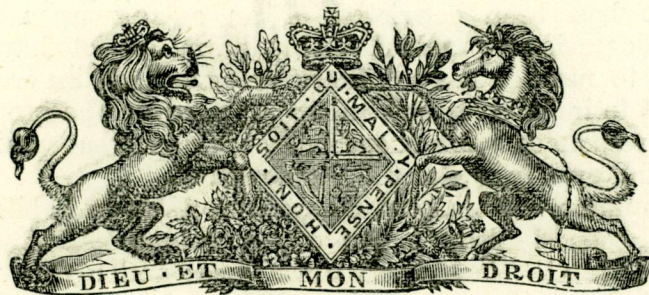


This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

*Legislative Assembly Chamber,
Sydney, 13 June, 1888.* }

F. W. WEBB,
Clerk of Legislative Assembly.

New South Wales.



ANNO QUINQUAGESIMO PRIMO

VICTORIÆ REGINÆ.

No. .

An Act to extend the Law of Divorce.

WHEREAS it is desirable in the interests of morality, and for the relief of unoffending married persons, to extend the provisions of the Law of Divorce to certain cases of desertion, cruelty, drunkenness, and conviction for crime, in which the objects of marriage are by the conduct of the offending party equally defeated as in the case of adultery, and it is desirable also in certain other particulars to extend the existing law. Be it therefore 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. Any married person who, at the time of the institution of the suit, shall have been domiciled in this Colony for two years and upwards, may present a petition to the Supreme Court in the form prescribed by the "Matrimonial Causes Act" (thirty-sixth Victoria number nine), or by the Rules made under the same, praying on one or more of the grounds in this section mentioned that his or her marriage with the respondent may be dissolved—

(1) On the ground that the respondent has, without just cause or excuse, wilfully deserted the petitioner, and without any such cause or excuse, left him or her so deserted during three years and upwards continuously.

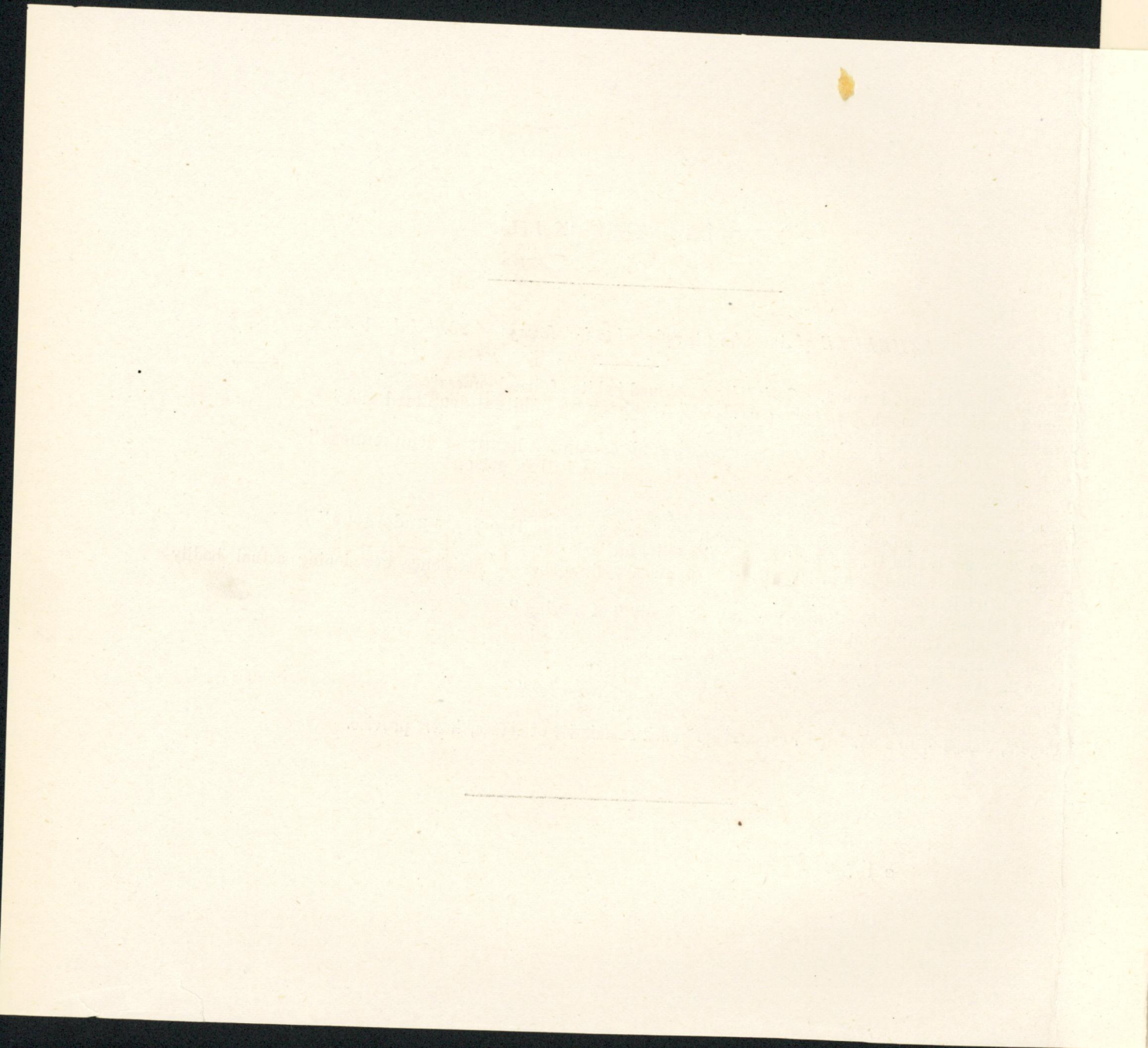
Divorce Extension.

