

No. 462

AN ACT

To amend section one of an act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred thirty-nine), entitled "An act to permit a married woman whose husband has lived separate and apart from her for one year or more, and who during that time has not been supported by her husband, to become a feme sole trader," extending the provisions of said act to a married woman whose husband has failed to support her for a period of five or more years, although living under the same roof.

Section 1. Be it enacted, &c., That section one of an act, approved the twenty-eighth day of May, one thousand nine hundred and fifteen (Pamphlet Laws, six hundred thirty-nine), entitled "An act to permit a married woman whose husband has lived separate and apart from her for one year or more, and who during that time has not been supported by her husband, to become a feme sole trader," is hereby amended to read as follows:

Section 1. Be it enacted, &c., That whenever a *husband and wife reside together under the same roof, and the husband has failed to support his wife or family for a period of five years or more, although there is no desertion, or whenever a [man] husband and wife live apart and separate for one year or more, and all marital relations between them have ceased, and the husband, for one year or more, has not supported his wife, nor their child or children, if any they have, from the time of the separation of the husband and wife, and the wife and child, or children, if any there are, are maintained either by the wife, by the joint efforts of the wife and children, by the children, or from the income of the wife's separate estate, then, in either such case, the wife may petition the court of common pleas of the county in which she resides to be decreed a feme sole trader; and, if it thereupon appear, upon proof presented, that the husband has failed to support his wife or family for a period of five or more years, or that the wife and husband have been living separate and apart for one year or more, that the husband has not supported nor contributed toward the support of his wife, and that the wife by her own industry, or the joint industry of herself and her children, or by reason of an income from her own estate, has maintained herself or been maintained by her children, then, in every such case, the wife shall be declared a feme sole trader; and thereupon her property, real and personal, however acquired, shall be subject to her free and absolute disposal during life, or by will, without any liability to be interfered with or obtained by such husband, and, in case of intestacy, shall go to her next of kin as if he were previously dead.*

Married women.

Section 1 of act of May 28, 1915 (P. L. 639), amended.

Feme sole trader.

Where husband has failed to support wife for five years.

In case of desertion.

Petition.

Decree.

Property of wife.

APPROVED—The 11th day of May, A. D. 1927.

JOHN S. FISHER