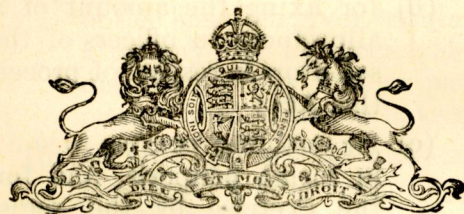


I Certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 21st March, 1929.*

New South Wales.



ANNO UNDEVICESIMO

GEORGI V REGIS.

Act No. 5, 1929.

An Act to amend the Matrimonial Causes Act, 1899; and for purposes connected therewith. [Assented to, 26th March, 1929.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act shall be construed with the Matrimonial Causes Act, 1899, herein called the Principal Act, and may be cited as the "Matrimonial Causes (Amendment) Act, 1929." Short title.

2.

Matrimonial Causes (Amendment).

Amendment of
Act No. 14, 1899.
Sec. 91.

2. (1) The Principal Act is amended—

(a) by omitting section ninety-one and substituting therefor the following section :—

Power to
make rules.

91. (1) The judges of the Supreme Court, or any three of them, may make general rules—

- (a) for regulating the pleading, practice, and procedure of the court, and may by such rules amend, vary, or dispense with any provisions of this Act regulating such pleading, practice, or procedure ;
- (b) for fixing the amount of all fees and allowances to officers of the court and solicitors in respect of proceedings under this Act ;
- (c) for enabling persons to sue in the court in forma pauperis, and for regulating the exercise by the registrar of the jurisdiction and powers conferred upon or delegated to the registrar under this Act, and the right of appeal from the registrar ;
- (d) generally as to all matters necessary or expedient for giving effect to the provisions of this Act.

(2) The judges of the Supreme Court or any three of them may by rules of court made in that behalf delegate to the registrar power to do such things and transact such business and to exercise any such authority and jurisdiction as is now done, transacted, or exercised by the court except in respect of the hearing of suits or in respect of matters relating to the liberty of the subject :

Provided that the registrar may in case of doubt or difficulty refer any matter to the court :

Provided also that the court may direct any matter in which an order has been made by the registrar to be re-argued before the court
upon

Matrimonial Causes (Amendment).

upon giving a direction to that effect within the prescribed time after such order has been made by the registrar.

(3) In this section "registrar" includes a deputy-registrar.

(4) A copy of every such rule shall be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, or if not then within fourteen sitting days of the commencement of the next session.

If either House passes a resolution of which notice has been given within fifteen sitting days after any rule has been laid before such House disallowing any rule or part thereof, the rule or part shall cease to have effect.

(b) by omitting section forty-seven and by insert- Sec. 47.
ing the following section:—

47. (1) The court may make any order as Court may order payment of costs.
to the costs of any proceedings under this Act which it deems just, and except in the case of proceedings on appeal may order payment of costs as between solicitor and client.

(2) The court may by consent of all parties appearing at the hearing before the court assess the costs of any proceedings, and in the case of interlocutory proceedings may do so without the consent of the parties, and the costs so assessed shall be recoverable from the person ordered to pay the same in the same manner as if they had been duly taxed and certified by the taxing officer.

(c) (i) by inserting at the end of section ninety- Sec. 94.
four the following paragraph:—

(h) to exercise the powers and jurisdiction delegated to him under this Act.

(ii) by inserting at the end of the same section the following new subsection:—

(2) In this section "registrar" includes deputy-registrar.

(d)

Matrimonial Causes (Amendment).

(d) by inserting at the end of section eighty-three the words "or a deputy registrar."

(2) Any rule in force at the commencement of this Act shall continue in force until repealed by rules made under the power conferred by the amendment inserted in the Principal Act by subsection one of this section.

Further amend-
ment of Act
No. 14, 1899.
New s. 90A.

Summary
proceedings
to enforce
orders for
alimony or
maintenance.

