SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 52.

An Act to amend the Law relating to the Maintenance of Married Women who shall have been deserted by their Husbands. [25th June 1886.]

A.D. 1886.

WHEREAS it is desirable to amend the law relating to the maintenance of married women who shall have been deserted by their husbands:

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, as follows:

Wife may summon husband for desertion.

1. From and after the passing of this Act it shall be lawful for any married woman, who shall have been deserted by her husband, to summon her husband before any two justices in petty sessions or any stipendiary magistrate, and thereupon such justices or magistrate, if satisfied that the husband, being able wholly or in part to maintain his wife or his wife and family, has wilfully refused or neglected so to do, and has deserted his wife, may order:

Alimony.

(1.) That the husband shall pay to his wife such weekly sum not exceeding two pounds as the justices or magistrate may consider to be in accordance with his means and with any means the wife may have for her support and the support of her family, and the payment of any sum so ordered shall be enforceable and enforced against the husband in the same manner as the payment of money is enforced under an order of affiliation; and the said justices or magistrate by whom any such order for payment shall be made, or other justices or magistrate sitting in their or his stead, shall have power from time to time to vary the same, on the application of either the husband or wife, upon proof that the means of the husband or wife have been altered in amount since the original order, or any subsequent order varying it, shall have been made.

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Custody of children.

(2.) Provided always, that no order for payment of any such sum by the husband shall be made in favour of a wife who shall be proved to have committed adultery, unless such adultery has been condoned, and that any order for payment of any such sum may be discharged by the justices or magistrate by whom such order was made, or other justices or magistrate sitting in their or his stead, upon proof that the wife has since the making thereof been guilty of adultery.

Summons, how granted.

2. A summons under this Act shall be applied for and granted and served in the same manner as summonses are now applied for, granted, and served in cases of assault, or in such other manner as the said justices or magistrate shall direct. Provided always, that in such case the said justices or magistrate, or other justices or magistrate sitting in his or their stead, may re-hear any such summons at the instance of the husband at any time, and confirm, discharge, or vary any previous order thereon as they or he may think just.

Short title.

3. This Act may be cited as the Married Women (Maintenance in case of Desertion) Act, 1886.

Extent of Act.

4. This Act shall not extend to Scotland.

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