

UNEDITED

The Deserted Wives' and Children's Maintenance Act

being

Chapter 305 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY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 305

An Act respecting the Maintenance of Deserted Wives and Children

SHORT TITLE

Short title

1 This Act may be cited as *The Deserted Wives' and Children's Maintenance Act*.

R.S.S. 1953, c.305, s.1.

INTERPRETATION

Interpretation

2(1) In this Act:

“acts of cruelty”

1 “**acts of cruelty**” means conduct creating a danger to life, limb or health, or any course of conduct which in the opinion of the court is grossly insulting and intolerable or is of such a character, without proof of actual personal violence, that the wife or children seeking maintenance could not reasonably be expected to be willing to live with the husband or parent after he has been guilty of the same;

“child”

2 “**child**” means a child under the age of sixteen years and includes:

(a) a child under twenty-one years of age who, because of physical or mental disability, is unable to provide himself with food or other necessities;

(b) a child under sixteen years of age, whether legitimate or born out of wedlock, of a woman who became the wife of a man who at the time of the marriage was aware of the existence of the child;

(c) a child, under sixteen years of age, of a man and woman who, not being married to one another, have lived together and cohabited for a period of at least one year, where proceedings under this Act are commenced within two years from the time the parties ceased living together and cohabiting or from the time the parent last gave support or maintenance for the child;

“court”

3 “**court**” means the judge of any district court sitting and acting as a justice of the peace, or a police magistrate sitting and acting as a justice of the peace;

“department”

4 “**department**” mean the Department of Social Welfare and Rehabilitation;

“minister”

5 “**minister**” means the Minister of Social Welfare and Rehabilitation.

(2) For the purposes of this Act:

Deserted wife

1 A wife shall be deemed to have been deserted:

(a) when her husband has without sufficient cause refused or neglected to supply food or other necessities for her; or

(b) when her husband is guilty of adultery which has not been condoned; or

- (c) when she is living apart from her husband because of his acts of cruelty;

Deserted child

- 2 A child shall be deemed to have been deserted by his parent:

- (a) when the parent has without sufficient cause refused or neglected to supply food or other necessities for the child; or
- (b) when the child has left or has been removed from the home of the parent because of neglect by or misconduct or acts of cruelty of the parent;

Parents

- 3 A man and woman referred to in clause (b) or (c) of paragraph 2 of subsection (1) shall be deemed to be parents of a child referred to in the said clause (b) or (c).

1950, c.73, s.2; R.S.S. 1953, c.305, s.2.

COMPLAINT AND SUMMONS

Complaint by wife and issue of summons

- 3(1) Upon complaint in writing in form A that a wife is deserted, the court may issue a summons (form B) requiring the husband to appear at a time and place mentioned in the summons and show cause why he should not be ordered to pay a sum sufficient to provide her and her children, if any, with food and other necessities.

- (2) Complaint may be laid by the wife or, where she resides in a municipality, by such officer of the municipality as the council may appoint for the purpose, or, where she resides in a local improvement district, by such person as the Minister of Municipal Affairs may designate for the purpose, or in any case by such officer of the department as the minister may designate for the purpose.

- (3) A complaint may be sworn before any justice of the peace, notary public, commissioner for oaths or police magistrate or before the judge of any district court.

1950, c.73, s.3; R.S.S. 1953, c.305, s.3.

Complain by child and issue of summons

- 4(1) Upon complaint in writing in form C that a child is deserted, the court may issue a summons (form D) requiring the parent of the child to appear at a time and place mentioned in the summons and show cause why the parent should not be ordered to pay a sum sufficient to provide the child with food and other necessities.

- (2) Complaint may be laid by a person having the care and custody of a deserted child or, where the child resides in a municipality, by such officer of the municipality as the council may appoint for the purpose, or, where the child resides in a local improvement district, by such person as the Minister of Municipal Affairs may designate for the purpose, or in any case by such officer of the department as the minister may designate for the purpose.