3. The Principal Act is further amended by inserting after section ninety the following section:—

90A. (1) Where the court has made an order for the payment of any monthly or weekly sum by a husband or father in respect of alimony or the maintenance of his wife or child, and any sum due under the order is unpaid, any justice, upon complaint on oath being made by the wife or by any reputable person on behalf of the wife or child that the wife or child is unable through lack of means to have the order enforced by attachment, may—

- (a) issue his summons requiring the husband or father to appear before two justices to show cause why he should not pay such sum; or
- (b) issue his warrant for the apprehension of the husband or father.

(2) The complaint shall be dealt with in like manner as a complaint under the Deserted Wives and Children Act, 1901, and the provisions of sections five and six of that Act, and of section ninety-seven of the Child Welfare Act, 1923, shall apply accordingly.

(3) Upon the hearing the justices shall inquire into the complaint, and if they are satisfied that any sum due under the order is unpaid and that the wife or child is unable through lack of means to have the order enforced by attachment, they may order the defendant to pay to such person as they may think fit the sum unpaid, together with such further sum for costs as they may deem proper, and in default of payment may order that the defendant be committed to gaol, there

Matrimonial Causes (Amendment).

there to remain for any period not exceeding twelve months, or until sooner payment or until compliance with any order made by the justices under this section.

(4) The justices may in and by an order made under this section do all or any of the things that justices may do under section eighty-three of the Justices Act, 1902, and that section and section eighty-four of that Act shall apply accordingly.

(5) For the purposes of this section a certificate of the registrar or deputy-registrar in divorce that any sum which was to be paid into court has not been so paid shall be prima facie evidence of such fact.

(6) Where any order is made under the provisions of this section the justices making the order shall notify the registrar in the prescribed manner.

(7) The court may on application made in the prescribed manner amend, set aside, or vary any order made by justices under this section.

(8) In this section "husband" and "wife" include persons against whom or in whose favour the court has made an order for payment in respect of alimony or maintenance, notwithstanding that at the time of any proceedings under this section the marriage of such persons has been dissolved, and "justice" means a justice of the peace.

4. The Principal Act is further amended—

- (a) by omitting from subsection one of section seventy-three the word "forty-eight" and by inserting in lieu thereof the word "twelve"; and by omitting from subsection two of the same section the word "six" and by inserting in lieu thereof the word "two";
- (b) by omitting from subsection three of section seventy-four the word "twelve" and by inserting in lieu thereof the word "four"; also by omitting the word "six" and by inserting in lieu thereof the word "two";

Further amendment of Act No. 14, 1899.

Sec. 73.

Jury panel.

Sec. 74.

Calling

jury.

(c)

Matrimonial Causes (Amendment).

Sec. 75.
Impanelling
jury.

- (c) by omitting from subsection one of section seventy-five the word "six" and by inserting in lieu thereof the word "two"; and by omitting from subsection five of the same section the word "twelve" and by inserting in lieu thereof the word "four";

In the name and on behalf of His Majesty I assent to this Act.

*Government House,
Sydney, 26th March, 1929.*

D. R. S. DE CHAIR,
Governor.

MATRIMONIAL CAUSES (AMENDMENT) BILL.

SCHEDULE of the Legislative Assembly's Amendments.

- Page 2, clause 2, lines 32, 33. *Omit* the words " in which an appearance is entered "
- Page 3, clause 2, lines 6-11. *Omit* all the words on these lines. *Insert* " **A copy of every such rule shall be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, or if not then within fourteen sitting days of the commencement of the next session.**
- If either House passes a resolution of which notice has been given within fifteen sitting days after any rule has been laid before such House disallowing any rule or part thereof, the rule or part shall cease to have effect "
- Page 3, clause 2, line 30. *Omit* the word " interested " *insert* the words " **appearing at the hearing before the court** "
- Page 4, clause 2, lines 1 and 2. *Insert* —
(d) **by inserting at the end of section eighty-three the words " or a deputy registrar "**
- Page 5, clause 3, after line 14. *Insert*—
" (6) **Where any order is made under the provisions of this section the justices making the order shall notify the registrar in the prescribed manner.**
(7) **The court may on application made in the prescribed manner amend, set aside, or vary any order made by justices under this section "**
- Page 5, clause 4, after line 37. *Insert* " **also by omitting the word ' six ' and by inserting in lieu thereof the word ' two ' "**
-

STATE OF NEW YORK

IN SENATE

January 15, 1903.

REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

IN ANSWER TO A RESOLUTION PASSED BY THE SENATE

APRIL 11, 1902.

ALBANY:

ANDREW DEWEY, STATE PRINTER,

1903.

Published by the State Printer, Albany, N. Y., 1903.

Price, 50 cents.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 7th March, 1929.*

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with Amendments.

S. G. BOYDELL,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 March, 1929.*

New South Wales.



ANNO UNDEVICESIMO

GEORGII V REGIS.

Act No. , 1929.

An Act to amend the Matrimonial Causes Act, 1899; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act shall be construed with the Matrimonial Causes Act, 1899, herein called the Principal Act, and may be cited as the "Matrimonial Causes (Amendment) Act, 1929." Short title.

85297

C 67—A

2.

NOTE.—The words to be omitted are *ruled through*; those to be inserted are printed in **black letter**.

Matrimonial Causes (Amendment).

2. (1) The Principal Act is amended—
(a) by omitting section ninety-one and substituting therefor the following section :—

Amendment of Act No. 14, 1899. Sec. 91.

5 91. (1) The judges of the Supreme Court, or any three of them, may make general rules—
(a) for regulating the pleading, practice, and procedure of the court, and may by such rules amend, vary, or dispense with any provisions of this Act regulating such pleading, practice, or procedure ;
10 (b) for fixing the amount of all fees and allowances to officers of the court and solicitors in respect of proceedings under this Act ;
15 (c) for enabling persons to sue in the court in forma pauperis, and for regulating the exercise by the registrar of the jurisdiction and powers conferred upon or delegated to the registrar under this Act, and the right of appeal from the registrar ;
20 (d) generally as to all matters necessary or expedient for giving effect to the provisions of this Act.

25 (2) The judges of the Supreme Court or any three of them may by rules of court made in that behalf delegate to the registrar power to do such things and transact such business and to exercise any such authority and jurisdiction as is now done, transacted, or exercised by the court except in respect of the hearing of suits in which an appearance is entered or in respect of matters relating to the liberty of the subject :

30 Provided that the registrar may in case of doubt or difficulty refer any matter to the court :

35 Provided also that the court may direct any matter in which an order has been made by the registrar to be re-argued before the court
40 upon

Matrimonial Causes (Amendment).

upon giving a direction to that effect within the prescribed time after such order has been made by the registrar.

5 (3) In this section "registrar" includes a deputy-registrar.

(4) ~~A copy of every such rule shall be laid before both Houses of Parliament within one month from the making thereof if Parliament be then sitting, or if Parliament be not then sitting, within one month after the commencement of the next ensuing session.~~ A copy of every such rule shall be laid before both Houses of Parliament within fourteen sitting days if Parliament is in session, or if not then within fourteen sitting days of the commencement of the next session.

If either House passes a resolution of which notice has been given within fifteen sitting days after any rule has been laid before such House disallowing any rule or part thereof, the rule or part shall cease to have effect.

(b) by omitting section forty-seven and by insert- Sec. 47.
ing the following section:—

25 47. (1) The court may make any order as to the costs of any proceedings under this Act which it deems just, and except in the case of proceedings on appeal may order payment of costs as between solicitor and client. Court may order payment of costs.

30 (2) The court may by consent of all parties interested appearing at the hearing before the court assess the costs of any proceedings, and in the case of interlocutory proceedings may do so without the consent of the parties, and the costs so assessed shall be recoverable from the person ordered to pay the same in the same manner as if they had been duly taxed and certified by the taxing officer;

35 (c) (i) by inserting at the end of section ninety- Sec. 94.
four the following paragraph:—

(h) to exercise the powers and jurisdiction delegated to him under this Act.

40 (ii) by inserting at the end of the same section the following new subsection:—

45 (2) In this section "registrar" includes deputy-registrar.

(d)

Matrimonial Causes (Amendment).

(d) by inserting at the end of section eighty-three the words "or a deputy-registrar."

(2) Any rule in force at the commencement of this Act shall continue in force until repealed by rules made under the power conferred by the amendment inserted in the Principal Act by subsection one of this section.

