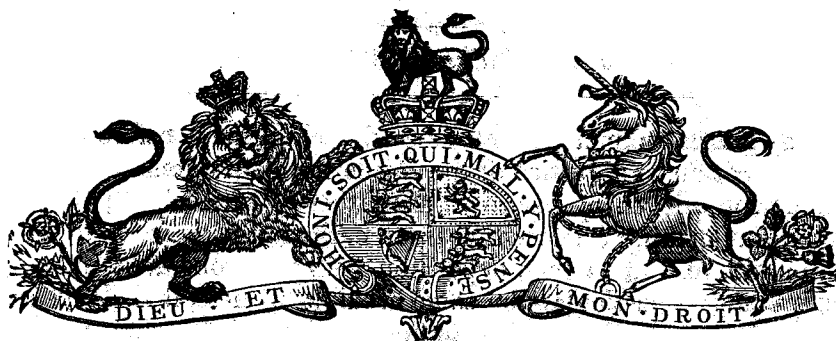


T A S M A N I A.



1898.

ANNO SEXAGESIMO-SECUNDO

VICTORIÆ REGINÆ,

No. 46.

AN ACT to amend "The Deserted Wives and Children Maintenance Act, 1873." A.D. 1898.
[29 October, 1898.]

WHEREAS a doubt has arisen as to whether a wife is a competent and admissible witness against her husband in a criminal proceeding against him under Section Fourteen of "The Deserted Wives and Children Maintenance Act, 1873," and it is desirable that the said doubt should be removed : PREAMBLE.

Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 In this Act, the expression "the said Act" shall mean "The Deserted Wives and Children Maintenance Act, 1873." Interpretation.
37 Vict. No. 14.

2 In any criminal proceeding instituted against a husband for desertion of his wife or child under Section Fourteen of the said Act, his wife shall be a competent witness against him, any Statute or Rule of Law to the contrary notwithstanding; and the defendant in any such criminal proceeding shall be a competent witness for the defence. Wife competent
witness against
husband under
Sect. 14 of
37 Vict. No. 14.

3 Section Ten of the said Act is hereby repealed, and in lieu thereof it is hereby enacted that no Order for the maintenance of any child under the said Act shall be of any force or effect after such child attains the age of Sixteen years, or, if a female, marries, whichever event first happens. Repeal of and
substitution for
Sect. 10 of
37 Vict. No. 14.

Deserted Wives and Children Maintenance Amendment.

A.D. 1898.

Reputed father of
unborn child may
be summoned to
show cause why
provision should
not be made for
child.

*No complaint can be
disposed of until
No order can be
made until after birth
of child
Beat & Cooney (Resp.
officer)
(McIntyre f. 27/2/98)*

4 Any single woman who may be with child may, before the birth, make application to a Justice of the Peace for a summons to be served on the person alleged by her to be the father of such child; and upon the applicant making a deposition upon oath stating who is the father of such child, and upon such deposition being corroborated upon oath in some material particulars by some credible witness, it shall be lawful for such Justice to issue his summons directed to such person to appear before any Two Justices to show cause why provision should not be made for the support of such child; and, in case it is also made to appear to the satisfaction of such Justice upon the oath of the said woman, or of some credible person, that there is reason to believe that the person against whom the complaint is made will not attend in obedience to such summons, then it shall be lawful for such Justice, instead of issuing such summons, to issue in the first instance his warrant for the apprehension of the person against whom the complaint is made to answer to the same, and to be further dealt with according to law.

Order may be
made for payment
of expenses
attending birth.

5 It shall be lawful for the Justices, when making an Order directing a defendant to pay any sum or sums for the support of his illegitimate child, to order him to also pay such sum, if any, as they may think fit for nursing and medical attendance upon the mother in connection with the birth of such child.

Person leaving
wife or child for
three months
without support
guilty of misde-
meanour.

6 If any person being of sufficient means shall without reasonable cause or excuse leave his wife or child without means of support for a period of Three consecutive months, he shall be guilty of a misdemeanour, and shall, upon conviction thereof, be liable to imprisonment with hard labour for any period not exceeding One year, and the proof of want of sufficient means and of the existence of reasonable cause or excuse shall be upon the person charged with an offence under this Section.

Short title.

7 This Act may be cited as "The Deserted Wives and Children Maintenance Amendment Act, 1898."

Acts to be read
together.

8 The said Act, as amended by this Act, and this Act shall be read and construed together as one Act.