

## No. XVI.

CUSTODY OF  
INFANTS.  
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### An Act to amend the Law as to the Custody of Infants. [11th August, 1875.]

Preamble.

**W**HEREAS it is expedient further to amend the law relating to the 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 Parliament assembled and by the authority of the same as follows:—

Supreme Court may  
order mother to have  
access to infant.

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

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*(Consolidated Fund) Appropriation.*

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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.

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.

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Victoria number one intituled "An Act to amend the law relating to the Custody of Infants" shall be and is hereby repealed.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

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