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No. 55.

2nd Session, 7th Parliament, 26 Victoria, 1863

BILL.

An Act to regulate the conditions on which
Wives separated as to property from their
husbands, may carry on business as Tra-
ders in Lower Canada.

Received and read, first time, Friday, 27th
Feby. 1863.

Second reading, Monday, 2nd March, 1863.

Hon. Mr. ROSE.

QUEBEC :

PRINTED FOR THE CONTRACTORS BY HUNTER,
ROSE & LEMIEUX, ST. URSULE STREET.

An Act to regulate the conditions on which Wives separated, as to property, from their husbands may carry on business as Traders, in Lower Canada.

HER Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows :

1. Every married woman who shall carry on business for her own benefit, as a Trader, *Marchande Publique*, Manufacturer, Contractor, or in any other general business in Lower Canada, shall cause to be delivered to the Prothonotary of the Superior Court in each District and to the Registrar of each County in which she carries or intends to carry on business, a declaration in writing, signed by herself, in the form or to the effect contained in the Schedule to this Act, marked A. Declaration to be filed by a married woman carrying on business on her own account.
- 10 2. Such declaration shall be filed before the day, or within thirty days after the day on which such married woman shall begin to carry on business; and in the case of any married woman carrying on business at the passing of this Act, within sixty days from and after the passing thereof. When such declaration must be filed.
- 15 3. Public notice shall be given of the filing of such declaration by at least two advertisements, in both the English and the French language, in the *Canada Gazette*, according to the form contained in the Schedule B to this Act annexed, the first of which notices shall be inserted within fifteen days from the day of the filing of such declaration. Public notice of such filing.
- 20 4. No married woman shall carry on any business as mentioned in the first section of this Act, except in her own maiden name, and the name of her husband shall in no manner be used or employed on any Sign, or in any Bill of Parcels, Account, Note, Bill of Exchange, Check, Contract, Invoice, or other document, or in any transaction whatever, appertaining to her separate business or affairs. Married women must carry on business in their maiden names only.
- 25 5. Each and every married woman who shall neglect to conform to or comply with any of the requirements of the four preceding sections of this Act, shall be liable to a penalty of *two hundred dollars*, to be recovered before any Court having jurisdiction in civil cases to the amount of such penalty, by any person, suing as well on his own behalf as on behalf of Her Majesty; and one moiety of such penalty shall belong to the Crown for the uses of the Province, and the other moiety to the party suing for the same, unless the suit be brought, as it may be, on behalf of the Crown only, in which case the whole of the penalty shall belong to Her Majesty for the uses aforesaid. Penalty on failing to comply with this Act.
Application of penalty.
- 30 6. This Act shall apply to Lower Canada only. Act limited to L. C.

SCHEDULE A.

I, A. B., wife of C. D., of _____ separated as to property
 from my said husband by (*state how separated and if under a judg-
 ment, the date upon, and Court in which rendered,*) have carried on (or
 intend to carry on) business as _____ under my maiden name
 of _____ at _____

Witness my hand at _____

SCHEDULE B.

Notice is hereby given that I, A. B., wife of C. D., of _____
 carrying on (or intending to carry on) business on my own behalf as
 at _____ have filed with
 _____, the declaration in that behalf required by law.