

No. 75

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1st Session, 14th Legislature, Alberta  
8 Elizabeth II

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## **BILL 75**

A Bill to amend The Domestic Relations Act

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HON. MR. MANNING

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## Explanatory Note

1. This amendment will increase the weekly maximum maintenance from \$30.00 to \$40.00; it will enable a wife with the care and custody of children to obtain a maintenance order against the husband where she is not a "deserted wife". Section 27(1) and (2) reads:

"27. (1) A married woman shall be deemed to have been deserted within the meaning of this Part, when she is, in fact, living apart from her husband, whether on account of cruelty on the part of the husband, or on account of the refusal or neglect by the husband without sufficient cause to supply her with food and other necessaries when able to do so.

(2) A married woman deserted by her husband may apply to a magistrate who, on being satisfied that her husband being able, wholly or in part, to maintain his wife or his wife and family, has wilfully neglected to do so, and has deserted her, may summons the husband to appear before him and may, after due hearing, order that the husband pay to the applicant personally, or for her use to a third person on her behalf and named in the order, such weekly sum not exceeding thirty dollars for the maintenance of his wife or his wife and family, as the magistrate considers reasonable having regard to the means both of the husband and wife."

# BILL

No. 75 of 1960

An Act to amend The Domestic Relations Act

(Assented to \_\_\_\_\_, 1960)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** *The Domestic Relations Act*, being chapter 89 of the Revised Statutes, is amended as to section 27 by

- (a) striking out the word "thirty" in subsection (2) and by substituting the word "forty",
- (b) by adding immediately after subsection (2) the following subsection:

(2a) Where a married woman has not been deserted by her husband, if she has the care and custody of their children she may apply to a magistrate for an order for maintenance restricted to the maintenance of the children, and the application may be dealt with in every other respect as an application under subsection (2) by a deserted wife.

**2.** This Act comes into force on the day upon which it is assented to.

No. 75

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FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

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**BILL**

An Act to amend The Domestic  
Relations Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. MANNING

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