

UNEDITED

# *The Deserted Wives' Maintenance Act*

*being*

Chapter 154 of *The Revised Statutes of Saskatchewan, 1920*  
(assented to November 10, 1920).

FOR HISTORICAL REFERENCE ONLY

**NOTE:**

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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## CHAPTER 154

### An Act respecting the Maintenance of Wives deserted by their Husbands

#### Short title

1 This Act may be cited as *The Deserted Wives Maintenance Act*.

1910–11, c.14, s.1; R.S.S. 1920, c.154, s.1.

#### Interpretation

2(1) “**Court**” means the judge of the district court of the judicial district in which the cause of complaint has wholly or partially arisen sitting and acting as a justice of the peace, or, subject to the provisions of *The Police Magistrates Act*, the police magistrate appointed under the provisions of the said Act of a city or town situate within the judicial district in which the cause of complaint has wholly or partially arisen sitting and acting as a justice of the peace, or any two justices of the peace residing within such judicial district.

#### “Deserted”

(2) A married woman shall be deemed to have been deserted within the meaning of this Act when she is living apart from her husband because of his acts of cruelty or his refusal or neglect without sufficient cause to supply her with food and other necessaries when able to do so.

1910–11, c. 14, s.2; R.S.S. 1920, c.154, s.2.

#### Order for payment of support

3 A married woman deserted by her husband may summon him before the court, which if satisfied that the husband being able wholly or in part to maintain his wife or his wife and family has wilfully refused or neglected so to do and has deserted his wife, may order that the husband shall pay to his wife such weekly sum not exceeding \$10 with or without costs as the court may consider proper having regard to his means and to any means the wife may have for her support and the support of the family.

1910–11, c.14, s.3; R.S.S. 1920, c.154, s.3.

#### Proceedings in case of nonpayment

4(1) In case of nonpayment of any sum so ordered together with costs, if any, within twenty-one days after the order has been made or such less time as the order provides, and when and so often as the payment so ordered is in arrear such married woman may procure from the court a summons returnable on the tenth day after the service thereof.

(2) The summons may be served on the husband either personally or in such other manner as the court may in writing direct and shall require the husband to attend at the time and place mentioned therein to show cause why the order should not be enforced as hereinafter provided.

(3) The applicant and all witnesses whom the court thinks proper may be examined on oath touching the inquires to be made on the return of the summons.

(4) If the husband does not attend as required by the summons or does not show a sufficient reason for not attending or does not satisfy the court that he is unable to pay the sum ordered to be paid, the court may enforce the order by the like proceedings as under part XV of *The Criminal Code* are applicable in the case of a fine or penalty imposed by a justice of the peace.

1910–11, c.14, s.4; R.S.S. 1920, c.154, s.4.

**Power to vary order**

5 The court shall have power from time to time to vary the order on the application of either the husband or the wife upon proof that the means of the husband or the wife have been altered in amount since the making of original order or any subsequent order varying it.

1910–11, c.14, s.5; R.S.S. 1920, c.154, s.5.

**Order not made when wife guilty of adultery**

6(1) No order shall be made in favour of a wife who is proved to have committed adultery unless the adultery has been condoned; and any order may be rescinded by the court upon proof that the wife since the making thereof has been guilty of adultery if it has not been condoned.

(2) A finding by the court that adultery has been proved shall not be evidence of the adultery except for the purposes of proceedings under this Act.

1910–11, c.14, s.6; R.S.S. 1920, c.154, s.6.

**Trial may be private**

7 Cases arising under this Act may in the discretion of the court be heard in private.

1910–11, c.14, s.7; R.S.S. 1920, c.154, s.7.

**Rehearing**

8 The court may at any time rehear the application at the instance of the husband after notice to the wife and may confirm, rescind or vary any order made thereon as it deems just.

1910–11, c.14, s.8; R.S.S. 1920, c.154, s.8.

**Procedure**

9 Save as is otherwise specially provided by this or any other Act, the provisions of Part XV and Part XXII of *The Criminal Code*, shall apply to all proceedings under this Act save and except that no appeal shall lie from any order made under this Act where the order has been made by a judge of the district court or by the police magistrate of a city or town.

1918–19, c.63, s.1; R.S.S. 1920, c.154, s.9.

**Existing rights preserved**

10 Nothing in this Act contained shall be construed in any wise to prejudice, abridge, curtail, defeat or otherwise affect any civil or other remedy at law of a married woman against her husband which she would otherwise have but for this Act.

1910–11, c.14, s.10; R.S.S. 1920, c.154, s.10.