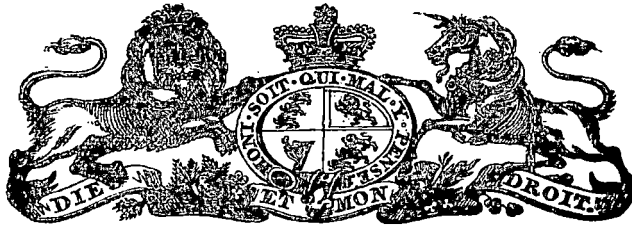


(No. 165.)



1890.

PARLIAMENT OF TASMANIA.

BILL TO AMEND THE MARRIED WOMEN'S
PROPERTY ACT :

PETITION IN FAVOUR OF.

Presented by the Treasurer, October 22, 1890, and ordered by the House of
Assembly to be printed, October 23, 1890.



To the Hon. the Speaker and Hon. Members of the House of Assembly, in Parliament assembled.

WE, the undersigned traders and others of the City of Launceston, respectfully pray that you will be pleased to support and pass into law the Bill to amend "The Married Women's Property Act," 47 Vict. No. 18, recently passed by the Legislative Council, and now before your Honorable House, on the following grounds.

1. That since the Married Women's Property Act became law the said Act has been used by certain debtors as a means of defrauding creditors by vesting real and personal property in the names of their wives that should have been divisible amongst their creditors as assets of their estate at the date of their insolvency.

2. That these frauds are now increasing to an alarming extent, and have become a matter of most serious consideration to all traders through the difficulty that exists of proving the frauds against the debtor, although in nearly all cases no moral doubt can be entertained that a fraud has been committed.

3. That to meet this difficulty, the provisions of the amending Act, that the onus of proof shall rest with the wife that she has not improperly acquired real or personal estate through her husband during the term of two years, is a just and equitable one, and will prove a great safeguard against fraud, and sure to promote a system of just and honest dealing between creditor and debtor.

4. That the wife can suffer no injustice or hardship through this, as she should have no difficulty in proving her title to the said estate during this short term if properly acquired; and should it be necessary to examine a wife as to certain property held by her agreeable to the amending Act, it will be done privately before a Judge or Commissioner in Chambers, before whom she may call evidence in support of her claim, and no Trustee is likely to risk the censure of the Court by bringing forward any frivolous matter before it.

5. That this principle is already an established one in British Law: for instance, under "The Customs Act," if the Government has reason to believe an importer has evaded the payment of duty on certain goods, and where the proof would be most difficult, he can be called upon to prove that the said duty has been paid, or the goods imported would be liable to forfeiture; and further, in the case of a person having goods in his possession believed to be stolen, he must prove his right to such property.

Earnestly trusting your Honourable House will grant us the relief asked, we, in duty bound, will ever pray.

Dated at Launceston, this twentieth day of October, 1890.

W. J. Johnstone (Johnstone & Wilmot).
 F. G. Mackay (Barnard, Mackay, & Co.)
 John M'Kenzie (John M'Kenzie & Co.)
 Jas. G. M'Kay (Irvine & MacEachern).
 Percy Hart (W. Hart & Sons).
 Alex. Webster (Chairman Chamber of Commerce).
 A. E. Robinson (Deputy Chairman Chamber of Commerce).
 Alex. Evans.
 A. Phillips (Rosenthal, Aronsen & Co.)
 Jno. Gunn (J. & T. Gunn).
 William Griffiths (Adams, Griffiths, & Dudley).
 Arthur Hinman (Hinman & Wright).
 Lindsay Tulloch (Lindsay Tulloch & Co.)
 B. G. Clark (B. G. Clark & Co.)
 Jas. S. Anderson (Secretary Tasmanian Soap and Candle Co., Limited).
 H. J. Herd (W. T. Bell & Co.)
 P. Oakley Fysh, jun., (P. O. Fysh & Co., Launceston).
 Jno. Midson (Bank Van Diemen's Land).
 W. Fordyce (L. Stevenson & Sons, Limited).
 F. L. Fysh.
 F. Stewart (F. & W. Stewart).
 Chas. Dodgshun (Dodgshun, Sons, & Co.)
 Andrew W. Birchall (Walch Brothers & Birchall).
 Frank Hart (Frank Hart & Son.)
 T. H. Gould (Geo. Weymouth).
 J. J. Rumpff (Trade Trustee).

WILLIAM THOMAS STRUTT,
 GOVERNMENT PRINTER, TASMANIA.