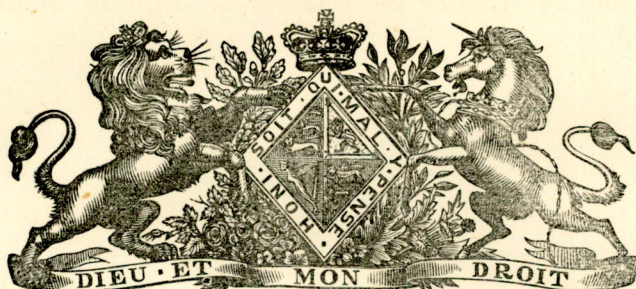


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber, }
Sydney, 9 August, 1875. }*

STEPHEN W. JONES,
Clerk of Legislative Assembly.

New South Wales.



ANNO TRICESIMO NONO

VICTORIÆ REGINÆ.

No. .

An Act to amend the Law as to the Custody of Infants.

WHEREAS it is expedient further to amend the law relating to the Preamble.
Custody of Infants Be it therefore enacted by the Queen's
Most Excellent Majesty by and with the advice and consent of the
Legislative Council and Legislative Assembly of New South Wales in
5 Parliament assembled and by the authority of the same as follows:—

1. From and after the passing of this Act it shall be lawful Supreme Court may order mother to have access to infant.
for the Supreme Court or for the Primary Judge of the said Court
in Equity or during his absence or illness for any other Judge of the
said Court upon hearing the petition by her next friend of the mother
10 of any infant or infants under fourteen years of age to order that the
petitioner shall have access to such infant or infants at such times
and subject to such regulations as the said Court or Judge shall deem
proper or to order that such infant or infants shall be delivered to the
mother and remain in or under her custody and control or shall if already
15 in her custody or under her control remain therein until such infant
or infants shall attain such age not exceeding fourteen as the Court
shall direct and further to order that such custody or control shall be
subject to such regulations as regards access by the father or guardian
of such infant or infants and otherwise as the said Court shall deem
20 proper.

Custody of Infants.

2. All orders which shall be made by virtue of this Act shall be enforced by process of contempt of the said Court. Order how enforced.

3. No order shall be made by virtue of this Act whereby any mother against whom adultery shall be established by judgment of the Supreme Court in its Divorce and Matrimonial Causes Jurisdiction at the suit of her husband shall have the custody of any infant or access to any infant anything herein contained to the contrary notwithstanding. No order in case of adultery.

4. No agreement contained in any separation deed made between the father and mother of any infant or infants shall be held to be invalid by reason only of its providing that the father of such infant or infants shall give up the custody or control thereof to the mother. Provided always that no Court shall enforce any such agreement if the Court shall be of opinion that it will not be for the benefit of the infant or infants to give effect thereto. Agreement to give up children not to be invalid.

5. The Act of the eighteenth Victoria number one intituled "*An Act to amend the law relating to the Custody of Infants*" shall be and is hereby repealed. Repeal of 18 Vict. No. 1.

CUSTODY OF INFANTS BILL.

SCHEDULE of the amendments referred to in Message of 10th August, 1875.

JOHN J. CALVERT,
Clerk of the Parliaments.

- Page 1, clause 1, lines 7 and 8. *Omit* " or for the Primary Judge of the said Court in
" Equity or during his absence or illness for any other Judge of the said Court"
insert "**in its equitable jurisdiction**"
- „ clause 1, line 10. *Omit* " fourteen" *insert* "**sixteen**"
- „ „ „ 13. *Omit* " or Judge"
- Page 2, „ „ 11. *Omit* " fourteen" *insert* "**sixteen**"
- „ clause 2. *Omit* clause 2.
- „ „ 3. *Omit* clause 3.
-

PLATE 10

2

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

Legislative Assembly Chamber,
Sydney, 9 August, 1875. }

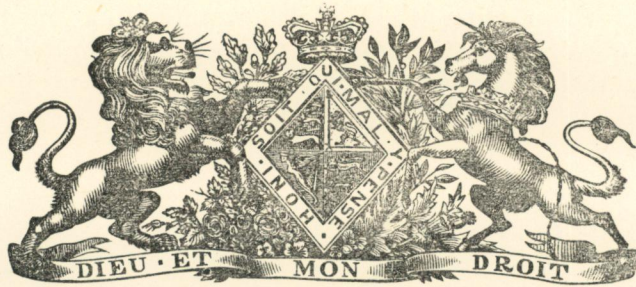
STEPHEN W. JONES,
Clerk of Legislative Assembly.

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

Legislative Council Chamber,
Sydney, 10th August, 1875. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO TRICESIMO NONO

VICTORIÆ REGINÆ.

