

T A S M A N I A



1900.

ANNO SEXAGESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 7.

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AN ACT to further amend "The Married Women's Property Act." A.D. 1900.  
[22 September, 1900.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows :— PREAMBLE.  
[56 & 57 Vict.,  
c. 63.]

**1** This Act may be cited as "The Married Women's Property Act, 1900." Short title.

**2** In this Act the expression "the said Act" shall mean "The Married Women's Property Act." Interpretation.  
47 Vict. No. 18.

**3** Every contract hereafter entered into by a married woman otherwise than as an agent— Effect of contracts  
by married  
women.  
56 & 57 Vict.  
c. 63. s. 1.

- i. Shall be deemed to be a contract entered into by her with respect to and to bind her separate property whether she is or is not in fact possessed of or entitled to any separate property at the time when she enters into such contract :
- ii. Shall bind all separate property which she may at that time or thereafter be possessed of or entitled to : and
- iii. Shall also be enforceable by process of law against all property which she may thereafter while discovert be possessed of or entitled to :

Provided that nothing in this Section contained shall render available to satisfy any liability or obligation arising out of such contract any separate property which at that time or thereafter she is restrained from anticipating.

4d.]

*Married Women's Property.*

A.D. 1900.

Costs may be ordered to be paid out of property subject to a restraint on anticipation. 56 and 57 Vict. c. 63, s. 2.

Will of married woman. *Ib.*, s. 3.

Married woman to be subject to the provisions of 34 Vict. No. 33.

Husband not to be liable for wife's torts.

Construction of gifts to husband and wife and another person.

Trusteeship of married woman not affected by marriage.

Repeal. 56 & 57 Vict. c. 63, s. 2. 47 Vict. No. 18. Acts to be read together.

**4** In any action or proceeding now or hereafter instituted by a woman or by a next friend on her behalf, the Court before which such action or proceeding is pending shall have jurisdiction by judgment or order from time to time to order payment of the costs of the opposite party out of property which is subject to a restraint on anticipation and may enforce such payment by the appointment of a receiver and the sale of the property or otherwise as may be just.

**5** Section Twenty-four of an Act of the Imperial Parliament passed in the First year of the Reign of Her present Majesty, intituled *An Act for the amendment of the Law with respect to Wills*, and adopted in *Tasmania* by 4 *Victoriæ*, No. 9, shall apply to the will of a married woman made during coverture, whether she is or is not possessed of or entitled to any separate property at the time of making it, and such will shall not be required to be re-executed or re-published after the death of her husband.

**6** Every married woman shall hereafter be subject to all the provisions of "The Debtors Act, 1870," in respect of any debt, or instalment of any debt, due from her in pursuance of any order or judgment of any competent Court.

**7** The husband of a married woman shall not hereafter be liable for any tort committed by her which shall not be a sufficient cause of action against him alone.

**8** Wherever a devise or bequest of any real or personal property shall be hereafter made to a man and his wife and another person jointly, in equal shares or without any direction as to the proportions in which such property shall be distributed among them, the husband and the wife shall take separate and equal shares in the same manner and to the same extent as if the relation of husband and wife did not exist between them.

**9** A married woman who is, or hereafter may be appointed or become by construction or operation of law a trustee of any real property, with power to sell and convey, or otherwise transfer the same to any other person, may execute all necessary and proper deeds and instruments for conveying or otherwise transferring such real property to any other person without the concurrence of her husband, and in the same manner as if she were not married.

This Section shall be construed as if it had been enacted at the time of the enactment of and as part of the said Act.

**10** Sub-sections (3.) and (4.) of Section One of the said Act are hereby repealed.

**11** This Act and the said Act, save as amended by this Act and every Amendment thereof, shall be read and construed together as one and the same Act.