- (3) A complaint may be sworn before any justice of the peace, notary public, commissioner for oaths or police magistrate or before the judge of any district court.

1950, c.73, s.4; R.S.S. 1953, c.305, s.4.

ORDER FOR PAYMENT

Power of court to make orders

5(1) In case of a complaint under section 3 the court, make orders if satisfied that the wife is deserted, may make an order (form E) with or without costs, that the husband shall pay to his wife, or to a named person on her behalf, such weekly or monthly sum as the court may consider proper having regard to his means and any means the wife may have to supply herself and her children, if any, with food and other necessities. The order shall specify the date on which the first payment and costs, if any, shall be made; and in addition to the ordinary costs the court may allow a fee for counsel.

(2) In case of a complaint under section 4 the court, if satisfied that the child is deserted, may make an order (form F) with or without costs, that the parent shall pay to the minister, on the child's behalf, such weekly or monthly sum as the court may consider proper having regard to the means of the parent and any means the child may have to supply himself with food and other necessities. The order shall specify the date on which the first payment and costs, if any, shall be made; and in addition to the ordinary costs the court may allow a fee for counsel.

(3) Where an order is made under subsection (1) or (2) the court shall forthwith forward to the minister a duplicate original or certified copy of the order.

1950, c.73, s.5; R.S.S. 1953, c.305, s.5.

Order for children under application by wives

6 Where a complaint is laid under section 3 and the court is satisfied that an order should not be made in favour of the wife but that a child has been deserted, the court may make an order for the support of the child as if the complaint had been laid under section 4.

1950, c.73, s.6; R.S.S. 1953, c.305, s.6.

Adjournment of hearing

7(1) In case of a complaint under section 3, the hearing may be adjourned from time to time at the request of either party, and if the hearing is adjourned at the request of the husband the court may order that the husband shall pay to his wife such sum as the court may consider proper for her support and the support of children, if any, pending disposal of the matter, and the court may order payment to be made in a lump sum or by instalments.

(2) In case of a complaint under section 4, the hearing may be adjourned from time to time at the request of either party, and if the hearing is adjourned at the request of the parent the court may order that the parent shall pay such sum as the court may consider proper for the support of the child pending disposal of the matter, and the court may order payment to be made in a lump sum or by instalments.

1950, c.73, s.7; R.S.S. 1953, c.305, s.7.

Power to vary order

8(1) Upon application the court may vary an order made under this Act or any former *Deserted Wives' and Children's Maintenance Act* upon proof that the means or circumstances of the husband, parent, wife or child have altered since the making of the original order or any subsequent order varying it.

(2) The application may be made by the husband, parent, wife or the person having the care and custody of the child or by any other person mentioned in subsection (2) of section 3 or subsection (2) of section 4.

1950, c.73, s.8; 1953, c.89, s.1; R.S.S. 1953, c.305, s.8.

Rehearing on application of husband or parents

9 The court may at any time rehear an application at the instance of the husband or parent after notice to the wife or child and, if the application was made by a person other than the wife or child, to such person, and may confirm, rescind or vary any order made thereon.

1950, c.73, s.9; R.S.S. 1953, c.305, s.9.

Maintenance order where separation agreement exists

10 Subject to section 11 but otherwise notwithstanding anything contained in this Act, where a husband and wife are living apart under a separation agreement an order may be made in favour of the wife where:

- (a) by the agreement the husband has agreed to contribute to the support and maintenance of his wife and is in default thereunder;
- (b) by the agreement the husband has not provided suitably according to his circumstances for the support and maintenance of his wife; or
- (c) the wife has become or is likely to become a public charge or in need of public assistance;

whether or not the agreement contains provision whereby the wife has agreed to release her husband from liability or further liability for her support and maintenance or to the effect that this Act shall not apply.

1950, c.73, s.10; R.S.S. 1953, c.305, s.10.

