## Mr. Samuel.

## DIVORCE EXTENSION AND AMENDMENT.

## ANALYSIS.

Title. 1. Short Title.

20

25

2. Married person may present petition upon grounds: (1.) Insanity. (2.) Desertion. (3.) Sentence for crime and imprisonment. (4.) Adultery.

3. Petition may be dismissed or decree pronounced.

4. Service of petition on Attorney-General.

5. Wife's costs not to be secured by husband unless her adultery denied.

6. Court may forbid publication of evidence.7. Neither party to marry for three months

after decree absolute made.

8. Previous Acts to apply.

## A BILL INTITULED

An Acr 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 fol-5 lows:-

1. The Short Title of this Act is "The Divorce Extension and Short Title. Amendment Act, 1890."

2. Any married person who, at the time of the institution of the Married person may suit or other proceeding, shall have been domiciled in the colony of present petition 10 New Zealand for two years and upwards, may present a petition to upon grounds: 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 15 of the following grounds:—

(1.) That the respondent is incurably insane, and has been Insanity, confined in a lunatic asylum or asylums for not less than three years continuously before the presentation of the petition:

(2.) That the respondent has, within the Colony of New Zealand, without just cause or excuse, wilfully deserted the petitioner, and without just cause or excuse left the petitioner so deserted during seven years continuously previously to

the presentation of the petition:

(3.) That the respondent is, and for not less than one year before Sentence for crime the presentation of the petition has been, imprisoned for and imprisonment. some crime under sentence of penal servitude or imprisonment for life or for a term of seven years or upwards.

No. 36—1.

Adultery.

Petition may be dismissed or decree pronounced.

Service of petition on Attorney General.

Wife's costs not to be secured by husband unless her adultery denied.

Court may forbid publication of evidence.

Neither party to marry for three months after decree absolute made.

Previous Acts to apply.

(4.) That the respondent, being the husband, has, after the coming into operation of this Act, since the celebration of the marriage, and within three months before the presntation of the petition, been guilty of adultery.

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 10 temporary suspension of such decree as respects both or one of the parties as the Court shall, under the circumstances, think proper.

4. The delivery of a copy of any petition for dissolution of marriage to the Attorney-General or Solicitor-General for the time 15 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

20

such petition, shall be primû facie proof of such delivery.

5. No sum of money shall be required to be paid into Court and no security shall be required to be given by a husband previous to the hearing or trial of the cause to cover the costs of the wife of and incidental to the hearing or trial of the cause, unless and until the wife shall have sworn and filed in Court an affidavit 25 denying that she has committed the acts of adultery (if any) alleged to have been committed by her; and any wife who shall wilfully swear, affirm, or declare falsely in any such affidavit shall be liable to the penalties and consequences of wilful and corrupt perjury.

6. The Court may, in any suit, at any stage thereof, and from 30 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 a contempt of Court.

7. Neither petitioner nor respondent shall be at liberty to marry 35 again for the space of three calendar months after the granting of a decree absolute for the dissolution of the marriage.

8. 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 40 same shall apply to petitions and suits under this Act, and to the parties and proceedings therein, and to all persons affected thereby.

By Authority: George Didsbury, Government Printer, Wellington.—1890.