- (II) On the ground that the respondent has, by continued habits of drunkenness during two years and upwards, habitually left his wife without the means of support, or habitually been guilty of cruelty towards her, or, being the petitioner's wife, has, by such habits, for a like period, habitually neglected her domestic duties or rendered herself unfit to discharge them. Habitual drunkenness, with cruelty or neglect, &c.
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- (III) On the ground that at the time of the presentation of the petition the respondent has been imprisoned for a period of not less than twelve months under sentence, or a commuted sentence for a capital crime, or under sentence for any felony of penal servitude for seven years or upwards, or being a husband, has by reason of frequent convictions for crime, left his wife habitually without the means of support. Sentence for crime.
- 10
- (IV) On the ground that, within six months previously, the respondent has been convicted of an assault upon the petitioner, occasioning actual bodily harm, or of having attempted to murder the petitioner, or assaulted him or her with intent to inflict grievous bodily harm, or on the ground that the respondent has repeatedly during that period, assaulted and cruelly beaten the petitioner. Violent assaults, &c.
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- 20
2. If in the opinion of the Court the petitioner's own habits or conduct, induced or contributed to the wrong complained of, the petition may be dismissed. But in all other cases under this Act if the Court is satisfied that the case of the petitioner is established, 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 it respects both or one of the parties, as the Court shall under the circumstances think proper. Divorce when pronounced, &c.
- 25
3. So far as they severally are applicable all the provisions of the "Matrimonial Causes Act," and the Acts amending the same shall apply to petitions and suits under this Act, and to the parties and all proceedings therein, and to all persons affected thereby. And in every such suit the parties shall have the same right of Appeal respectively against any Decree or Order as they would be entitled to in respect of a Decree or Order pronounced or made under the firstmentioned Act, and shall have the same right of trial of contested matters of fact by a jury. And every Decree or Order may, on Appeal, be reversed or varied as the Court shall think proper. Previous Acts made applicable.
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4. A domiciled person shall, for the purposes of this Act, be taken to be one who for the period specified has resided in this Colony as his or her actual home—although such persons domicile of origin or other legal domicile may be elsewhere. Provided that no person shall be entitled to petition under this Act who shall have resorted to the Colony for that purpose only. Application of the word domiciled.
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- 45
5. The Court shall have the same power of granting Orders to sue or defend, *in formâ pauperis*, in any suit under this or the recited Act or Acts, as in cases at law, or in equity—and 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. And the breach of any such Order may be dealt with as for Contempt of Court. Pauper suits or defences, and forbidding publication of evidence.
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- 55
6. The word "Court" in this Act shall ordinarily be taken to mean the Judge exercising jurisdiction in matrimonial causes, but for the purposes of an Appeal shall, after its institution, mean the Supreme Court sitting as in banco. And this Act may be cited as the "Divorce Extension Act of 1888." The term Court and short title.