Order not made when wife guilty of adultery

11(1) No order shall be made in favour of a wife who is proved to have committed adultery unless the adultery has been condoned or by the husband's misconduct condoned to, and any order may be rescinded by the court upon proof that the wife since the making thereof has been guilty of adultery which has not been condoned or by the husband's misconduct condoned to.

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

1950, c.73, s.11; R.S.S. 1953, c.305, s.11.

Bond or deposit

12(1) Upon making a maintenance order the court may require the husband or parent to give a bond (form G) payable to the minister in a sum not exceeding \$1,000 with sufficient sureties approved by the court and conditioned for the fulfilment of the order, or to make a deposit not exceeding \$1,000, to secure the fulfilment of the order, and if the husband or parent does not furnish a bond or make a deposit as required by the court, the court may commit the husband or parent to a common jail for such period as the court may direct, there to remain unless the bond is sooner given or cash deposit made.

(2) Upon receipt of a bond or deposit the court shall transmit it to the minister.

1950, c.73, s.12; R.S.S. 1953, c.305, s.12.

ENFORCEMENT OF ORDERS

Forfeiture of deposit

13(1) In case of non-payment of any sum ordered to be paid, the person who laid the complaint under section 3 or 4, or an officer of the department designated by the minister for the purpose, may apply to the court, by affidavit setting forth the facts, for forfeiture of any deposit made for fulfilment of the order, and upon such application the court may make an order forfeiting the deposit.

(2) Upon forfeiture of a deposit the minister may apply the money deposited in or towards payment of the costs of the forfeiture proceedings and of moneys then and from time to time payable under the maintenance order and unpaid, and the fact that moneys have been so applied shall not bar the institution or continuation of proceedings under sections 14 and 15.

1950, c.73, s.13; R.S.S. 1953, c.305, s.13.

Enforcement under *Criminal Code*

14(1) In case of non-payment of any sum ordered to be paid 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 any payment ordered is in arrears, the person who laid the complaint under section 3 or 4 or such officer of the department as the minister may designate for the purpose may, upon complaint made in writing in form H, procure from the court a summons (form I) returnable not earlier than the seventh day after service thereof.

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

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

(4) If the husband or parent 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 the provisions of the Criminal Code relating to summary convictions are applicable in the case of a fine or penalty imposed by a justice of the peace.

(5) Commitment of a person to jail pursuant to subsection (4) does not affect enforcement of the maintenance order under any other provisions of this Act.

(6) In case of non-payment of any sum ordered to be paid and in case a bond has been given for fulfilment of the order, the court may, upon application by the person who laid the complaint under section 3 or 4, or such officer of the department as the minister may designate for the purpose, made by affidavit setting forth the facts, order the sureties or any of them to pay, within a specified period, to the minister on behalf of the wife or child the sum stated in the bond, and the court may enforce such order by the like proceedings as under the provisions of the Criminal Code relating to summary convictions are applicable in the case of a fine or penalty imposed by a justice of the peace.

1950, c.73, s.14; R.S.S. 1953, c.305, s.14.

Registration of orders and enforcement by garnishment

15(1) A maintenance order made under the foregoing provisions of this Act, or a copy of such order certified by the person who made the order or by a person acting in his stead, may be filed in any district court.

(2) Where an order is filed under subsection (1), the person who laid the complaint under section 3 or 4, or an officer of the department designated by the minister for the purpose, may apply *ex parte* to the judge of the district court in which the order is riled to endorse on the order the amount then in default.

(3) Upon such application and upon proof by affidavit of the amount in default the judge shall make such endorsement, and thereupon the order shall for all purposes have the same force and effect and all proceedings may be taken thereon as if the order were a judgment obtained in the said court for the recovery by the wife or child from the husband or parent of a debt of the amount specified in the endorsement together with such amount for costs of the application as the judge may fix.

(4) Where proceedings are taken by way of attachment under *The Attachment of Debts Act* to recover the amount specified in the endorsement, section 21 of that Act does not apply.

(5) This section applies with respect to maintenance orders heretofore made as well as maintenance orders hereafter made.

