

294. If the Court is of opinion—

- (a.) That the petitioner's own habits or conduct induced or contributed to the wrong complained of so as to disentitle the petitioner to a dissolution of the marriage; or
- (b.) That in the case of the adultery of the respondent the petitioner has been in any manner accessory to or has connived at such adultery or has condoned the same,—

Grounds of refusal of divorce.

the Court shall dismiss the suit; but in all other cases, if the Court is satisfied that the case of the petitioner has been established, the Court shall pronounce a decree dissolving the marriage.

295. A deserted wife who was domiciled in Samoa at the time of desertion shall be deemed for the purposes of the jurisdiction of the High Court in divorce (whatever the ground of divorce may be) to have retained such domicile so long as she is resident in Samoa, notwithstanding that her husband may have acquired a domicile elsewhere.

Domicile of deserted wife.

296. In any suit in the High Court for dissolution of marriage on the ground of adultery the Court may, if it thinks fit, require the petitioner (being the husband) to make the person with whom the respondent is alleged to have committed adultery a co-respondent in the suit.

Co-respondent a party.

297. By leave of the High Court any person may intervene in a suit for dissolution of marriage for the purpose of opposing the making of a decree for such dissolution.

Intervention.

298. No covenant or agreement between the parties to a suit for dissolution of marriage shall operate as a bar to the institution or prosecution of such suit.

Agreement no bar to divorce.

299. No appeal shall lie to the Supreme Court of New Zealand from any decree of the High Court for the dissolution of a marriage.

No appeal to Supreme Court.

300. When a decree for the dissolution of a marriage has been made by the High Court it shall be lawful for the parties to such marriage to marry again as if the former marriage had been dissolved by death.

Remarriage of divorced persons.

301. In any suit for the dissolution of marriage the High Court may make such order as it thinks fit for the payment of the costs of the proceedings, or of any part thereof, by or to the petitioner, respondent, co-respondent, or any person intervening in the suit.

Costs.

302. (1.) When a decree for the dissolution of marriage is made by the High Court, the Court may, if it thinks fit, in and by the decree of dissolution, order the husband to pay towards the future maintenance of his wife (whether petitioner or respondent), so long as she remains unmarried, such sum as the Court thinks reasonable, at such times and in such manner as the Court thinks fit.

Order for maintenance of divorced wife.

(2.) Every such order may be at any time varied or cancelled by the Court.

303. The High Court may in and by any decree for the dissolution of marriage, or at any time and from time to time thereafter, make such order as it thinks fit as to the custody of the children of the marriage.

Order for custody of children.

304. If at any time after a decree of dissolution of marriage has been pronounced at the suit of the wife the husband from whom she has been so divorced—

Molestation of divorced wife by her husband.

- (a.) Commits any trespass by entering or remaining upon or in any land, house, or building which is in her occupation or in which she dwells or is present; or
- (b.) Attempts or threatens to commit any such trespass; or
- (c.) Molests her by watching or besetting her dwellinghouse or place of business, employment, or residence, or by following or waylaying her in any road or other public place,—

he shall be guilty of an offence, and shall be liable to a fine of twenty pounds or to imprisonment for three months.

305. (1.) The jurisdiction of the Supreme Court of New Zealand under the Divorce and Matrimonial Causes Act, 1908, shall extend to Samoa in the same manner as if that territory was part of New Zealand, and a domicile in Samoa shall for the purposes of such jurisdiction be deemed to be a domicile in New Zealand accordingly.

Jurisdiction of Supreme Court.