3. The Principal Act is further amended by inserting after section ninety the following section :—

Further amend-
ment of Act
No. 14, 1899,
New s. 90A.

10 90A. (1) Where the court has made an order for the payment of any monthly or weekly sum by a husband or father in respect of alimony or the maintenance of his wife or child, and any sum due under the order is unpaid, any justice, upon complaint on oath being made by the wife or by any reputable person on behalf of the wife or child that the wife or child is unable through lack of means to have the order enforced by attachment, may—

Summary
proceedings
to enforce
orders for
alimony or
maintenance.

20 (a) issue his summons requiring the husband or father to appear before two justices to show cause why he should not pay such sum ; or
(b) issue his warrant for the apprehension of the husband or father.

25 (2) The complaint shall be dealt with in like manner as a complaint under the Deserted Wives and Children Act, 1901, and the provisions of sections five and six of that Act, and of section ninety-seven of the Child Welfare Act, 1923, shall apply accordingly.

30 (3) Upon the hearing the justices shall inquire into the complaint, and if they are satisfied that any sum due under the order is unpaid and that the wife or child is unable through lack of means to have the order enforced by attachment, they may order the defendant to pay to such person as they may think fit the sum unpaid, together with such further sum for costs as they may deem proper, and in default of payment may
40 order that the defendant be committed to gaol, there

Matrimonial Causes (Amendment).

there to remain for any period not exceeding twelve months, or until sooner payment or until compliance with any order made by the justices under this section.

5 (4) The justices may in and by an order made under this section do all or any of the things that justices may do under section eighty-three of the Justices Act, 1902, and that section and section eighty-four of that Act shall apply accordingly.

10 (5) For the purposes of this section a certificate of the registrar or deputy-registrar in divorce that any sum which was to be paid into court has not been so paid shall be prima facie evidence of such fact.

15 (6) Where any order is made under the provisions of this section the justices making the order shall notify the Registrar in the prescribed manner.

20 (7) The court may on application made in the prescribed manner amend, set aside, or vary any order made by justices under this section.

25 (8) (6) In this section "husband" and "wife" include persons against whom or in whose favour the court has made an order for payment in respect of alimony or maintenance, notwithstanding that at the time of any proceedings under this section the marriage of such persons has been dissolved, and "justice" means a justice of the peace.

4. The Principal Act is further amended—

30 (a) by omitting from subsection one of section seventy-three the word "forty-eight" and by inserting in lieu thereof the word "twelve"; and by omitting from subsection two of the same section the word "six" and by inserting in lieu thereof the word "two";

35 (b) by omitting from subsection three of section seventy-four the word "twelve" and by inserting in lieu thereof the word "four"; also by omitting the word "six" and by inserting in lieu thereof the word "two";

c 67—B

(c)

Further amendment of Act No. 14, 1899,

Sec. 73.

Jury panel.

Sec. 74.

Calling jury.

Matrimonial Causes (Amendment).

- 5 (c) by omitting from subsection one of section Sec. 75. seventy-five the word "six" and by inserting **Impanelling** in lieu thereof the word "two"; and by **jury.** omitting from subsection five of the same section the word "twelve" and by inserting in lieu thereof the word "four";

[7d.]

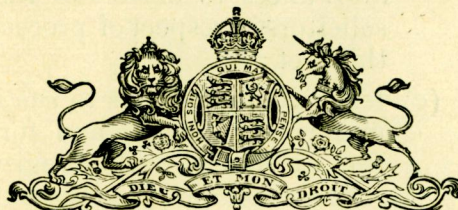
Sydney: Alfred James Kent, Government Printer—1929.

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

W. L. S. COOPER,
Clerk of the Parliaments

*Legislative Council Chamber,
Sydney, 7th March, 1929.*

New South Wales.



ANNO UNDEVICESIMO

GEORGII V REGIS.

Act No. , 1929.

An Act to amend the Matrimonial Causes Act, 1899; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. This Act shall be construed with the Matrimonial Short title. Causes Act, 1899, herein called the Principal Act, and may be cited as the "Matrimonial Causes (Amendment) Act, 1929."

