

Mr. Samuel.

DIVORCE EXTENSION AND AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Married person may present petition upon grounds — (1.) Desertion; (2.) Habitual drunkenness, coupled with neglect or cruelty, &c.; (3.) Sentence for crime, and imprisonment; (4.) Violent assault, &c.; (5.) Adultery; (6.) Incurable insanity.</p>	<p>3. Petition may be dismissed or decree pronounced.</p> <p>4. Service of petition on Attorney-General.</p> <p>5. Court may forbid publication of evidence.</p> <p>6. Neither party to marry for three months after decree absolute.</p> <p>7. Previous Acts to apply.</p>
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A BILL INTITULED

AN ACT to extend and amend the Law of Divorce.

Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. The Short Title of this Act is "The Divorce Extension and Amendment Act, 1887." Short Title.

2. Any married person may present a petition to the Supreme Court, in manner provided by "The Divorce and Matrimonial Causes Act, 1867" (hereinafter referred to as "the said Act"), and by the rules made thereunder, praying that his or her marriage with the respondent may be dissolved on any one or more of the following grounds:— Married person may present petition upon grounds—

(1.) That the respondent has, without just cause or excuse, wilfully deserted the petitioner, and, without any such cause or excuse, left him or her so deserted during *three* years or upwards continuously before the presentation of the petition; Desertion.

(2.) That the respondent, being the husband, has, by continued habits of drunkenness during *two* years and upwards before the presentation of the petition, habitually left his wife without the means of support or habitually been guilty of cruelty towards her; or that the respondent, being the wife, has, by such habits for a like period, habitually neglected her domestic duties or rendered herself unfit to discharge them; Habitual drunkenness, coupled with neglect or cruelty, &c.

Sentence for crime,
and imprisonment.

(3.) That the respondent is and for not less than twelve months before the presentation of the petition has been imprisoned for some crime under sentence, or a commuted sentence, for a term of *seven* years or upwards; or, being a husband, has, by frequent convictions for crime, habitually left his wife without the means of support: 5

Violent assault, &c.

(4.) That the respondent has within six months previously to the presentation of the petition been convicted of an assault upon the petitioner inflicting actual bodily harm, or of having attempted to murder the petitioner, or of having assaulted the petitioner with intent to inflict grievous bodily harm, or that the respondent has repeatedly during such period assaulted and cruelly beaten the petitioner; 10

Adultery.

(5.) That the respondent, being the husband, has within six months before the presentation of the petition been guilty of adultery; 15

Incurable insanity.

(6.) That the respondent is incurably insane, and has been confined in a lunatic asylum within the Colony of New Zealand for the space of not less than three years continuously before the presentation of the petition. 20

Petition may be dismissed or decree pronounced.

3. If in the opinion of the Court the petitioner's own habits or conduct induced or largely contributed to the wrong complained of the petition may, at the discretion of the Court, be dismissed; but in all other cases, if the Court is satisfied that the case of the petitioner is proved, it shall be lawful for the Court to pronounce a decree dissolving the marriage, subject, nevertheless, to such provisions for the temporary suspension of such decree as it respects both or one of the parties as the Court shall under the circumstances think proper. 25

Service of petition on Attorney-General.

4. The delivery of a copy of any petition for dissolution of marriage to the Attorney-General or Solicitor-General for the time being of the Colony of New Zealand shall be deemed due compliance with the twenty-first section of the said Act, and a written statement, purporting to be signed by the Attorney-General or Solicitor-General, acknowledging the receipt of what purports to be a true copy of such petition shall be *prima facie* proof of such delivery. 30 35

Court may forbid publication of evidence.

5. The Court may in any suit, at any stage thereof, and from time to time, make an order forbidding the publication of the evidence therein, either as to the whole or portions thereof, until after judgment has been pronounced; and the breach of any such order may be dealt with as for contempt of Court. 40

Neither party to marry for three months after decree absolute.

6. Notwithstanding the granting of a decree absolute for the dissolution of a marriage neither the petitioner nor respondent shall be at liberty to marry again for the space of three calendar months thereafter. 45

Previous Acts to apply.

7. This Act shall be read and construed with and be deemed to be part of the said Act, and so far as they severally are applicable all the provisions of the said Act and of the Acts amending the same shall apply to petitions and suits under this Act, and to the parties and proceedings therein, and to all persons affected thereby. 50