DIVORCE EXTENSION BILL.

SCHEDULE of Amendments referred to in Message of 23rd July, 1888.

- Page 2, clause 1, lines 1 and 2. *Omit* "by continued habits of drunkenness"
Page 2, clause 1, line 2. *After* "upwards" *insert* "been an habitual drunkard and"
Page 2, clause 1, line 5. *Omit* "by such habits"
Page 2, clause 1, line 6. *After* "period" *insert* "by continued habits of drunkenness"
Page 2, clause 1, line 11. *After* "months" *insert* "and is still in prison"
Page 2, clause 1, line 12. *Omit* "sentence or"
Page 2, clause 1, line 13. *Omit* "for any felony"
Page 2, clause 1, line 14. *Omit* "by reason of" *insert* "during two years undergone"
Page 2, clause 1, line 15. *After* "crime" *insert* "and"
Page 2, clause 1, lines 18 and 19. *Omit* "of an assault upon the petitioner occasioning actual bodily
"harm or"
Page 2, clause 1, line 20. *Before* "assaulted" *insert* "of having"
Page 2, clause 1. At end of clause *add* proviso.
Page 2, clause 2, line 31. *Omit* "or contributed to"
Page 2, clause 2, line 32. *Omit* "may" *insert* "shall"
Page 2, clause 2, lines 33 and 34. *Omit* "it shall be lawful for"
Page 2, clause 2, line 34. *Omit* "to" *insert* "shall"
Page 2, clause 2, line 34. *After* "marriage" *omit* remainder of clause, *insert* proviso.
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This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

Legislative Assembly Chamber,
Sydney, 13 June, 1888. }

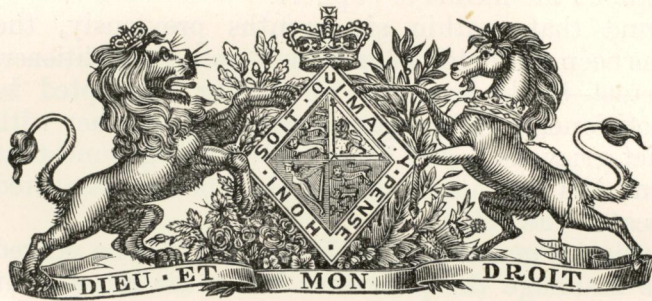
F. W. WEBB,
Clerk of Legislative Assembly.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Legislative Council Chamber,
Sydney, 23rd July, 1888. }

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINQUAGESIMO SECUNDO

VICTORIÆ REGINÆ.

No.

An Act to extend the Law of Divorce.

WHEREAS it is desirable in the interests of morality, and for the Preamble. relief of unoffending married persons, to extend the provisions of the Law of Divorce to certain cases of desertion, cruelty, drunkenness, and conviction for crime, in which the objects of marriage are by the conduct of the offending party equally defeated as in the case of adultery, and it is desirable also in certain other particulars to extend the existing law. Be it therefore 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 Any married person who, at the time of the institution of the suit, shall have been domiciled in this Colony for two years and upwards, may present a petition to the Supreme Court in the form prescribed by the "Matrimonial Causes Act" (thirty-sixth Victoria number nine), or by the Rules made under the same, praying on one or more of the grounds in this section mentioned that his or her marriage with the respondent may be dissolved—

15 (I) On the ground that the respondent has, without just cause or excuse, wilfully deserted the petitioner, and without any such cause or excuse, left him or her so deserted during three years and upwards continuously.