86297

C 67—A

2.

Matrimonial Causes (Amendment).

2. (1) The Principal Act is amended—

(a) by omitting section ninety-one and substituting therefor the following section :—

Amendment of
Act No. 14, 1899.
Sec. 91.

5

91. (1) The judges of the Supreme Court, or any three of them, may make general rules— **Power to make rules**

10

(a) for regulating the pleading, practice, and procedure of the court, and may by such rules amend, vary, or dispense with any provisions of this Act regulating such pleading, practice, or procedure ;

15

(b) for fixing the amount of all fees and allowances to officers of the court and solicitors in respect of proceedings under this Act ;

20

(c) for enabling persons to sue in the court in forma pauperis, and for regulating the exercise by the registrar of the jurisdiction and powers conferred upon or delegated to the registrar under this Act, and the right of appeal from the registrar ;

25

(d) generally as to all matters necessary or expedient for giving effect to the provisions of this Act.

30

(2) The judges of the Supreme Court or any three of them may by rules of court made in that behalf delegate to the registrar power to do such things and transact such business and to exercise any such authority and jurisdiction as is now done, transacted, or exercised by the court except in respect of the hearing of suits in which an appearance is entered or in respect of matters relating to the liberty of the subject :

35

Provided that the registrar may in case of doubt or difficulty refer any matter to the court :

40

Provided also that the court may direct any matter in which an order has been made by the registrar to be re-argued before the court upon

Matrimonial Causes (Amendment).

upon giving a direction to that effect within the prescribed time after such order has been made by the registrar.

(3) In this section "registrar" includes a deputy-registrar.

(4) A copy of every such rule shall be laid before both Houses of Parliament within one month from the making thereof if Parliament be then sitting, or if Parliament be not then sitting, within one month after the commencement of the next ensuing session.

(b) by omitting section forty-seven and by inserting the following section:—

47. (1) The court may make any order as to the costs of any proceedings under this Act which it deems just, and except in the case of proceedings on appeal may order payment of costs as between solicitor and client.

(2) The court may by consent of all parties interested assess the costs of any proceedings, and in the case of interlocutory proceedings may do so without the consent of the parties, and the costs so assessed shall be recoverable from the person ordered to pay the same in the same manner as if they had been duly taxed and certified by the taxing officer;

(c) (i) by inserting at the end of section ninety-four the following paragraph:—

(h) to exercise the powers and jurisdiction delegated to him under this Act.

(ii) by inserting at the end of the same section the following new subsection:—

(2) In this section "registrar" includes deputy-registrar.

(2) Any rule in force at the commencement of this Act shall continue in force until repealed by rules made under the power conferred by the amendment inserted in the Principal Act by subsection one of this section.

Matrimonial Causes (Amendment).

3. The Principal Act is further amended by inserting after section ninety the following section :—

Further amend-
ment of Act
No. 14, 1899.
New s. 90A.

Summary
proceedings
to enforce
orders for
alimony or
maintenance.

5 90A. (1) Where the court has made an order for
the payment of any monthly or weekly sum by a
husband or father in respect of alimony or the
maintenance of his wife or child, and any sum due
under the order is unpaid, any justice, upon com-
plaint on oath being made by the wife or by any
10 reputable person on behalf of the wife or child
that the wife or child is unable through lack of
means to have the order enforced by attachment,
may—

- 15 (a) issue his summons requiring the husband or
father to appear before two justices to show
cause why he should not pay such sum ; or
(b) issue his warrant for the apprehension of
the husband or father.

20 (2) The complaint shall be dealt with in
like manner as a complaint under the Deserted
Wives and Children Act, 1901, and the provisions
of sections five and six of that Act, and of section
ninety-seven of the Child Welfare Act, 1923, shall
apply accordingly.

25 (3) Upon the hearing the justices shall
inquire into the complaint, and if they are satisfied
that any sum due under the order is unpaid and
that the wife or child is unable through lack of
means to have the order enforced by attachment,
30 they may order the defendant to pay to such
person as they may think fit the sum unpaid,
together with such further sum for costs as they
may deem proper, and in default of payment may
order that the defendant be committed to gaol,
35 there to remain for any period not exceeding
twelve months, or until sooner payment or until
compliance with any order made by the justices
under this section.

