

(11.) That the person with whom petitioner is married has at some period of his life whether at a time before or after the celebration of their marriage shall be materially become infected with a venereal or syphilitic disease of so virulent a character as to affect injuriously and permanently the health and constitution of the respondent. Provided that no marriage shall be dissolved for the above-mentioned cause if it shall be proved that the petitioner at the time of the marriage knew that the respondent was a person of drunken habits or was a person affected by such syphilitic disease. A sentence of judicial separation may be obtained by the petitioner on the grounds above-mentioned notwithstanding that such petitioner at the time of marriage knew that the respondent was a person of drunken habits or was in a diseased condition. In case the Court shall be satisfied on the evidence that the case of the petitioner has been proved together with the fact of such domicile the Court shall then pronounce a decree dissolving such marriage to be dissolved. If it shall be proved that the petitioner has during the marriage been guilty of repeated acts of drunkenness or become infected with a venereal or syphilitic disease otherwise than in consequence of such marriage the Court shall in the opinion of the Court have been guilty of such delay in presenting and

(No. 2.)

Legislative Council.

47^o VICTORIA, 1884.

A BILL

To amend the Law relating to Divorce and Matrimonial Causes.

[MR. W. H. SUTTON;—18 June, 1884.]

WHEREAS it is desirable and expedient to amend the Law relating to Divorce and Matrimonial Causes and to declare that marriages may be dissolved and judicial separations may be granted for causes other than those set forth in thirty-sixth Victoria number nine and forty-fourth Victoria number thirty-one Be it enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. It shall be lawful for any married person who at the time of the institution of the suit shall together with the respondent be domiciled in New South Wales to present a petition to the Court praying that his or her marriage may be dissolved on the grounds following—

(I.) That the person with whom petitioner is married has for the period of two years and since the celebration of their marriage been guilty of continued and habitual acts of drunkenness

(II.)

Loathsome diseases.

(II.) That the person with whom petitioner is married has at some period of his life whether at a time before or after the celebration of their marriage shall be immaterial become infected with a venereal or syphilitic disease of so virulent a character as to affect injuriously and permanently the health and constitution of the respondent 5

Proviso.

Provided that no marriage shall be dissolved for the abovementioned causes if it shall be proved that the petitioner at the time of the marriage knew that the respondent was a person of drunken habits or was a person affected by such syphilitic disease. 10

Judicial separations.

2. A sentence of judicial separation may be obtained by the petitioner on the grounds abovementioned notwithstanding that such petitioner at the time of marriage knew that the respondent was a person of drunken habits or was in a diseased condition.

Decree may be pronounced.

3. In case the Court shall be satisfied on the evidence that the case of the petitioner has been proved together with the fact of such domicile the Court shall then pronounce a decree declaring such marriage to be dissolved Provided that the Court shall not be bound to pronounce such decree if it shall find that the petitioner has during the marriage been guilty of repeated acts of drunkenness or become infected with a venereal or syphilitic disease otherwise than in consequence of such marriage or if the petitioner shall in the opinion of the Court have been guilty of unreasonable delay in presenting and prosecuting such petition. 15 20

Principal and amended Acts to apply to proceedings under this.

4. So far as they are applicable all the clauses and provisions of the Acts thirty-sixth Victoria number nine and forty-fourth Victoria number thirty-one shall apply to petitions and suits under this Act and to all proceedings therein as far as it shall be practicable. 25

Short title.

5. This Act may be cited as the "Matrimonial Causes Act Amendment Act of 1884." 30

To amend the Law relating to Divorce and Matrimonial Causes.

Sydney: Thomas Richards, Government Printer.—1884.

[3d.]

WHEREAS it is desirable and expedient to amend the law relating to Divorce and Matrimonial Causes and to declare that marriages may be dissolved and judicial separations may be granted for causes other than those set forth in thirty-sixth Victoria number nine and forty-fourth Victoria number thirty-one be enacted by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled and by the authority of the same as follows:—

1. It shall be lawful for any married person who at the time of the institution of the suit shall together with the respondent be domiciled in New South Wales to present a petition to the Court praying that his or her marriage may be dissolved on the grounds following—

(a) That the person with whom petitioner is married has for the period of two years and since the celebration of their marriage been guilty of continued and habitual acts of drunkenness

(ii.)