

ANNO DECIMO OCTAVO

VICTORIÆ REGINÆ.

No. I.

An Act to amend the Law relating to the Custody of Infants. [10th July, 1854.] INFANTS' CUSTODY.

WHEREAS it is expedient to amend the Law relating to the custody of Infants Be it therefore enacted by His Excellency the Governor of New South Wales by and with the advice and consent of the Legislative Council thereof as follows:—

1. It shall be lawful 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 of the mother of an Infant being in the sole custody or control of the father thereof or of any person by his authority or of any guardian after the death of the father if the said Court or Judge shall see fit to make order for the access of the petitioner to such Infant at such times and subject to such regulations as the said Court or Judge shall deem convenient and just And if such Infant shall be within the age of seven years to make order that such Infant shall be delivered to and remain in the custody of the petitioner until attaining such age subject to such regulations as the said Court or Judge shall deem convenient and just.

Preamble.

Mother petitioning may obtain access to her Infant under regulations.

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

Orders may be enforced by process of contempt.

3. Provided always and be it enacted That no order shall be made by virtue of this Act whereby the mother against whom adultery shall be established by judgment in an action for criminal conversation at the suit of her husband or by the sentence of a Court exercising Ecclesiastical Jurisdiction shall have the custody of any Infant or access to any Infant anything herein contained to the contrary notwithstanding.

Unless in cases of adultery.