ANNO SECUNDO & TERTIO

# VICTORIÆ REGINÆ.

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## C A P. LIV.

### An Act to amend the Law relating to the Custody of Infants. [17th *August* 1839.]

WHEREAS it is expedient to amend the Law relating to the Custody of Infants: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That after the passing of this Act it shall be lawful for the Lord Chancellor and the Master of the Rolls in *England*, and for the Lord Chancellor and the Master of the Rolls in *Ireland*, respectively, upon hearing the Petition of the Mother of any Infant or Infants being in the sole Custody or Control of the Father thereof or of any Person by his Authority, or of any Guardian after the Death of the Father, if he shall see fit, to make Order for the Access of the Petitioner to such Infant or Infants, at such Times and subject to such Regulations as he shall deem convenient and just; and if such Infant or Infants shall be within the Age of Seven Years, to make Order that such Infant or Infants shall be delivered to and remain in the Custody of the Petitioner until attaining such Age, subject to such Regulations as he shall deem convenient and just.

Judges in Equity may make Order, on Petition, for Access of Mothers to their infant Children, and if such Children be within the Age of Seven Years, for the Delivery of them to their Custody until attaining such Age.

Affidavits to be received, and Parties deposing falsely therein deemed guilty of Perjury.

II. And be it enacted, That on all Complaints made under this Act it shall be lawful for the Lord Chancellor or the Master of the Rolls in *England*, and for the Lord Chancellor or the Master of the Rolls in *Ireland*, to receive Affidavits sworn before any Master in Ordinary or Master Extraordinary of the Court of Chancery; and that any Person who shall depose falsely and corruptly in any Affidavit so sworn shall be deemed guilty of Perjury, and incur the Penalties thereof.

Orders may be enforced by Process of Contempt.

III. And be it enacted, That all Orders which shall be made by virtue of this Act by the Lord Chancellor or the Master of the Rolls in *England*, and by the Lord Chancellor or the Master of the Rolls in *Ireland*, shall be enforced by Process of Contempt of the High Court of Chancery in *England* and *Ireland* respectively.

No Mother against whom Adultery has been established entitled to Benefit of this Act.

IV. Provided always, and be it enacted, That no Order shall be made by virtue of this Act whereby any Mother against whom Adultery shall be established, by Judgment in an Action for Criminal Conversation at the Suit of her Husband, or by the Sentence of an Ecclesiastical Court, shall have the Custody of any Infant or Access to any Infant, any thing herein contained to the contrary notwithstanding.

Act may be altered this Session.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

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