1950, c.73, s.15; 1952, c.86, s.2; R.S.S. 1953, c.305, s.15.

Registration of order against land

16(1) A maintenance order made under the foregoing provisions of this Act, or a copy thereof certified by the person who made the order or by a person acting in his stead, may be filed in any land registration district and an order so filed shall from the date of such filing bind and form a lien or charge on all lands of which the husband or parent named in the order may be or become registered owner, situated within such land registration district.

(2) An order filed under subsection (1) may be discharged by registration of a discharge signed by the person in whose favour the order is made or by the minister, or by an order for discharge made by a judge of the Court of Queen's Bench or a district court sitting in chambers, upon *ex parte* application of the husband or parent and upon such notice as the judge deems fit.

(3) No fee shall be charged by a registrar of land titles in respect of the matters provided for in this section.

1950, c.73, s.16; R.S.S. 1953, c.305, s.16.

Proof of default

17 Proof of non-payment of any sum ordered to be paid may be made by affidavit of the person to whom the sum is payable, or where the moneys are payable to the minister proof of default may be made by affidavit of an officer of the department; and the affidavit shall be accepted as *prima facie* evidence of the facts stated therein and of the authority of the person swearing to the facts without further proof of appointment or signature.

1950, c.73, s.17; R.S.S. 1953, c.305, s.17.

Warrant for arrest

18 When a complaint is made under section 3, 4 or 14 and it is made to appear to the court by affidavit that the husband or parent is about to abscond from the province or to dispose of his property or do any other act for the purpose for avoiding the obtaining or enforcement of a maintenance order, the court may, whether or not a summons has been issued, issue a warrant (form J) to apprehend the husband or parent and bring him before the court.

1950, c.73, s.18; R.S.S. 1953, c.305, s.18.

Enforcement of orders made under former Acts

19 Sections 13, 14, 15, 16 and 17 apply *mutatis mutandis* in case of non-payment of any sum payable pursuant to an former Acts order made under any former *Deserted Wives' and Children's Maintenance Act*.

1950, c.73, s.19; R.S.S. 1953, c.305, s.19.

Maintenance Orders (Facilities for Enforcement) Act

20(1) A maintenance order made under the foregoing provisions of this Act or made under similar provisions contained in any former *Deserted Wives' and Children's Maintenance Act*, or a copy of such order certified by the person who made the order or by a person acting in his stead, may:

- (a) where the husband or parent has ceased to reside in Saskatchewan and resides in England or Northern Ireland or in a reciprocating state as defined in *The Maintenance Orders (Facilities for Enforcement) Act*; and
- (b) where no appeal has been taken against the order;

be filed in any district court for the purposes of section 4 of the last mentioned Act.

(2) Where an appeal has been taken and disposed of, the order or, if varied on appeal, the order as so varied may be filed as authorized by subsection (1) for the purpose therein mentioned.

(3) Where the person against whom such order was made has failed to comply with the order, the person who laid the complaint under section 3 or 4 or an officer of the department designated by the minister for the purpose may, before the filing of the order or certified copy under subsection (1) or (2), apply *ex parte* to the person who made the order or any person acting in his stead to endorse on the order a certificate showing the amount then in default, and upon such application and upon proof by affidavit of the amount in default the person to whom the application is made may make the endorsement.

1950, c.73, s.20; R.S.S. 1953, c.305, s.20.

PROCEDURE**Service of summons**

21 Service of a summons or notice under the foregoing provisions of this Act may be made by any person on behalf of the complainant.

1950, c.73, s.21; R.S.S. 1953, c.305, s.21.

Substitutional service of summons

22 Where it is made to appear to the court that prompt personal service of a summons issued under section 3, 4 or 14 cannot be effected, the court may make such order for substituted or other service, or for the substitution of notice for service, by letter, public advertisement or otherwise, as the court deems just.

1950, c.73, s.22; R.S.S. 1953, c.305, s.22.