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604—

(II)

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Divorce Extension.

- (II) On the ground that the respondent has, ~~by continued habits of drunkenness~~ during two years and upwards, **been an habitual drunkard** and habitually left his wife without the means of support, or habitually been guilty of cruelty towards her, or, being the petitioner's wife, has, ~~by such habits,~~ for a like period, **by continued habits of drunkenness,** habitually neglected her domestic duties or rendered herself unfit to discharge them. Habitual drunkenness, with cruelty or neglect, &c.
- 5
- (III) On the ground that at the time of the presentation of the petition the respondent has been imprisoned for a period of not less than twelve months and is **still in prison** under ~~sentence, or a commuted sentence for a capital crime, or under sentence for any felony~~ of penal servitude for seven years or upwards, or being a husband, has ~~by reason of~~ **during two years undergone** frequent convictions for crime, and left his wife habitually without the means of support. Sentence for crime.
- 10
- 15
- (IV) On the ground that, within six months previously, the respondent has been convicted ~~of an assault upon the petitioner, occasioning actual bodily harm, or of having attempted to murder the petitioner, or of having assaulted him or her with intent to inflict grievous bodily harm, or on the ground that the respondent has repeatedly during that period, assaulted and cruelly beaten the petitioner.~~ Violent assaults, &c.
- 20
- Provided that no dissolution of marriage shall be decreed if it be proved that at the time of the marriage the petitioner knew the respondent was a person of habitually drunken habits, or was a person against whom a decree of divorce had been granted for any cause whatever. Provided further that in such cases the Court may grant a judicial separation.**
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- 30
2. If in the opinion of the Court the petitioner's own habits or conduct, induced ~~or contributed to~~ the wrong complained of, the petition ~~may~~ **shall** be dismissed. But in all other cases under this Act if the Court is satisfied that the case of the petitioner is established, ~~it shall be lawful for the Court to~~ **shall** pronounce a decree dissolving the marriage, Divorce when pronounced, &c.
- 35
- subject nevertheless to such provisions for the temporary suspension of such decree as it respects both or one of the parties, as the Court shall ~~under the circumstances think proper.~~ **Provided always that it shall not be lawful for the respondent to contract another marriage before the expiration of two years from the time when such decree was made absolute, and if he or she shall contract another marriage within the said time such respondent shall be guilty of a misdemeanour, and such marriage shall be void.**
- 40
3. So far as they severally are applicable all the provisions of the "Matrimonial Causes Act," and the Acts amending the same shall Previous Acts made applicable.
- 45
- apply to petitions and suits under this Act, and to the parties and all proceedings therein, and to all persons affected thereby. And in every such suit the parties shall have the same right of Appeal respectively against any Decree or Order as they would be entitled to in respect of a Decree or Order pronounced or made under the firstmentioned Act, Appeal and Trial by Jury.
- 50
- and shall have the same right of trial of contested matters of fact by a jury. And every Decree or Order may, on Appeal, be reversed or varied as the Court shall think proper.
4. A domiciled person shall, for the purposes of this Act, be taken to be one who for the period specified has resided in this Colony Application of the word domiciled.
- 55
- as his or her actual home—although such person's domicile of origin or other legal domicile may be elsewhere. Provided that no person shall be entitled to petition under this Act who shall have resorted to the Colony for that purpose only.

Divorce Extension.

5. The Court shall have the same power of granting Orders to sue or defend, *in formá pauperis*, in any suit under this or the recited Act or Acts, as in cases at law, or in equity—and 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. And the breach of any such Order may be dealt with as for Contempt of Court.

Pauper suits or defences, and forbidding publication of evidence.

6. The word “Court” in this Act shall ordinarily be taken to mean the Judge exercising jurisdiction in matrimonial causes, but for the purposes of an Appeal shall, after its institution, mean the Supreme Court sitting as in banco. And this Act may be cited as the “Divorce Extension Act of 1888.”

The term Court and short title.

[3d.]

