

1885-6.

Legislative Council.

DIVORCE EXTENSION BILL.

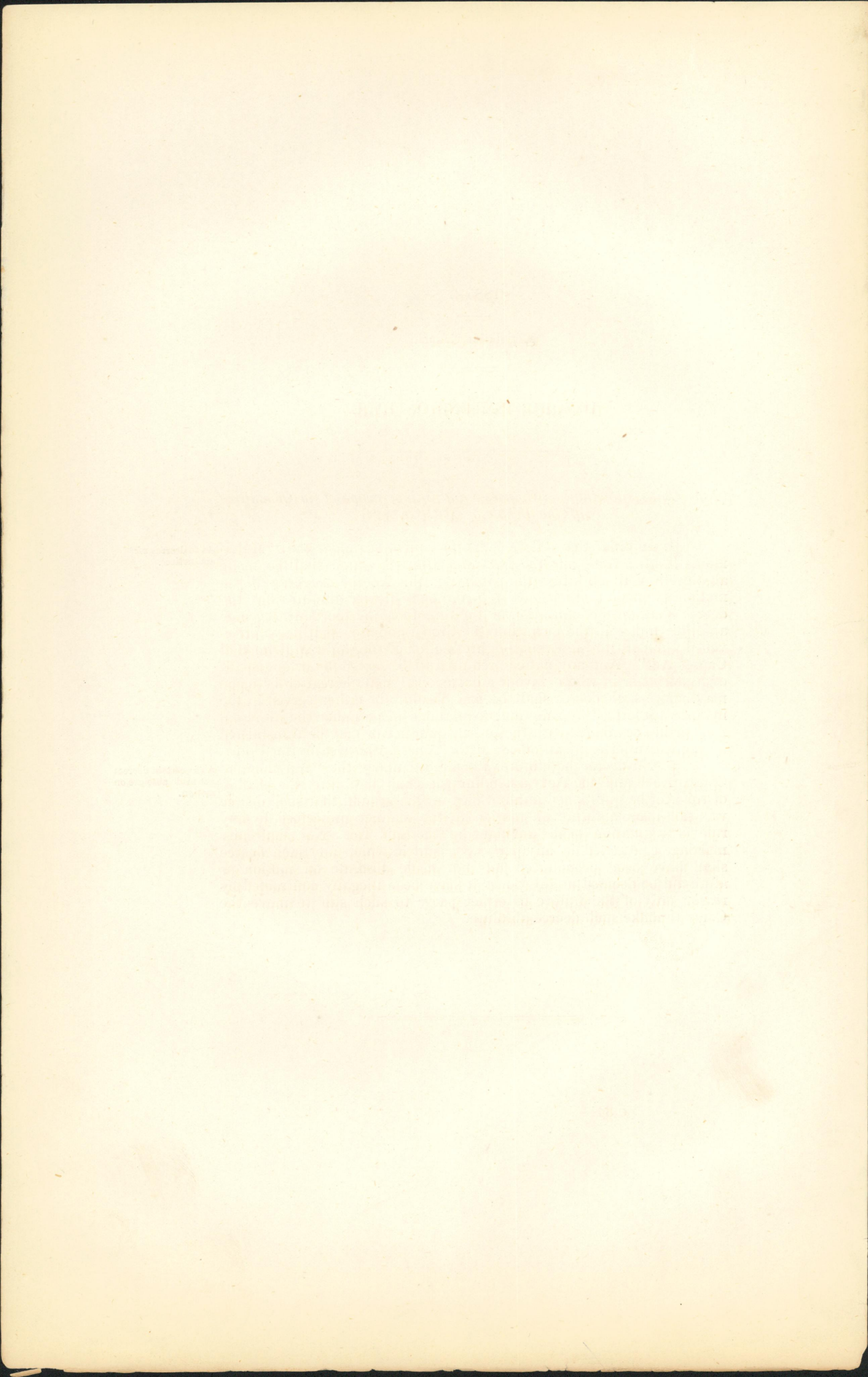
(*New Clauses to stand as Clauses 4 and 5 to be proposed in Committee of the Whole by MR. CREED.*)

4. In order that a decree *nisi* for a divorce under the “Matrimonial Causes Act” and the Acts amending the same shall be made absolute it shall not after the passing of this Act be necessary that a motion be made to the Court to make such decree absolute but the decree shall on the expiration of the time fixed by the Court become absolute unless in the meantime the Crown Solicitor shall have intervened pursuant to the twenty-eighth section of the said “Matrimonial Causes Act” And any notices required to be served by or on behalf of a petitioner in whose favour a decree *nisi* shall hereafter be made may before such decree shall become absolute be either served in the manner prescribed by rules and regulations made under the aforesaid Acts or in accordance with the present practice or may be transmitted by registered letter by an officer of the Court authorized by the Court.

