CHAPTER 39.

An Act to amend the Law relating to the Summary Jurisdiction of Magistrates in reference to Married Women. [6th July 1895.]

BE it 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:—

Short title.

1. This Act may be cited for all purposes as the Summary Jurisdiction (Married Women) Act, 1895.

Application of Act.

2. This Act shall not extend to Scotland or Ireland.

Commencement of Act.

3. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-six.

By and to whom orders may be applied for. 24 & 25 Vict. c. 100.

4. Any married woman whose husband shall have been convicted summarily of an aggravated assault upon her within the meaning of section forty-three of the Offences against the Person Act, 1861, or whose husband shall have been convicted upon indictment of an assault upon her, and sentenced to pay a fine of more than five pounds or to a term of imprisonment exceeding two months, or whose husband shall have deserted her, or whose husband shall have been guilty of persistent cruelty to her, or wilful neglect to provide reasonable maintenance for her or her infant children whom he is legally liable to maintain, and shall by such cruelty or neglect have caused her to leave and live separately and apart from him, may apply to any court of summary jurisdiction acting within the city, borough, petty sessional or other division or district, in which any such conviction has taken place, or in which the cause of complaint shall have wholly or partially arisen, for an order or orders under this Act: Provided that where a married woman is entitled to apply for an order or orders under this section on the ground of the conviction of her husband upon indictment, she may apply to the court before whom her husband has been convicted, and that court shall, for the purposes of this section, become a court of summary jurisdiction, and shall have the power without a jury to hear an application, and make the order or orders applied for.

Powers of court.

5. The court of summary jurisdiction to which any application under this Act is made may make an order or orders containing all or any of the provisions following, viz.:—

(*a.*) A provision that the applicant be no longer bound to cohabit with her husband (which provision while in force shall have the effect in all respects of a decree of judicial separation on the ground of cruelty):

(*b.*) A provision that the legal custody of any children of the marriage between the applicant and her husband, while under the age of sixteen years, be committed to the applicant:

(*c.*) A provision that the husband shall pay to the applicant personally, or for her use, to any officer of the court or third person on her behalf, such weekly sum not exceeding two pounds as the court shall, having regard to the means both of the husband and wife, consider reasonable:

(*d.*) A provision for payment by the applicant or the husband, or both of them, of the costs of the court and such reasonable costs of either of the parties as the court may think fit.

Limitations of powers of court.

6. No orders shall be made under this Act on the application of a married woman if it shall be proved that such married woman has committed an act of adultery: Provided that the husband has not condoned, or connived at, or by his wilful neglect or misconduct conduced to such act of adultery.

Court may vary or discharge order.

7. A court of summary jurisdiction acting within the city, borough, petty sessional or other division or district, in which any order under this Act or the Acts mentioned in the schedule hereto, or either of them, has been made, may, on the application of the married woman or of her husband, and upon cause being shown upon fresh evidence to the satisfaction of the court at any time, alter, vary, or discharge any such order, and may upon any such application from time to time increase or diminish the amount of any weekly payment ordered to be made, so that the same do not in any case exceed the weekly sum of two pounds. If any married woman upon whose application an order shall have been made under this Act, or the Acts mentioned in the schedule hereto, or either of them, shall voluntarily resume cohabitation with her husband, or shall commit an act of adultery, such order shall upon proof thereof be discharged.

Procedure.

8. All applications under this Act shall be made in accordance with the Summary Jurisdiction Acts, and, in the case of a conviction of a husband for aggravated assault upon his wife, her application may, by leave of the court, be made by summons to be issued and made returnable immediately upon such conviction.

Enforcement of orders for payment of money.

9. The payment of any sum of money directed to be paid by any order under this Act may be enforced in the same manner as the payment of money is enforced under an order of affiliation.

Court may refuse an order in cases more fit for the High Court.

10. If in the opinion of a court of summary jurisdiction the matters in question between the parties or any of them would be more conveniently dealt with by the High Court, the court of summary jurisdiction may refuse to make an order under this Act, and in such case no appeal shall lie from the decision of the court of summary jurisdiction: Provided always, that the High Court or a judge thereof shall have power by order in any proceeding in the High Court relating to or comprising the same subject matter as the application so refused as aforesaid, or any part thereof, to direct the court of summary jurisdiction to rehear and determine the same.

Appeal.

11. Save as is herein-before provided, an appeal shall lie from any order or the refusal of any order by a court of summary jurisdiction

under this Act to the Probate, Divorce, and Admiralty Division of the High Court of Justice. Rules of court may from time to time be made regulating the practice and procedure in such appeals. And, until altered or repealed, any rules already made as to appeals under section four of the Matrimonial Causes Act, 1878, shall apply to appeals under this Act.

Repeal of Acts.

12. The Acts specified in the schedule to this Act are hereby repealed to the extent therein mentioned, except so far as they apply to Ireland.

SCHEDULE.

ENACTMENTS REPEALED.

Year and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 19. -	Matrimonial Causes Act, 1878	Section four.
49 & 50 Vict. c. 52. -	Married Women (Maintenance in Case of Desertion) Act, 1886.	The whole Act.

CHAPTER 40.

An Act to amend the Corrupt and Illegal Practices Prevention Act, 1883. [6th July 1895.]

BE it 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:—

Certain false statements concerning a candidate to be an illegal practice.

46 & 47 Vict. c. 51.

1. Any person who, or the directors of any body or association corporate which, before or during any parliamentary election, shall, for the purpose of affecting the return of any candidate at such election, make or publish any false statement of fact in relation to the personal character or conduct of such candidate shall be guilty of an illegal practice within the meaning of the provisions of the Corrupt and Illegal Practices Prevention Act, 1883, and shall be subject to all the penalties for and consequences of committing an illegal practice in the said Act mentioned, and the said Act shall be taken to be amended as if the illegal practice defined by this Act had been contained therein.

Evidence on hearing of charge under the Act.

2. No person shall be deemed to be guilty of such illegal practice if he can show that he had reasonable grounds for believing, and did believe, the statement made by him to be true.