

T A S M A N I A.



1874.

ANNO TRICESIMO-OCTAVO

VICTORIÆ REGINÆ.

No. 8.

AN ACT to amend the Law as to the Custody of Infants. A.D. 1874. [18 September, 1874.]

WHEREAS it is expedient further to amend the Law relating to the Custody of Infants: PREAMBLE.

Be it therefore enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 From and after the passing of this Act it shall be lawful for the Supreme Court of Tasmania or a Judge thereof, 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 as the Court or Judge shall deem proper, or to order that such infant or infants shall be delivered to the mother and remain in or under her custody or 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 or Judge 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 or Judge shall deem proper. Supreme Court may order that mother may have access to and custody of infant under Sixteen years.

2 No agreement contained in any separation deed made between the father and mother of an 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; but the said Court shall not be bound to 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. In case of separation deed between father and mother.

3 This Act may be cited as "The Infants' Custody Act, 1874." Short title.

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