No. .

An Act to amend the law as to the Custody of Infants.

WHEREAS it is expedient further to amend the law relating to the Preamble.
Custody of Infants Be it therefore enacted by the Queen's
Most Excellent Majesty by and with the advice and consent of the
Legislative Council and Legislative Assembly of New South Wales in
5 Parliament assembled and by the authority of the same as follows :—

1. From and after the passing of this Act it shall be lawful for Supreme Court may
the Supreme Court ~~or for the Primary Judge of the said Court in Equity~~ order mother to have
~~or during his absence or illness for any other Judge of the said Court in~~ access to infant.
its equitable jurisdiction upon hearing the petition by her next friend
10 of the mother of any infant or infants under ~~fourteen~~ sixteen years of
age to order that the petitioner shall have access to such infant or
infants at such times and subject to such regulations as the said Court
~~or Judge~~ shall deem proper or to order that such infant or infants
shall be delivered to the mother and remain in or under her custody
15 and control or shall if already in her custody or under her control
remain therein until such infant or infants shall attain such age not
280— exceeding

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

Custody of Infants.

exceeding ~~fourteen~~ sixteen as the Court shall direct and further to order that such custody or control shall be subject to such regulations as regards access by the father or guardian of such infant or infants and otherwise as the said Court shall deem proper.

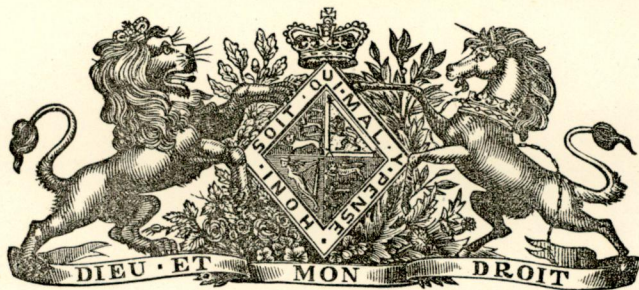
5 2. All orders which shall be made by virtue of this Act shall be enforced by process of contempt of the said Court. Order how enforced.

3. No order shall be made by virtue of this Act whereby any mother against whom adultery shall be established by judgment of the Supreme Court in its Divorce and Matrimonial Causes Jurisdiction at the suit of her husband shall have the custody of any infant or access to any infant anything herein contained to the contrary notwithstanding. No order in case of adultery.

4. 2. No agreement contained in any separation deed made between the father and mother of any infant or infants shall be held to be invalid by reason only of its providing that the father of such infant or infants shall give up the custody or control thereof to the mother. Provided always that no Court shall enforce any such agreement if the Court shall be of opinion that it will not be for the benefit of the infant or infants to give effect thereto. Agreement to give up children not to be invalid.

5. 3. The Act of the eighteenth Victoria number one intituled "*An Act to amend the law relating to the Custody of Infants*" shall be and is hereby repealed. Repeal of 18 Vic. No. 1.

New South Wales.



ANNO TRICESIMO NONO

VICTORIÆ REGINÆ.

No. XVI.

An Act to amend the Law as to the Custody of Infants. [Assented to, 11th August, 1875.]

WHEREAS it is expedient further to amend the law relating to the Custody of Infants Preamble. Be it therefore enacted by the Queen'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. From and after the passing of this Act it shall be lawful for the Supreme Court in its equitable jurisdiction upon hearing the petition by her next friend of the mother of any infant or infants under sixteen years of age to order that the petitioner shall have access to such infant or infants at such times and subject to such regulations as the said Court shall deem proper or to order that such infant or infants shall be delivered to the mother and remain in or under her custody and control or shall if already in her custody or under her control remain therein until such infant or infants shall attain such age not exceeding sixteen as the Court shall direct and further to order that such custody or control shall be subject to such regulations as regards access by the father or guardian of such infant or infants and otherwise as the said Court shall deem proper. Supreme Court may order mother to have access to infant.

Custody of Infants.

Agreement to give up children not to be invalid.

2. No agreement contained in any separation deed made between the father and mother of any infant or infants shall be held to be invalid by reason only of its providing that the father of such infant or infants shall give up the custody or control thereof to the mother. Provided always that no Court shall enforce any such agreement if the Court shall be of opinion that it will not be for the benefit of the infant or infants to give effect thereto.

Repeal of 18 Vict. No. 1.

3. The Act of the eighteenth Victoria number one intituled "*An Act to amend the law relating to the Custody of Infants*" shall be and is hereby repealed.

By Authority: THOMAS RICHARDS, Government Printer, Sydney, 1875.

[3d.]