Service outside jurisdiction

23(1) Where it is made to appear to the court that jurisdiction the husband or parent is outside the province, the court may order the summons to be served upon the husband or parent wherever the husband or parent may be found, and may also direct the manner of proving such service.

(2) Upon the filing of proof of service the court may proceed in the same manner as if a summons had been served upon the husband or parent in the province.

1950, c.73, s.23; R.S.S. 1953, c.305, s.23.

Trial may be in private

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

1950, c.73, s.24; R.S.S. 1953, c.305, s.24.

Parties competent and compellable witnesses

25 In proceedings under this Act the parties shall be competent and compellable witnesses against one another.

1950, c.73, s.25; R.S.S. 1953, c.305, s.25.

Burden of proof

26 The burden of proof of inability to pay maintenance under this Act shall be upon the husband or parent and if the husband or parent, having been duly served with a copy of the summons, fails to attend the trial, an order may be made in the absence of the husband or parent.

1950, c.73, s.26; R.S.S. 1953, c.305, s.26.

Medical certificate

27 The court may request a husband or parent, who alleges that he is physically unable to work or earn money with which to maintain his wife or child, to produce in substantiation a certificate of a duly qualified medical practitioner named by the court.

1950, c.73, s.27; R.S.S. 1953, c.305, s.27.

Proof of service of order

28 Where proceedings are taken for enforcement of a maintenance order, it shall not be necessary to prove that the person against whom the order was made was served with a copy of the order.

1950, c.73, s.28; R.S.S. 1953, c.305, s.28.

Application of Criminal Code

29 Save as is otherwise specially provided by this Act or any other Act, the provisions of the Criminal Code relating to summary convictions and to extraordinary remedies apply to all proceedings under the foregoing provisions of this Act.

1950, c.73, s.29; R.S.S. 1953, c.305, s.29.

PROCEEDINGS IN DISTRICT COURT**Proceedings in district court**

30(1) Notwithstanding anything contained in this Act, a husband who has deserted his wife or a parent who has deserted a child may be summoned either before the court or before the district court of the judicial district in which the deserted wife or child resides.

(2) Where the husband or parent is summoned before a district court, the expression “court” wherever it occurs in this Act shall mean such district court.

(3) An order made by a district court against a person resident in Saskatchewan may be enforced in the same manner as any judgment of a district court.

(4) Every application by a deserted wife or child for a provisional maintenance order within the meaning of section 5 of *The Maintenance Orders (Facilities for Enforcement) Act* shall be made to the district court of the judicial district in which the wife or child resides, and if it is proved to the court that the husband or parent is resident in England or Northern Ireland or in a reciprocating state as defined by the said Act the court may, in the absence of the husband or parent and without service of notice on him and without proof of his ability to pay, if, after hearing the evidence, it is satisfied of the justice of the application, make such order as it might have made if the summons had been duly served on the husband or parent and he had failed to appear at the hearing.

1950, c.73, s.30; R.S.S. 1953, c.305, s.30.

APPEAL**Appeal**

31(1) If either party is aggrieved by an order for maintenance made under this Act, or a refusal or failure to make such an order, he or she may appeal to a judge of the Court of Queen’s Bench in chambers and the procedure shall be the same as is or may be provided in the case of an appeal from a local master of the Court of Queen’s Bench, and the judge appealed to shall have full discretion and power to receive further evidence upon questions of fact, such evidence to be either by oral examination before him, by affidavit or by deposition taken before an examiner or commissioner, or to direct and hold a hearing *de novo* before him, and he shall have power to give any judgment and make any order which ought to have been made and to make such further or other order as the case may require or, by order directed to the court of first instance, require that court to make any order which the circumstances of the case require.

(2) The district court scale of costs apply to all proceedings on appeal and the costs shall be in the discretion of the judge appealed to.

(3) The order or decision of the judge upon such appeal shall not be subject to further appeal except by leave of such judge.

(4) If an appeal is taken under subsection (1) the appeal shall not operate as a stay of proceedings in Saskatchewan, and the order may be enforced in Saskatchewan as if no appeal were pending unless the court by which the order was made otherwise directs.

