ANNO VICESIMO OCTAVO

VICTORIÆ REGINÆ.

****

C A P. XLIII.

An Act to provide for the Security of Property of Married Women separated from their Husbands in *Ireland*. [19th *June* 1865.]

WHEREAS certain Provisions have been made for the Protection of the Property of Married Women separated from their Husbands in *England*, and it is expedient to extend the same to *Ireland*: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Protection of Property acquired by Wife after Desertion by her Husband.

1. A Wife deserted by her Husband in *Ireland* may at any Time after such Desertion, if resident within the Police District of *Dublin*, apply to a Police Magistrate, or if resident in the Country to Justices in Petty Sessions, or in either Case to a Judge of the Court of Common Pleas sitting in Chambers, 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 Magistrate or Justices or Judge, 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 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, and such Earnings and Property shall belong to the Wife as if she were a Feme Sole: Provided always, that a Copy of every such Order, if made by a Police Magistrate or Justices at Petty Sessions, shall, within Ten Days from the making thereof, be lodged with the Clerk of the Peace of the County within which the Wife is resident; and that it shall be lawful for the Husband, and any Creditor or other Person claiming under him, to apply to the same Judge, or any other Judge of the Court, or to the Magistrate or Justices by whom such Order was made, or for the Time being acting instead of or as Successors to the same, for the Discharge thereof: Provided also, that if the Husband, or any Creditor or other Person claiming under the Husband, shall seize or continue to hold any Property of the Wife after Notice of any such 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 for a Sum equal to double the Value of the Property so seized or held after such Notice as aforesaid: If any such Order of Protection be made, the Wife shall, during the Continuance thereof, be and be deemed to have been during such Desertion of her in the like Position in all respects with regard to Property, and Courtesy, and suing and being sued, as she would be under this Act if she obtained a Decree of Divorce *à Mensâ et Thoro*.

Protection of Wife's Property after Divorce à Mensâ et Thoro.

2. In every Case of a Divorce *à Mensâ et Thoro* the Wife shall, from the Date of the Sentence, and whilst the Separation shall continue, be considered as a Feme Sole with respect to Property of any Description which she may acquire or which may come to or devolve on 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 any such Wife should 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 whilst separate.

After Divorce à Mensâ et Thoro, Wife to be deemed

3. In every Case of Divorce *à Mensâ et Thoro* the Wife shall, whilst so separated, be considered as a Feme Sole for the Purposes of Contract, and Wrongs and Injuries, and suing and being sued in any Civil Proceeding, and her Husband shall not be liable in respect

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: Provided that where upon any such Divorce Alimony has been decreed or ordered to be paid to the Wife, and the same shall not be duly paid by the Husband, he shall be liable for Necessaries supplied for her Use: Provided that nothing shall prevent the Wife from joining at any Time during such Separation in the Exercise of any joint Power given to herself and her Husband. Feme Sole as to Property.

4. Every Decree or Order for Alimony and Costs made or pronounced after the passing of this Act by any Court in *Ireland* having Authority for that Purpose may be enforced in the same Manner as if the said Decree or Order was a Judgment or Order of One of the Superior Courts of Law in *Ireland*. Mode of enforcing Decree for Alimony.

5. This Act shall be held to apply to *Ireland* only. To apply to Ireland only.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1865.