

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and having this day passed as now printed is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives, 12th September, 1884.

New Parliament.

AS AMENDED BY THE LEGISLATIVE COUNCIL.

Hon. Mr. Stout.

MARRIED WOMEN'S PROPERTY.

ANALYSIS.

<p>Title.</p> <p>1. Short Title. Commencement of operation.</p> <p>2. Interpretation. Liability of married woman to extend to her trust estate.</p> <p>3. Married woman may hold property as a <i>feme sole</i>. May sue or be sued. As to contracts. As to bankruptcy.</p> <p>4. Property of a woman married after this Act to be held by her as a <i>feme sole</i>.</p> <p>5. Loans by wife to husband, or by husband to wife.</p> <p>6. Execution of general power.</p> <p>7. Property acquired after the Act by a woman married before the Act to be held by her as a <i>feme sole</i>.</p> <p>8. As to stock, &amp;c., to which a married woman is entitled.</p> <p>9. As to stock, &amp;c., to be transferred, &amp;c., to a married woman.</p> <p>10. Investments in joint names of married women and others.</p> <p>11. As to stock, &amp;c., standing in the joint names of a married woman and others.</p> <p>12. Fraudulent investments with money of husband.</p> <p>13. Wife may insure her own or her husband's life to her separate use. Moneys payable under</p>	<p>policy not to form part of property of the insured.</p> <p>14. Remedies of married women for protection and security of separate property.</p> <p>15. Act of wife liable to criminal proceedings.</p> <p>16. Husband and wife competent witnesses against each other.</p> <p>17. Wife's ante-nuptial debts and liabilities.</p> <p>18. Husband to be liable for his wife's debts contracted before marriage to a certain extent.</p> <p>19. Suits for ante-nuptial liabilities.</p> <p>20. Disputes between husband and wife as to property to be decided in a summary way.</p> <p>21. Married woman as an executrix or trustee.</p> <p>22. Saving of existing settlements, and the power of making future settlements.</p> <p>23. Married woman liable for maintenance of her husband.</p> <p>24. Married woman liable for maintenance of her children.</p> <p>25. Legal representative of married woman.</p> <p>26. Wife may not enter into partnership without husband's consent.</p> <p>27. Married woman may appoint an attorney.</p>
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A BILL INTITULED

AN ACT to amend the Law relating to the Property of Married Women.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Married Women's Property Act, 1884."

It shall come into operation on the first day of January, one thousand eight hundred and eighty-five.

2. In this Act,— "Property" includes a thing in action: "Contract" includes the acceptance of any trust or the office of executrix or administratrix.

The provisions of this Act as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or any *devastavit* committed by any married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities unless he has acted or intermeddled in the trust or administration.

3. (1.) A married woman shall, in accordance with the provisions of this Act, be capable of acquiring, holding, and disposing by deed, will, or otherwise of any real or personal property as her separate property, in the same manner as if she were a *feme sole*, without the intervention of any trustee.

ance of her husband out of her separate property as by the provisions of any Act for the time being in force relating to the maintenance of destitute persons may now be made and enforced against a husband for the maintenance of his wife.

Married woman liable for maintenance of her children. 45 and 46 Vict., c. 75, s. 21.

24. A married woman having separate property shall be subject to all such liability for the maintenance of her children and grandchildren as the husband is now by law subject to for the maintenance of her children and grandchildren. 5

But nothing in this Act shall relieve her husband from any liability imposed on him by law to maintain her children or grandchildren. 10

Legal representative of married woman. Ib., s. 23.

25. For the purposes of this Act the legal personal representative of any married woman shall in respect of her separate property have the same rights and liabilities and be subject to the same jurisdiction as she would be if she were living. 15

Wife may not enter into partnership without husband's consent.

26. Nothing in this Act contained shall authorize any married woman living with her husband to enter into or carry on a partnership with any person other than her husband without the consent of her husband first obtained to such partnership and testified by writing under his hand and seal. 20

All such consents shall be filed in the office of the Land Registrar of the district in which the said married woman resides, and a fee of five shillings shall be paid for such filing; and such Registrar shall cause an alphabetical index of the same to be made and kept, and no such consent shall take effect until the same has been filed. 25

The said index may be searched at any time during office hours on payment of the sum of two shillings and sixpence, and any written consent therein contained may be examined and copied; and on payment of a further sum of five shillings the District Land Registrar shall give, under his hand and official seal, a certified copy of any such consent. 30

Married women may appoint an attorney.

*New clause.*

27. A married woman shall have power by deed to appoint an attorney, on her behalf, for the purpose of executing any deed or other instrument, or doing any matter or thing, in the same manner as if she were a *feme sole*. 35