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", " Pennsylvania - General Assembly, Regular Session : 430-432

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" Pennsylvania - General Assembly, Regular Session 430

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of April, one thousand eight hundred and fifty-five, and was not returned within ten days (Sundays excepted) after it had been presented to him; wherefore it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

ADIN W. BENEDICT,
Clerk of the House of Representatives.

GEO. W. HAMERSLY,
Clerk of the Senate.

HARRISBURG, May 4, 1855.

No. 456.

AN ACT

Relating to certain duties and rights of Husband and Wife, and Parents and Children.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the power of any married woman to bequeath or devise her property by will, shall be restricted, as regards the husband, to the same extent as the husband's power so to dispose of his property is restricted, as regards the wife, namely: so that any surviving husband may, against her will, elect to take such share and interest in her real and personal estate as she can when surviving, elect to take against his will in his estates, or otherwise to take only her real estate as tenant by the curtesy: *Provided,* That nothing herein contained shall affect the right or power of the wife by virtue of any authority or appointment contained in any deed or will, to grant, bequeath, devise as heretofore, any property held in trust for her sole and separate use.

Power of married women to devise their property by will, regulated.

Proviso.

Wives may become *feme sole* traders.

Their property shall be their own.

SECTION 2. That whensoever any husband, from drunkenness, profligacy or other cause, shall neglect or refuse to provide for his wife, or shall desert her, she shall have all the rights and privileges secured to a *feme sole* trader, under the act of the twenty-second of February, one thousand seven hundred and eighteen, entitled "An Act concerning *feme sole* traders," and be subject as therein provided, and her property, real and personal, howsoever 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 her intestacy shall go to her next of kin, as if he were previously dead.

SECTION 3. That whensoever any husband or father, from drunkenness, profligacy or other cause, shall neglect or refuse to

provide for his child or children, the mother of such children shall have all the rights and be entitled to claim, and be subject to all the duties reciprocally due between a father and his children, and she may place them at employment and receive their earnings, or bind them to apprenticeship without the interference of such husband, the same as the father can now do by law: *Provided always*, That she shall afford to them a good example, and properly educate and maintain them according to her ability: *And provided*, That if the mother be of unsuitable character to be entrusted as aforesaid, or dead, the proper court may appoint a guardian of such children, who shall perform the duties aforesaid, and apply the earnings of such children for their maintenance and education.

Mother shall have all the father's rights over her children, when.

Provido.

SECTION 4. That creditors, purchasers and others may, with certainty and safety, transact business with a married woman under the circumstances aforesaid, she may present her petition to the court of common pleas of the proper county, setting forth under affidavit, the facts which authorize her to act as aforesaid, and if sustained by the testimony of at least two respectable witnesses, and the court be satisfied of the justice and propriety of the application, such court may, upon such notice as they may direct, make a decree and grant her a certificate, that she shall be authorized to act, have the power and transact business as hereinbefore provided; and such certificate shall be conclusive evidence of her authority, until revoked by such court for any failure on her part to perform the duties by this act made incumbent upon her, which may be ascertained upon the petition of any next friend of her children. ~

Proceedings to declare a wife a feme sole trader.

SECTION 5. That no husband who shall have as aforesaid, for one year or upwards previous to the death of his wife, wilfully neglected or refused to provide for his wife, or shall have for that period or upwards wilfully and maliciously deserted her, shall have the right to claim any right or title in her real or personal estate after her decease, as tenant by the curtesy, or under the intestate laws of this commonwealth.

When husband to have no interest in estate of wife.

SECTION 6. That no father who shall have as aforesaid, for one year or upwards previous to his death, wilfully neglected or refused to provide for his child or children, shall have the right to appoint any testamentary guardian of him, her or them, during minority. *ff.*

When father loses right to appoint testamentary guardian.

SECTION 7. That it shall be lawful for any person desirous of adopting any child as his or her heir, or as one of his or her heirs, to present his or her petition to such court in the county where he or she may be resident, declaring such desire, and that he or she will perform all the duties of a parent to such child; and such court, if satisfied that the welfare of such child will be promoted by such adoption, may, with the consent of the parents or surviving parent of such child, or if none, of the next friend of such child, or of the guardians or overseers of the poor, or of such charitable institution as shall have supported such child for at least one year, decree that such child shall assume the name of the adopting parent, and have all the rights of a child and heir of such adopting parent, and be subject to the duties of such child, of which the record of the court shall be sufficient evidence: *Provided*, That if such adopting parent shall have other children, the adopted shall share the inheritance only as one of them in case of intestacy, and he, she

Adoption of children, and changing of their names.

Provido.

or they shall respectively inherit from and through each other, as if all had been the lawful children of the same parent.

HENRY K. STRONG,
Speaker of the House of Representatives.

WM. M. HIESTER,
Speaker of the Senate.

APPROVED—The fourth day of May, Anno Domini one thousand eight hundred and fifty-five.

JAS. POLLOCK.

No. 457.

A FURTHER SUPPLEMENT

To an act, entitled "An Act to incorporate the Pennsylvania Savings Fund of Philadelphia," approved the twelfth day of April, Anno Domini one thousand eight hundred and fifty-one.

Election of officers.

Quorum.

F. S. Goodrich made a corporator.

Proviso.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and treasurer of said corporation shall be elected annually by the board of directors, at such time and place as may be fixed by the by-laws; so much of any law directing the mode of electing said officers as is hereby altered or supplied, is hereby repealed; seven members of the board shall constitute a quorum, and they shall have power to enact and enforce such by-laws, rules and regulations, not inconsistent with the constitution and laws of this commonwealth, as may be deemed necessary for the regulation and transaction of the business of said corporation.

SECTION 2. That F. S. Goodrich is hereby constituted and appointed one of the corporators, in the same manner, and with the same powers and privileges as those enumerated in the sixth section of a supplement approved fourth May, one thousand eight hundred and fifty-four: *Provided,* That this corporation shall not issue scrip in payment of dividends, or any paper, bill or note to be circulated as bank notes, nor exercise any banking privileges whatsoever, except such powers and privileges as are conferred by the act to which this is a further supplement.

HENRY K. STRONG,
Speaker of the House of Representatives.

WM. M. HIESTER,
Speaker of the Senate.

APPROVED—The fourth day of May, Anno Domini one thousand eight hundred and fifty-five.

JAS. POLLOCK.