As to decrees *nisi* and notices.

5. No decree heretofore pronounced under the “Matrimonial Causes Act” and the Acts amending the same shall after the passing of this Act be questioned in any Court on the ground that such decree was not made absolute on motion in the manner prescribed by any rule or regulation made pursuant to the said Act Nor shall any marriage contracted by any party to a suit in which any such decree shall have been pronounced but not made absolute on motion as aforesaid be deemed in any Court to have been illegally contracted by reason only of the failure of either party to such suit to move the Court to make such decree absolute.

As to certain decrees not made absolute on motion.



1885-6.

Legislative Council.

DIVORCE EXTENSION BILL.

(Amendments to be moved in Committee of the Whole by MR. DARLEY.)

1st section, lines 11, 12, and 13. Omit "is domiciled" substitute "shall have resided." Omit "and has been so domiciled." Omit "and whose marriage with the respondent was celebrated therein"

Grounds of Divorce to be proposed in Committee.

- (I) On the ground that the respondent has without just cause or excuse deserted the petitioner and has without any such cause or excuse left him or her so deserted during two years and upwards. Desertion.
- (II) Or on the ground that the respondent by long-continued habits of drunkenness during two years and upwards (a) has become insane (b) or has habitually left the petitioner without the means of support (c) or being a wife has habitually neglected her domestic duties or rendered herself unfit to discharge them. Habitual drunkenness.
- (III) Or on the ground that at the time of the presentation of the petition the respondent is under sentence or a commuted sentence for a capital crime or other felony or being a husband has by reason of frequent convictions for crime left his wife habitually without the means of support. Crime.
- (IV) Or on the ground that within two years previously the respondent has been twice convicted whether before a Court or summarily of an assault upon the petitioner or has within that period committed an assault on him or her occasioning actual bodily harm or attempted to murder the petitioner or assaulted him or her with intent to inflict grievous bodily harm or has repeatedly assaulted and cruelly beaten the petitioner. Cruelty assaults &c.

DIVORCE BILL

(Amendment) to be moved in Committee of the Whole by Mr. [Name]
[Text of amendment regarding the Divorce Bill]

(i) On the ground that the respondent has without just cause or excuse deserted the petitioner and his wife for a period of two years and upwards...

(ii) On the ground that the respondent for a period of two years and upwards has been guilty of adultery with the petitioner or has had carnal intercourse with a third person...

(iii) On the ground that the respondent has been guilty of adultery with the petitioner and has refused to provide maintenance for the petitioner and his wife...

(iv) On the ground that within two years preceding the date of the petition the respondent has been guilty of adultery with the petitioner...

1885-6.

Legislative Council.

DIVORCE EXTENSION BILL.

*(New Clause to follow Clause to be proposed in Committee of the
Whole by MR. W. H. SUTTOR.)*

3. If it be proved that the petitioner at the time of such marriage knew that the respondent was a person of drunken habits then such decree of dissolution of marriage shall not be pronounced.

1885-6

English Cases

DIVORCE EXTENSION BILL

(New Cases to follow Class to be proposed in Committee of the House by Mr. W. H. BAYLOR.)

It is to be proved that the petitioner at the time of such marriage knew that the respondent was a person of drunken habits and such cause of dissolution of marriage shall not be pronounced.

1885-6.

Legislative Council.

DIVORCE EXTENSION BILL.

*(New Clause to be proposed in Committee of the Whole [on
recommittal] by MR. W. H. SUTTOR.)*

4. No dissolution of marriage shall be pronounced—
- (I) When drunkenness with its accompanying causes being made a charge against the respondent it shall be proved that at the time of the marriage the petitioner knew the respondent to be a person of drunken habits.
 - (II) When it shall be proved that the respondent has been previously divorced for any cause under this Amending Act such cause being of a similar character as the grounds set forth in the petition.
-

1885-6

Legislative Council

DIVORCE BILL

(This Clause to be proposed in Committee of the Whole for
recommittal by Mr. W. H. Stanger.)

4. No dissolution of marriage shall be pronounced—
- (I) *When* circumstances with its accompanying causes being made a charge against the respondent it shall be proved that at the time of the marriage the petitioner knew the respondent to be a person of drunken habits.
 - (II) *When* it shall be proved that the respondent has been previously divorced for any cause under this Act and such cause be of a similar character as the grounds set forth in the petition.