

WESTERN AUSTRALIA

ANNO TRIGESIMO QUARTO

VICTORIÆ REGINÆ

No. 7

An Act to amend the procedure and powers of the Court
for Divorce and Matrimonial Causes.

[Assented to 2nd January, 1871.]

WHEREAS by number 19 of the Ordinances passed in the 27th 27 Vic., No. 19,
year of the reign of Her present Majesty, intituled 'An s. 29
Ordinance to regulate Divorce and Matrimonial Causes,' it is by the
twenty-ninth section enacted that the Court may, on pronouncing
any decree for a dissolution of marriage, order that the husband shall
to the satisfaction of the Court secure to the wife such gross or annual

Administration of Justice (Divorce, &c.)

sum of money as to the Court may seem reasonable, and for that purpose may refer it to any conveyancing counsel to settle and approve of a proper deed to be executed by all necessary parties : And whereas it may happen that a decree for a dissolution of marriage may be obtained against a husband who has no property on which payment of any such gross or annual sum can be secured, but nevertheless he would be able to make a monthly or weekly payment to the wife during their joint lives : Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows :—

Power to order
monthly or
weekly payments
to wife from
husband on
dissolution of
marriage

1. In every such case it shall be lawful for the Court to make an order on the husband for payment to the wife during their joint lives of such monthly or weekly sums for her maintenance and support as the Court may think reasonable : Provided, always, that if the husband shall afterwards from any cause become unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revise the same order, wholly or in part, as to the Court may seem fit.

In case of oppo-
sition on certain
grounds

2. In any suit instituted for dissolution of marriage, if the respondent shall oppose the relief sought on the ground in case of such a suit instituted by a husband of his adultery, cruelty, or desertion, or in case of such a suit instituted by a wife on the ground of her adultery, or cruelty, the Court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had filed a petition seeking such relief.

Decree *nisi* not
absolute till
after six months

3. No decree *nisi* for a divorce shall be made absolute until after the expiration of six calendar months from the pronouncing thereof, unless the Court shall, under the power now vested in it, fix a shorter time.

FREDK. A. WELD,

GOVERNOR AND COMMANDER-IN-CHIEF.