40 (4) The justices may in and by an order
made under this section do all or any of the things
that justices may do under section eighty-three of

the

Matrimonial Causes (Amendment).

the Justices Act, 1902, and that section and section eighty-four of that Act shall apply accordingly.

5 (5) For the purposes of this section a certificate of the registrar or deputy-registrar in divorce that any sum which was to be paid into court has not been so paid shall be prima facie evidence of such fact.

10 (6) In this section "husband" and "wife" include persons against whom or in whose favour the court has made an order for payment in respect of alimony or maintenance, notwithstanding that at the time of any proceedings under this section the marriage of such persons has been dissolved, and "justice" means a justice of the peace.

15 4. The Principal Act is further amended—

Further amendment of Act No. 14, 1899.

- (a) by omitting from subsection one of section seventy-three the word "forty-eight" and by inserting in lieu thereof the word "twelve"; and by omitting from subsection two of the same section the word "six" and by inserting in lieu thereof the word "two";
- 20 (b) by omitting from subsection three of section seventy-four the word "twelve" and by inserting in lieu thereof the word "four";
- 25 (c) by omitting from subsection one of section seventy-five the word "six" and by inserting in lieu thereof the word "two"; and by omitting from subsection five of the same section the word "twelve" and by inserting in lieu thereof the word "four";
- 30

Sec. 73.

Jury panel.

Sec. 74.

Calling jury.

Sec. 75.

Impanelling jury.

THE UNITED STATES OF AMERICA
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

WYOMING
COUNTY OF []
TOWNSHIP OF []

30
[]

35 (c) []
(b) []

50
(a) []

15 []

10 []

5 []

WYOMING COUNTY OF []

1950

1929.

Legislative Council.

Matrimonial Causes (Amendment) Bill.

EXPLANATORY NOTE.

THE main objects of this Bill are—

- (a) to facilitate some of the routine work of the Supreme Court in its divorce jurisdiction by authorising the Judges by rules to delegate certain duties and functions to the Registrar, and to deal fully with the practice of the Court ;
 - (b) to enlarge the power of the Court over the costs of proceedings, and enable the Court to assess the costs in certain cases ;
 - (c) to provide for a summary method to enforce orders for alimony or maintenance ;
 - (d) to provide for a jury of four instead of a jury of twelve.
-

Legislative Council.

No. , 1929.

A BILL

To amend the Matrimonial Causes Act, 1899; and for purposes connected therewith.

[MR. BOYCE;—5 *March*, 1929.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. This Act shall be construed with the Matrimonial Causes Act, 1899, herein called the Principal Act, and may be cited as the "Matrimonial Causes (Amendment) Act, 1929." Short title.

Amendment of
Act No. 14, 189
Sec. 91.

Power to
make rules.

- 2.** (1) The Principal Act is amended—
(a) by omitting section ninety-one and substituting therefor the following section :—

91. (1) The judges of the Supreme Court, or any three of them, may make general rules— 5

- (a) for regulating the pleading, practice, and procedure of the court, and may by such rules amend, vary, or dispense with any provisions of this Act regulating such pleading, practice, or procedure; 10
(b) for fixing the amount of all fees and allowances to officers of the court and solicitors in respect of proceedings under this Act;
(c) for enabling persons to sue in the court 15 in forma pauperis, and for regulating the exercise by the registrar of the jurisdiction and powers conferred upon or delegated to the registrar under this Act, and the right of appeal from the registrar; 20
(d) generally as to all matters necessary or expedient for giving effect to the provisions of this Act.

(2) The judges of the Supreme Court or 25 any three of them may by rules of court made in that behalf delegate to the registrar power to do such things and transact such business and to exercise any such authority and jurisdiction as is now done, transacted, or 30 exercised by the court except in respect of the hearing of suits in which an appearance is entered or in respect of matters relating to the liberty of the subject :

Provided that the registrar may in case of 35 doubt or difficulty refer any matter to the court :

Provided also that the court may direct any matter in which an order has been made by the registrar to be re-argued before the court 40 upon

upon giving a direction to that effect within the prescribed time after such order has been made by the registrar.

