

**CHAPTER 100.****MARRIED WOMEN'S MAINTENANCE.**

## ARRANGEMENT OF SECTIONS.

## SECTION.

1. Short title.
2. Wife may summon husband for desertion.
3. Application for summons.
4. Proceedings for non-compliance with order.

**CHAPTER 100.****MARRIED WOMEN'S MAINTENANCE.**

7 of 1888.  
32 of 1908.  
8 of 1952.

**An Ordinance to Provide for the Maintenance of Married Women  
who shall have been Deserted by their Husbands.**

[3RD JULY, 1888.]

Short title.

1. This Ordinance may be cited as the Married Women's Maintenance Ordinance.

Wife may  
summon  
husband for  
desertion.

2. It shall be lawful for any married woman, who shall have been deserted by her husband, to summon her husband before a Magistrate, and thereupon such 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—

(1) that the husband shall pay to his wife such weekly sum, not exceeding four pounds, as the 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 said Magistrate, by whom any such order for payment shall be made, or any succeeding Magistrate sitting in 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 either the husband or wife have been altered in amount since the original order, or any subsequent order varying it, shall have been made:

(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 Magistrate by whom such order was made, or any succeeding Magistrate sitting in his stead, upon proof that the wife has since the making thereof been guilty of adultery.

3. A summons under this Ordinance 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 Magistrate shall direct:

Application  
for summons.

Provided always that in such case the said Magistrate, or any succeeding Magistrate sitting in his 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 he may think just.

4. If at any time after the expiration of one month from the making of such order as aforesaid it be made to appear to any one Justice, upon oath or affirmation, that any sum to be paid in pursuance of such order has not been paid, such Justice may, by warrant under his hand and seal, cause the defaulter to be brought before the Magistrate, and in case such defaulter neglect or refuse to make payment of the sums due from him under such order, or since any commitment for disobedience to such order as hereinafter provided, together with the costs attending such warrant, apprehension, and bringing up of such defaulter, such Magistrate may, by warrant under hand and seal, direct the sum so appearing to be due, together with such costs, to be recovered by distress and sale of the goods and chattels of such defaulter, and may order such defaulter to be detained and kept in safe custody until return can be conveniently made to such warrant of distress, unless he give sufficient security, by way of recognisance or otherwise, to the satisfaction of such Magistrate, for his appearance before the Magistrate on the day which may be appointed for the return of such warrant of distress, such day not being more than seven days from the time of taking any such security; but if upon the return of such warrant, or if by the admission of such defaulter it appear that no sufficient distress can be had, then the Magistrate may, if he see fit, by warrant under his hand and seal, cause such defaulter to be committed to the common gaol, without bail, for any term not exceeding three months, unless such sum and costs, and all reasonable charges attending the said distress, together with any costs and charges attending such commitment, be sooner paid and satisfied.

Proceedings  
for non-  
compliance  
with order.