1950, c.73, s.31; 1952, c.86, s.3; R.S.S. 1953, c.305, s.31.

MISCELLANEOUS

No limitation of time

32 No limitation contained in any statute or law shall operate to bar or affect the right to take proceedings under this Act or to enforce any order made thereunder.

1950, c.73, s.32; R.S.S. 1953, c.305, s.32.

Existing rights preserved

33 Nothing contained in this Act shall be construed in any way to prejudice, abridge, curtail, defeat or otherwise affect any civil or other remedy at law of a wife against her husband, or of a child against a parent, which the wife or child has apart from this Act.

1950, c.73, s.33; R.S.S. 1953, c.305, s.33.

Priority of order to other debts

34 The fact that a husband or parent is in debt or has paid debts shall not be a defence to proceedings to obtain or to enforce a maintenance order.

1950, c.73, s.34; R.S.S. 1953, c.305, s.34.

Non-application of section 2 of *The Exemptions Act*

35 Section 2 of *The Exemptions Act* does not apply to an execution issued upon a maintenance order made under this Act.

1952, c.86, s.4; R.S.S. 1953, c.305, s.35.

Payment of expenses of complainant

36 If a deserted wife or child is receiving aid under complainant *The Social Aid Act*, or has made an application for such aid, the proper municipality or the Minister of Municipal Affairs on behalf of the proper local improvement district or the department may supply such legal assistance as it deems necessary for the purpose of proceedings under this Act.

1950, c.73, s.35; R.S.S. 1953, c.305, s.36.

Departmental records of maintenance orders

37 One or more books, as required by the minister, shall be kept in the department, in which shall be entered particulars of each order received under subsection (3) of section 5; and no search of such books or of any file containing such order shall be permitted except by written permission of the minister.

1950, c.73, s.36; R.S.S. 1953, c.305, s.37.

Proceedings pending on March 31, 1950

38 Except as otherwise provided in this Act, *The Deserted Wives' and Children's Maintenance Act*, chapter 234 of *The Revised Statutes of Saskatchewan, 1940*, and the amendments thereto, continue to apply with respect to any proceeding thereunder pending on the thirty-first day of March, 1950.

See 1950, c.73, s.37 (2); R.S.S. 1953, c.305, s.38.

SCHEDULE

FORM A

(Section 3)

COMPLAINT BY DESERTED WIFE

CANADA

Province of Saskatchewan.

The complaint of (*name of wife*) of _____ in the Province of Saskatchewan, taken this _____ day of _____, 19____, who says that _____ of _____ in the Province of Saskatchewan is her husband and that she is deserted within the meaning of *The Deserted Wives' and Children's Maintenance Act*, by reason of the fact that the said _____ has without sufficient cause refused or neglected to supply food or other necessities for her (*or state other grounds constituting desertion—see clauses (b), (c) and (d) of paragraph 1 of subsection (2) of section 2 of the Act*).

(Signature).....
Complainant.

Sworn before me the day and year first above mentioned.

(Signature).....
A Justice of the Peace, Notary Public,
Commissioner for Oaths, Police
Magistrate or District Court Judge.

OR

FORM A

(Section 3)

COMPLAINT ON BEHALF OF DESERTED WIFE

CANADA

Province of Saskatchewan.

The complaint of _____ of _____ in the Province of Saskatchewan, made on behalf of _____ of _____ in the Province of Saskatchewan, taken this _____ day of _____, 19____, who says that _____ of _____ in the Province of Saskatchewan is the husband of the said _____ and that she is deserted within the meaning of *The Deserted Wives' and Children's Maintenance Act*, by reason of the fact that the said _____ has without sufficient cause refused or neglected to supply food or other necessities for her (or state other grounds constituting desertion—see clauses (b), (c) and (d) of paragraph 1 of subsection (2) of section 2 of the Act).

(Signature).....

Complainant.

(State capacity in which
the complainant acts).....