5 (3) In this section "registrar" includes a deputy-registrar.

(4) A copy of every such rule shall be laid before both Houses of Parliament within one month from the making thereof if Parliament be then sitting, or if Parliament be not then sitting, within one month after the commencement of the next ensuing session.

10 (b) by omitting section forty-seven and by inserting the following section:— Sec. 47.

15 47. (1) The court may make any order as to the costs of any proceedings under this Act which it deems just, and except in the case of proceedings on appeal may order payment of costs as between solicitor and client. Court may order payment of costs.

20 (2) The court may by consent of all parties interested assess the costs of any proceedings, and in the case of interlocutory proceedings may do so without the consent of the parties, and the costs so assessed shall be recoverable from the person ordered to pay the same in the same manner as if they had been duly taxed and certified by the taxing officer;

25 (c) (i) by inserting at the end of section ninety-four the following paragraph:— Sec. 94.

30 (h) to exercise the powers and jurisdiction delegated to him under this Act.

(ii) by inserting at the end of the same section the following new subsection:—

35 (2) In this section "registrar" includes deputy-registrar.

(2) Any rule in force at the commencement of this Act shall continue in force until repealed by rules made under the power conferred by the amendment inserted in the Principal Act by subsection one of this section.

Further amend-
ment of Act
No. 14, 1899.
New s. 90A.

Summary
proceedings
to enforce
orders for
alimony or
maintenance.

3. The Principal Act is further amended by inserting after section ninety the following section :—

90A. (1) Where the court has made an order for the payment of any monthly or weekly sum by a husband or father in respect of alimony or the maintenance of his wife or child, and any sum due under the order is unpaid, any justice, upon complaint on oath being made by the wife or by any reputable person on behalf of the wife or child that the wife or child is unable through lack of means to have the order enforced by attachment, may—

- (a) issue his summons requiring the husband or father to appear before two justices to show cause why he should not pay such sum; or
- (b) issue his warrant for the apprehension of the husband or father.

(2) The complaint shall be dealt with in like manner as a complaint under the Deserted Wives and Children Act, 1901, and the provisions of sections five and six of that Act, and of section ninety-seven of the Child Welfare Act, 1923, shall apply accordingly.

(3) Upon the hearing the justices shall inquire into the complaint, and if they are satisfied that any sum due under the order is unpaid and that the wife or child is unable through lack of means to have the order enforced by attachment, they may order the defendant to pay to such person as they may think fit the sum unpaid, together with such further sum for costs as they may deem proper, and in default of payment may order that the defendant be committed to gaol, there to remain for any period not exceeding *twelve* months, or until sooner payment or until compliance with any order made by the justices under this section.

(4) The justices may in and by an order made under this section do all or any of the things that justices may do under section eighty-three of the

the

the Justices Act, 1902, and that section and section eighty-four of that Act shall apply accordingly.

5 (5) For the purposes of this section a certificate of the registrar or deputy-registrar in divorce that any sum which was to be paid into court has not been so paid shall be prima facie evidence of such fact.

10 (6) In this section "husband" and "wife" include persons against whom or in whose favour the court has made an order for payment in respect of alimony or maintenance, notwithstanding that at the time of any proceedings under this section the marriage of such persons has been dissolved, and "justice" means a justice of the peace.

15 4. The Principal Act is further amended—

Further amendment of Act No. 14, 1899.

20 (a) by omitting from subsection one of section seventy-three the word "forty-eight" and by inserting in lieu thereof the word "twelve"; and by omitting from subsection two of the same section the word "six" and by inserting in lieu thereof the word "two";

Sec. 73.

Jury panel.

(b) by omitting from subsection three of section seventy-four the word "twelve" and by inserting in lieu thereof the word "four";

Sec. 74.

Calling jury.

25 (c) by omitting from subsection one of section seventy-five the word "six" and by inserting in lieu thereof the word "two"; and by omitting from subsection five of the same section the word "twelve" and by inserting in lieu thereof the word "four";

Sec. 75.

Impanelling jury.

