amendment Act 1861

## CHAPTER 86

### CONJUGAL RIGHTS (SCOTLAND) AMENDMENT ACT 1861

- 1 A Wife deserted by her Husband may apply for an Order to protect  
Property which she has or may acquire by her own Industry, or which  
she may succeed to.
- 2 Husband or Creditor may apply by Petition for Recal of Order.
- 3 Interlocutors may be reviewed. How long Order of Protection to  
continue operative. No Action of Adherence competent while Order  
subsists.
- 4 After Interlocutor of Protection is pronounced, Property of Wife to  
belong to her as if unmarried.
- 5 Order of Protection to have Effect of Decree of Separation.
- 6 In case of Separation the Property of the Wife to belong to her  
exclusively of the Jus mariti and Right of Administration ; also for  
Purposes of Contract and suing.
- 7 In Action of Divorce Adulterer to be Co-Defender.
- 8 Lord Advocate may enter Appearance in Actions for Nullity of  
Marriage and Divorce.
- 9 In Action for Separation, Court may make Interim Orders with respect  
to Children.
- 10 In every Consistorial Action the Summons to be served on Defender  
personally when not within *Scotland*.
- 11 Not necessary to institute an Action of Adherence against Defender  
prior to Action for Divorce.
- 12 Terce claimable from Burgage Property.
- 13 Lord Ordinary to take Proofs in Consistorial Actions.
- 14 Payment to certain Sheriffs.

- 15 Actions of Aliment.
- 16 When a married Woman succeeds to Property, &c., Husband or Creditor  
not entitled to claim the same.
- 17 Court of Session empowered to make Acts of Sederunt.
- 18 Repeal of Laws inconsistent with this Act.
- 19 Interpretation of Terms.
- 20 Short Title.
- 21 Commencement of Act.