Sworn before me the day and year first above mentioned.

(Signature).....

A Justice of the Peace, Notary Public,
Commissioner for Oaths, Police
Magistrate or District Court Judge.

FORM B

(Section 3)

SUMMONS

CANADA

Province of Saskatchewan.

To _____ of _____

Complaint has been made under *The Deserted Wives' and Children's Maintenance Act*, that _____ of _____ in the Province of Saskatchewan, your wife, is deserted within the meaning of the said Act, by reason of the fact that (state grounds constituting desertion as shown in the complaint).

You are therefore commanded to appear before me sitting at _____ in the Province of Saskatchewan on the _____ day of _____, 19____, at _____ o'clock in the _____ noon, to show cause why you should not be ordered to pay a sum sufficient to provide your wife and her children, if any, with food and other necessities.

Dated this _____ day of _____, 19____.

.....

FORM C

(Section 4)

COMPLAINT ON BEHALF OF DESERTED CHILD

CANADA

Province of Saskatchewan.

The complaint of _____ of _____ in the Province of Saskatchewan, taken this _____ day of _____ 19____, who says that _____ of _____ in the Province of Saskatchewan is a parent (or a parent, within the meaning of *The Deserted Wives' and Children's Maintenance Act*) of _____ of _____ in the Province of Saskatchewan, a child within the meaning of the said Act, and that the said (*name of child*) is deserted within the meaning of the said Act, by reason of the fact that the said (*name of parent*) has without sufficient cause refused or neglected to supply food or other necessities for the said (*name of child*) (or by reason of the fact that the said (*name of child*) has left or been removed from the home of the said (*name of parent*) because of neglect by or misconduct or acts of cruelty of the said (*name of parent*)).

(Signature).....

Complainant.(State capacity in which
the complainant acts).....

Sworn before me the day and year first above mentioned.

(Signature).....

A Justice of the Peace, Notary Public,
Commissioner for Oaths, Police
Magistrate or District Court Judge.*Note*—Where more than one child, include all children in one complaint.

FORM D

(Section 4)

SUMMONS

CANADA

Province of Saskatchewan.

To _____ of _____.

Complaint has been made under *The Deserted Wives' and Children's Maintenance Act*, that _____ of _____ in the Province of Saskatchewan, your child, (or your child within the meaning of the said Act), is deserted within the meaning of the said Act, by reason of the fact that (*state grounds constituting desertion as shown in the complaint*).

You are therefore commanded to appear before me sitting at _____
 in the Province of Saskatchewan on _____ the
 _____ day of _____, 19____, at
 _____ o'clock in the _____ noon, to show cause why you
 should not be ordered to pay a sum sufficient to provide the said child with food
 and other necessities.

Dated this _____ day of _____,
 19____.

.....

FORM E

(Section 5)

MAINTENANCE ORDER

CANADA

Province of Saskatchewan.

.....
 (Name of wife)

Maintenance Order

.....
 (Name of husband)

.....
 (Date of order)

Upon reading the summons herein and upon hearing the evidence adduced,
 and it appearing that the above named is deserted within the meaning of *The
 Deserted Wives' and Children's Maintenance Act*, and entitled to the benefit of the
 said Act, I do hereby order that the above named _____ of
 _____ do pay to his said wife (or to _____
 of _____ on behalf of the said wife) the sum of \$_____ per
 week (or month) for food and other necessities for her. (*Where necessary add and
 her child or children*) The first of such payments to be made on the
 _____ day of _____, 19____, and the costs
 of the proceedings in the sum of \$_____, including counsel fee of \$_____,
 to be paid on the _____ day of _____, 19____.

Dated at _____ this _____ day of
 _____, 19____.

.....

FORM F

(Section 5)

MAINTENANCE ORDER

CANADA

Province of Saskatchewan.

