

## TRINIDAD AND TOBAGO.

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I ASSENT,

[L.S.]

A. C. HOLLIS,  
*Governor.*

12th December, 1934.

AN ORDINANCE to repeal the Maintenance Ordinance,  
Cap. 66 and to make other provisions in lieu thereof.

**B**E it enacted by the Governor of Trinidad and Tobago  
with the advice and consent of the Legislative  
Council thereof as follows:—

Short title.

1. This Ordinance may be cited as the Summary  
Jurisdiction (Married Women) Ordinance, 1934.

Interpre-  
tation.  
(Cap. 24).

2. In this Ordinance "Court" shall have the same  
meaning as defined in the Summary Conviction Offences  
(Procedure) Ordinance.

Grounds on  
which orders  
may be made.

3. Any married woman whose husband

(Cap. 25).

(a) shall have been convicted summarily of an  
aggravated assault upon her within the  
meaning of section 5 of the Summary Conviction  
Offences Ordinance; or

(b) shall have been convicted upon indictment of an  
assault upon her and sentenced to pay a fine  
of more than twenty-four dollars or to a term of  
imprisonment exceeding two months; or

- (c) shall have deserted her ; or
- (d) shall have been guilty of persistent cruelty to her or her children or of wilful neglect to provide reasonable maintenance for her or her infant children whom he is legally liable to maintain ; or
- (e) while suffering from venereal disease and knowing that he was so suffering insisted on having sexual intercourse with her ; or
- (f) has compelled her to submit herself to prostitution and for the purposes of this paragraph where the husband has, in the opinion of the Court, been guilty of such conduct as was likely to result and has resulted in her submitting herself to prostitution he shall be deemed to have compelled her so to submit herself ;

may apply to the Court of the district in which any such conviction has taken place, or in which the cause of complaint shall have wholly or partially arisen for an order or orders under this Ordinance. Provided that where a married woman is entitled to apply for an order or orders under this section on the ground of the conviction of her husband upon indictment, she may apply to the Court before whom her husband has been convicted and that Court shall for the purposes of this section become a Court of summary jurisdiction and shall have the power without a jury to hear the application and make the order or orders applied for.

4. (1) The Court to which any application under this Ordinance is made, may make an order or orders containing all or any of the provisions following, namely:—

- (a) A provision that the applicant be no longer bound to cohabit with her husband (which provision while in force shall have the effect in all respects of a decree of judicial separation on the ground of cruelty) ;
- (b) A provision that the legal custody of any children of the marriage between the applicant and her husband, while under the age of sixteen years, be committed to the applicant ;

Powers of Court.

- (c) A provision that the husband shall pay to the applicant personally, or for her use, to any officer of the Court or third person on her behalf such weekly sum not exceeding ten dollars as the Court shall, having regard to the means both of the husband and wife, consider reasonable ;
- (d) A provision that, notwithstanding the adultery of the applicant prior to the application, the husband shall pay to the applicant or to any officer of the Court or a third person, a weekly sum not exceeding two dollars for the maintenance of each child of the applicant whom the husband is legally liable to maintain, until each such child attains the age of sixteen years and in such case and if the Court thinks fit, it may make a further provision that the legal custody of the children while under the age of sixteen years shall be committed to a relative of the applicant or of her husband or to a third person. In making such provision the Court shall have regard primarily to the interests of the children.
- (e) A provision for payment by the applicant or the husband or both of them, of the costs of the Court and such reasonable costs including the costs of Solicitor or Counsel of either of the parties as the Court may think fit.

(2) Where, on the hearing of an application for an order of maintenance the application is adjourned for any period exceeding one week the Court may order that the husband do pay to the wife or to an officer of the Court or third person on her behalf a weekly sum (not exceeding such an amount as might be ordered to be paid under a final order) for the maintenance of the wife and any child or children in her custody until the final determination of the case : Provided that the order directing such payment shall not remain in operation for more than three months from the date on which it was made. Any such order shall be enforced in like manner as if it were a final order of the Court.

Limitations  
powers of  
Court.

5. No order shall be made under this Ordinance on the application of a married woman if it shall be proved that such married woman has committed an act of adultery ;

Provided that the husband has not condoned, or connived at, or by his wilful neglect or misconduct conduced to such act of adultery.

6. (1) A Court in which any order under this Ordinance has been made may, on the application of the married woman or of her husband, and upon cause being shown upon fresh evidence to the satisfaction of the Court, at any time alter, vary or discharge any such order, and may upon any such application from time to time increase or diminish the amount of any weekly payment ordered to be made, so that the same do not in any case exceed the weekly sum of ten dollars. If any married woman upon whose application an order shall have been made under this Ordinance shall voluntarily resume cohabitation with her husband or shall commit an act of adultery, such order shall upon proof thereof be discharged.

Court may vary or discharge order.

Provided that the Court may, if the Court think fit—

- (a) refuse to discharge the order if in the opinion of the Court such act of adultery as aforesaid was conduced to by the failure of the husband to make such payments as in the opinion of the Court he was able to make under the order ; and
- (b) in the event of the order being discharged, make a new order that the legal custody of the children of the marriage shall continue to be committed to the wife, or shall be committed to a relative of the wife or of the husband or to a third person, and that the husband shall pay to the wife, or any officer of the Court or third person on their behalf a weekly sum not exceeding two dollars for the maintenance of each such child until the child attains the age of sixteen years. In making such an order the Court shall have regard primarily to the interests of the children.

(2) When a married woman with respect to whom an order has been made under the Maintenance Ordinance, Cap. 66 resumes cohabitation with her husband after living apart from him, or where she has before the date of the commencement of this Ordinance so resumed cohabitation, and is at that date cohabiting with him, the order shall cease to have effect on the resumption of such cohabitation or at the commencement of this Ordinance as the case may be.

Procedure. 7. Proceedings under this Ordinance may be taken in  
 (Cap. 24). the manner provided by the Summary Conviction Offences  
 (Procedure) Ordinance, and an appeal shall lie to the Full  
 Court from any order or judgment of the Court made or  
 given under this Ordinance and the procedure in respect of  
 such appeal shall be as is laid down in the said Ordinance.

Enforcement of orders. 8. All sums of money directed to be paid to any person  
 (Cap. 65). by any order made under this Ordinance shall be paid into  
 the Court making such order and the payment of the same  
 may be enforced in the same manner as payment of money  
 is enforced under an order made under the Bastardy  
 Ordinance.

Repeal of Cap. 66 and saving. 9. The Maintenance Ordinance is hereby repealed.  
 Provided that any order in force thereunder shall continue  
 in force and so far as it could have been made or granted  
 under this Ordinance shall have effect as if made or granted  
 under this Ordinance

Passed in Council this seventh day of December,  
 in the year of Our Lord one thousand nine hundred and  
 thirty-four.

J. O'CONNOR,  
*Clerk of the Council.*