

Mr. Joyce.

DIVORCE EXTENSION AND AMENDMENT.

ANALYSIS.

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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, 1891." Short Title.

2. Any married person who at the time of the institution of the suit or other proceeding shall have been domiciled in the Colony of New Zealand for two years and upwards 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 :— Grounds on which a dissolution of marriage may be applied for.

(1.) That the respondent is incurably insane, and has been 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 of 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 petitioner, at the time of the passing of this Act, and for seven years continuously anterior thereto, has resided in the Colony of New Zealand, and has lived separate and apart from the respondent by virtue of a deed of separation *a mensa et thoro*, such said deed of separation having been executed in the said colony.

(4.) That the petitioner, by virtue of a deed of separation *a mensa et thoro*, executed in the Colony of New Zealand by the petitioner and respondent, has resided in the said colony for seven years continuously after the execution

of the said deed of separation, and has lived separate and apart, *a mensâ et thoro*, from the respondent continuously for the same period of seven years.

(5.) That the respondent is, and for not less than one year before the presentation of the petition has been made, imprisoned for some crime, under sentence of penal servitude or imprisonment for life, or for a term of seven years or upwards. 5

(6.) 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 presentation of the petition, been guilty of adultery. 10

How petitions may be dealt with.

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 respects both or one of the parties as the Court shall, under the circumstances, think proper. 15 20

Copy of petition to be sent to 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. 25

Costs.

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 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. 30 35

Court may forbid publication of evidence.

6. 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 a contempt of Court. 40

Three months to elapse before another marriage contracted.

7. Neither petitioner nor respondent shall be at liberty to marry again for the space of three calendar months after the granting of a decree absolute for the dissolution of the marriage. 45

This Act to be read with former Act.

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 same shall apply to petitions and suits under this Act, and to the parties and proceedings therein, and to all persons affected thereby. 50