

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.*  
*Legislative Council,*  
*24th August, 1870.*

(Hon. Mr. Sewell.)

## Married Women's Property Protection.

### ANALYSIS.

|                                                                             |                                                  |
|-----------------------------------------------------------------------------|--------------------------------------------------|
| Title.                                                                      | 3. Custody of children under seven years of age. |
| Preamble.                                                                   | 4. Maintenance of children may be ordered.       |
| 1. Short Title.                                                             | 5. Time to be defined in order.                  |
| 2. Provisions of "Married Women's Property Protection Act, 1860," extended. | 6. Destitute Persons Relief Act to apply.        |

### A BILL INTITULED

AN ACT to extend the Provisions of "The Married Women's Property Protection Act, 1860." Title.

WHEREAS it is expedient to extend the powers given to Resident Magistrates and Justices of the Peace in Petty Sessions by section two of "The Married Women's Property Protection Act, 1860," hereinafter called "the said Act," to other cases besides that which is mentioned in the said section: Preamble.

BE IT THEREFORE 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 shall be "The Married Women's Property Protection Act, 1870." Short Title.

2. In addition to the case provided for by the second section of the said Act, the same section, and all other the provisions of the said Act, shall extend and be held to apply to the following cases, that is to say— Provisions of "Married Women's Property Protection Act, 1860," extended.

- (1.) When a wife is subjected by her husband to such cruelty as, without adultery, would entitle her to a judicial separation under any law for the time being in force in New Zealand;
- (2.) Where the husband of any woman shall be guilty of living in open adultery;
- (3.) Where the husband of any woman shall be guilty of habitual drunkenness;

No. 71—1.

in like manner to all intents and purposes as if the same had originally been mentioned in the said Act.

Custody of children  
under ten years  
of age.

**3.** It shall be lawful for the Resident Magistrate or Justices of the Peace in Petty Sessions by whom any order shall be made under the provisions of the said Act or of this Act, in any case in which the wife may desire the same, by the same or by any separate order, to direct that the wife shall have the exclusive custody of any infant child or children of the marriage until such child or children if male shall attain the age of ten years and if female the age of eighteen years or marriage. 5 10

Maintenance of  
children may be  
ordered.

**4.** It shall also be lawful for such Resident Magistrate or Justices of the Peace by whom any such order shall be made as aforesaid, either at the time of the making of such order or at any time thereafter, on the application of the wife, and either by the same order when made or by any separate order, and upon proof by the wife that her separate earnings are insufficient for the maintenance of the children then lawfully in her custody, to make an order that the husband shall pay to the wife, towards the support of such of the children as shall be under the age of ten years, such weekly sum of money, not exceeding one pound per week for each such child, as such Resident Magistrate or such Justices of the Peace, as the case may be, shall think fit. 15 20

Time to be defined in  
order.

**5.** The said Resident Magistrate or Justices of the Peace shall in such order define the day or time on and from which such order shall take effect.

Destitute Persons  
Relief Act to apply.

**6.** All the provisions of the Ordinance of the Lieutenant-Governor and Legislative Council of New Zealand, intituled "An Ordinance for the Support of Destitute Families and Illegitimate Children," relating to the enforcement of orders for the payment of moneys for the support of deserted children, shall extend and apply to the orders made under the provisions of the foregoing section of this Act. 25