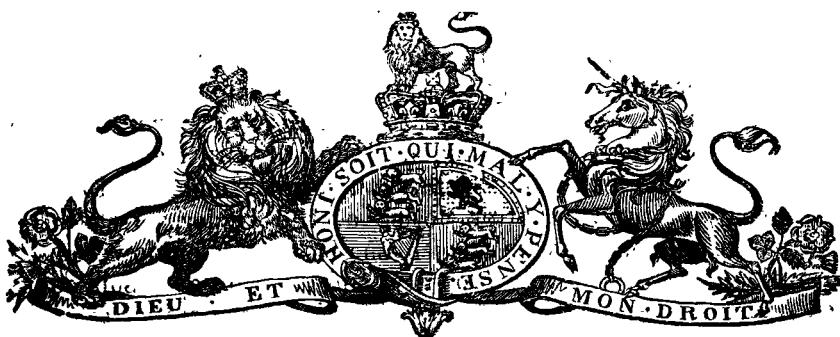


NEW ZEALAND.



ANNO VICESIMO QUARTO

VICTORIAE REGINÆ,
No. 9.

A N A L Y S I S :

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| Title. Preamble. | 4. Order for protection of earnings, &c, of wife to be deemed valid. |
| 1. Short Title. | 5. Order to state the time at which the de- sertion commenced. |
| 2. Wife deserted by her husband may apply to a Resident Magistrate or Justices in Session for protection. | 6. Rights and liabilities of wife deserted and having obtained order of protection. |
| 3. Provisions respecting property of wife to extend to property vested in her as Executrix, &c. | 7. To be considered a <i>Feme Sole</i> for purposes of contract and suing. |
| | 8. Indemnity for making payments under or- der afterwards reversed. |

An Act to protect the Property of title.
Married Women. [28th September, 1860.]

WHEREAS it is expedient to amend the Law relating to Preamble.
Property acquired by Married Women deserted by their husbands.
Be it therefore enacted by the General Assembly of New Zealand,
in Parliament assembled, and by authority of the same, as follows:

I. The Short Title of this Act shall be, the "Married Short Title.
Women's Property Protection Act, 1860."

II. A Wife deserted by her husband may at any time after such desertion apply to a Resident Magistrate or to Justices of the Peace in Petty Sessions, for an Order to protect any Money or Property she may acquire by her own lawful industry, and property which she may become possessed of, after such desertion, against her husband or his creditors or any person claiming under him; and such Resident Magistrate or Justices if satisfied of the fact of such desertion, and that the same was without reasonable cause, and that the wife is maintaining herself by her

Wife deserted by her
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Married Women's Property Protection.

own industry or property, may make and give to the wife an Order protecting her earnings and property acquired since the commencement of such desertion from her husband, and all creditors and persons claiming under him : Provided always, that every such Order, shall, within ten days after the making thereof, be entered with the Clerk to the nearest Resident Magistrate ; and that it shall be lawful for the husband and any creditor or other person claiming under him, to apply to the Resident Magistrate or Justices by whom the Order was made to discharge, vary or reverse the same : Provided also, that if the husband or any creditor of or person claiming under the husband shall seize or continue to hold any property of the wife after notice of the Order, he shall be liable at the suit of the wife (which she is hereby empowered to bring) to restore the specific property, and also to pay a sum equal to double the value of the property so seized or held after such notice as aforesaid.

Provisions respecting
property of wife to
extend to property
vested in her as
Executrix, &c.

III. The provisions herein contained shall be deemed to extend to property to which the wife has become or shall become entitled as Executrix, Administratrix, or Trustee, since the commencement of the desertion ; and the death of the testator or intestate shall be deemed to be the time when the wife became entitled as executrix or administratrix.

Order for protection
of earnings, &c., of
wife to be deemed
valid.

IV. The Order shall, until reversed or discharged, so far as necessary for the protection of any Person or Corporation who shall deal with the wife, be deemed valid and effectual ; and no discharge, variation, or reversal thereof shall prejudice or affect any rights or remedies which any person would have had in case the same had not been so reversed, varied, or discharged, in respect of any debts, contracts, or acts of the wife incurred, entered into or done between the times of the making of the Order and of the discharge, variation, or reversal thereof ; and property of or to which the wife is possessed or entitled for an estate in remainder or reversion at the date of the desertion shall be deemed to be included in the protection given by the Order.

Order to state the
time at which the de-
sertion commenced.

V. The Order shall state the time at which the desertion in consequence whereof the same is made commenced ; and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to the time when such desertion commenced.

Rights and liabilities
of wife deserted and
having obtained Or-
der of protection.

VI. The wife shall, during the continuance of the Order, be considered during such desertion as a *Feme Sole* with respect to property of every description which she may acquire, or which may come to or devolve upon her, and such property may be disposed of by her in all respects as a *Feme Sole* ; and on her Decease, the same shall, in case she shall die intestate, go as the same would have gone, if her husband had been then dead : Provided that if the Order shall be reversed or discharged and the wife shall again cohabit with her husband, all such property as she may be entitled to when such cohabitation shall take place, shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband before such renewed cohabitation.

Married Women's Property Protection.

VII In every case in which a wife shall have obtained such Order as aforesaid she shall, until the same shall be reversed or discharged as aforesaid, be considered as a *Feme Sole* for the purposes of Contract and Wrongs and Injuries, and suing and being sued in any Civil Proceedings ; and her husband shall not be liable in respect of any Engagement or Contract she may have entered into, or for any wrongful Act or omission by her, or for any costs she may incur as Plaintiff or Defendant during such period : Provided that where upon such desertion Alimony has been ordered to be paid to the wife, and if the same shall not be duly paid by the husband, he shall be liable for Necessaries supplied for her use : Provided also that nothing shall prevent the wife from joining at any time during such desertion in the Exercise of any joint Power given to herself and her husband.

To be considered a
Feme Sole for pur-
poses of contract and
suing.

VIII. All Persons and Corporations who shall, in reliance on any Order make any Payment to or permit any Transfer or Act to be made or done by the wife who has obtained the same, shall, notwithstanding the Order may then have been discharged, reversed, or varied, be protected and indemnified in the same way in all respects as if, at the time of such Payment, Transfer, or other act, the Order were valid and still subsisting without variation in full force and effect, unless at the time of such Payment, Transfer, or other Act such persons or Corporations had notice of the discharge, reversal, or variation of the Order.

Indemnity for making
payments under Order
afterwards re-
versed.