

Mr. Mason.

DIVORCE AND MATRIMONIAL CAUSES AMENDMENT.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Section 12 of principal Act amended. Domicile of wife in other cases.</p>	<p>ANALYSIS.</p> <p>3. Separation by Courts outside New Zealand.</p> <p>4. Rule of evidence.</p> <p>5. Section 18 of principal Act amended.</p>
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A BILL INTITULED

Title.

AN ACT to amend the Divorce and Matrimonial Causes Act, 1928.  
 BE IT ENACTED by the General Assembly of New Zealand  
 in Parliament assembled, and by the authority of the same, as  
 follows:—

1. This Act may be cited as the Divorce and Matrimonial Causes  
 Amendment Act, 1930, and shall be read together with and deemed  
 part of the Divorce and Matrimonial Causes Act, 1928 (hereinafter  
 referred to as the principal Act).

Short Title.

2. Section twelve of the principal Act is hereby amended by adding  
 thereto the following subsection:—

Section 12 of principal Act amended.

“(3) Where a wife living in New Zealand prays for divorce on any  
 ground and has been living in New Zealand for not less than three years  
 immediately preceding the filing of the petition, and has such intention  
 of residing permanently in New Zealand as would constitute a New  
 Zealand domicile in the case of a *feme sole*, and has been living apart  
 from her husband for a total period exceeding three years, she shall be  
 deemed to be domiciled in New Zealand and to have been at the time  
 of the petition domiciled there for two years at least within the  
 meaning of section ten of this Act.”

Domicile of wife in other cases.

3. ~~Subsection (j) of~~ Section ten of the principal Act is hereby  
 amended by striking out the word “seven” in paragraph (f) thereof and  
 substituting therefor the word “four,” and by striking out all the words  
 after “Stipendiary Magistrate in New Zealand” in paragraph (j) thereof  
 and substituting therefor the words “or any decree, order, or judgment  
 made in any country if such decree, order, or judgment has in that  
 country the effect that the parties are not bound to live together, and,  
 further, that such decree of judicial separation, separation order, or  
 other decree, order, or judgment is in full force and has been in full  
 force for not less than three years.”

Separation by Courts outside New Zealand.

Rule of evidence.

4. Evidence that the petitioner and respondent have been parties to such decree, order, or judgment as is mentioned in the *last preceding* section made more than three years prior to the filing of the petition, and that the parties have thereafter continuously lived apart, shall be *prima facie* evidence that such decree, order, or judgment is in full force and has been in full force for not less than three years. 5

Section 18 of principal Act amended.

5. Section eighteen of the principal Act is hereby amended by striking out the words "the Court shall dismiss the petition," and substituting the words "the Court, if it decides that a decree shall be made, shall order that in the decree *nisi* there be included a recital of its finding that the separation was due to the wrongful act or conduct of the petitioner, and thereupon the respondent, irrespective of the domicile of the respondent, may file a cross-petition for a divorce at any time prior to the time when the petitioner has the right to apply for a decree absolute, and the respondent may within such time as last aforesaid move for a decree of divorce upon the cross-petition, and a decree shall thereupon be made accordingly, and such decree shall *ipso facto* vacate the decree *nisi* made upon the original petition." 10 15