.....
(Name of child or names of children)

Maintenance Order

.....
(Name of parent).....
(Date of order)

Upon reading the summons herein and upon hearing the evidence adduced, and it appearing that the above named child (or children) is (or are) deserted within the meaning of *The Deserted Wives' and Children's Maintenance Act*, and is (or are) entitled to the benefit of the said Act, I do hereby order that the above named _____ of _____ do pay to the Minister of Social Welfare and Rehabilitation, on behalf of the said child (or children), the sum of \$_____ per week (or month) for food and other necessities for the said child (or children). The first of such payments to be made on the _____ day of _____, 19____, and the costs of the proceedings in the sum of \$_____, including counsel fee of \$_____, to be paid on the _____ day of _____, 19____.

Dated at _____ this _____ day of _____, 19____.

.....

FORM G

(Section 12)

BOND

CANADA

Province of Saskatchewan.

Know all men by these presents that we _____ of _____ in the Province of Saskatchewan, and _____ of _____ in the Province of Saskatchewan, and of _____ of _____ in the Province of Saskatchewan, are jointly and severally bound unto the Minister of Social Welfare and Rehabilitation in the sum of dollars, to be paid to him or his successor in office, for which payment well and truly to be made, we bind ourselves and each of us firmly by these presents.

Sealed with our seals and dated this _____ day of _____, 19____.

Whereas, under the provisions of *The Deserted Wives' and Children's Maintenance Act*, a maintenance order dated the _____ day of _____, 19____ was made against the above bounden (*name of husband or parent*) of _____ in the Province of Saskatchewan.

Now the condition of this obligation is that if the said _____ complies with the said order, this obligation shall be void; otherwise this obligation shall be and remain in full force and effect.

Signed, sealed and delivered } (seal)
 in the presence of } (seal)
 } (seal)

FORM H
 (Section 14)

COMPLAINT

CANADA

Province of Saskatchewan.

The complaint _____ of _____ of in the Province of Saskatchewan under section 14 of *The Deserted Wives' and Children's Maintenance Act*, taken this day of 19, who says that, by an order made under the said Act on the _____ day of _____, 19____, _____ of _____ was ordered to pay to _____ (or to _____ on behalf of _____) the sum of \$_____ per week (or month) for food and other necessities; that the said _____ has not complied with the said order; and that the sum of \$_____ is now due and owing by the said _____.

(Signature)
 Complainant.

(State capacity in which
 the complainant acts).....

Sworn before me the day and year first above mentioned.

(Signature).....
 A Justice of the Peace, Notary Public,
 Commissioner for Oaths, Police
 Magistrate or District Court Judge.

DESERTED WIVES AND CHILDREN

c. 305

FORM I
(Section 14)

SUMMONS

CANADA

Province of Saskatchewan.

To _____ of _____.

Whereas by an order made under the provisions of *The Deserted Wives' and Children's Maintenance Act*, on the _____ day of _____, 19____, you were ordered to pay to _____ (or to _____ on behalf of _____) the sum of \$_____ per week (or month) for food and other necessities for _____;

And whereas complaint has been made that you have not complied with the said order and that there is the sum of \$_____ now due and owing by you.

You are therefore commanded to appear before me sitting at _____ in the Province of Saskatchewan on _____ the _____ day of _____, 19____, at _____ o'clock in the _____ noon and show cause why the order should not be enforced.

Dated this _____ day of _____, 19____.

FORM J
(Section 18)

WARRANT TO APPREHEND

CANADA

Province of Saskatchewan.

To the peace officers in the Province of Saskatchewan.

Whereas it has been alleged under the provisions of *The Deserted Wives' and Children's Maintenance Act*, that _____ of _____ in the Province of Saskatchewan has deserted his wife (or h_____ child or children) (or has not complied with a maintenance order made under the provisions of the said Act).

These are, therefore, to command you, in Her Majesty's name, forthwith to apprehend the said and bring h_____ before me to be dealt with according to the provisions of *The Deserted Wives' and Children's Maintenance Act*.

Dated this _____ day of _____, 19____.

.....

FOR HISTORICAL REFERENCE ONLY