

Bill No. 26 of 1933.

A BILL TO AMEND THE DOMESTIC RELATIONS
ACT, 1927.

NOTE.

Section 2 of this Bill enables a deserted married woman to bring an action for alimony in circumstances where she would be entitled to a judgment for the restitution of conjugal rights.

Section 3 of the Bill amends section 16 of the Act empowering the Court to order the payment of a wife's costs by extending the power to cases where the wife is not the plaintiff.

Section 4 of the Bill amends the provisions of section 26 of the Act which provides for the granting of separation and maintenance orders, and in lieu thereof provides that a magistrate may grant a maintenance order, and further makes express provision for an appeal by way of a stated case as well as an appeal to the District Court in respect of orders made under this section.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 26 of 1933.

An Act to amend The Domestic Relations Act, 1927.

(Assented to _____, 1933.)

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

1. This Act may be cited as "*The Domestic Relations Act, 1927, Amendment Act, 1933.*"

2. *The Domestic Relations Act, 1927*, being chapter 5 of the Statutes of Alberta, 1927, is hereby amended as to section 15 thereof by adding at the end thereof the words "or a judgment for restitution of conjugal rights."

3. The said Act is further amended as to section 16 thereof by striking out the words "brought by the wife" and the words "the bringing of" where the same occur in subsection (4) of the said section.

4. The said Act is further amended as to section 26 thereof—

(a) by striking out subsection (2) thereof and by substituting therefor the following:

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

(b) by striking out the words "may appeal from such order or refusal to the District Court" where the same occur in clause (a) of subsection (3) thereof, and by substituting therefor the words "may appeal from such order or refusal either by way of stated case under the provisions of Part XV of the *Criminal Code*, or to the District Court."

5. This Act shall come into force on the day upon which it is assented to.

No. 26.

THIRD SESSION
SEVENTH LEGISLATURE
23 GEORGE V
1933

B I L L

An Act to amend The Domestic Relations Act, 1927.

Received and read the

First time.....

Second time

Third time

HON. MR. LYMBURN.

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1933