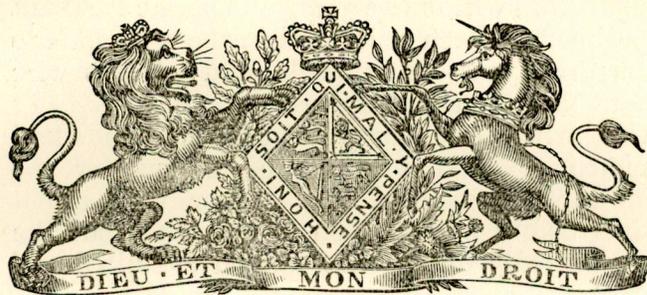


*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council Chamber,  
Sydney, 3rd July, 1890. }*

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

## New South Wales.



ANNO QUINQUAGESIMO QUARTO

# VICTORIÆ REGINÆ.

\*\*\*\*\*

No. .

An Act to amend and extend the Law of Divorce.

**W**HEREAS it is desirable to extend the provisions of the Law of Preamble.  
Divorce, and also in certain particulars to amend 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  
5 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 Divorce in what  
the suit, shall have been domiciled in this Colony for three years and cases.  
upwards (provided that he or she shall not have resorted to the Colony  
10 for the purpose of such institution) 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 that his or her marriage with the respondent may  
be dissolved, or praying that a judicial separation may be granted in  
15 either case on one or more of the grounds in this section mentioned,  
that is to say—

(a) On the ground that the respondent has, without just cause or Desertion.  
excuse, wilfully deserted the petitioner, and, without any such  
cause or excuse, left him or her continuously so deserted  
20 during three years and upwards. And no wife who was  
domiciled

*Divorce Amendment and Extension.*

domiciled in New South Wales when the desertion commenced shall be deemed to have lost her domicile by reason only of her husband having thereafter acquired a foreign domicile.

5 (b) On the ground that the respondent has, during three years and upwards, been an habitual drunkard, and either habitually left his wife without the means of support, or habitually been guilty of cruelty towards her, or, being the petitioner's wife, has, for a like period, been an habitual drunkard, and habitually neglected her domestic duties or rendered herself unfit to discharge them. Habitual drunkenness, with cruelty or neglect, &c.

10 (c) 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 three years, and is still in prison, under a commuted sentence for a capital crime, or under sentence to penal servitude or imprisonment for seven years or upwards, or, being a husband, has within five years undergone frequent convictions for crime, and been sentenced in the aggregate to imprisonment for three years or upwards, and left his wife habitually without the means of support. Sentence for crime.

15 (d) On the ground that, within one year previously, the respondent has been convicted 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 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, the Court shall pronounce the decree prayed for. Provided that where the petitioner's case is for dissolution of the marriage has failed, or the petition been dismissed, but a case for judicial separation has been established, the Court may pronounce a decree for a judicial separation. 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, 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.

30 4. 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, or any report or account of such evidence, either as to the whole or portions thereof. And the breach of any such Order may be dealt with as for Contempt of Court. Appeal and Trial by Jury.

35 5. The Court may in any case direct any issue of fact in a matrimonial or divorce suit to be tried on Circuit, and for that purpose may make all necessary orders for the setting down of the case and the return of the finding or findings therein, and respecting the costs of such trial; and the Circuit Court Judge shall have the same power of forbidding the publication of evidence as is by the preceding section conferred on the Judge exercising matrimonial jurisdiction. Trying issues on Circuit.

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*Divorce Amendment and Extension.*

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6. The Court shall have the same power in suits under this Act, as well as under the Matrimonial Causes Acts of 1873 and 1884, whether the suit be for divorce or for judicial separation only, to make all such orders in respect of the wife's property, and of alimony to her, when the decree made is for judicial separation, as the Court could make under the said Acts of 1873 and 1884 or one of them if the decree made was for divorce.

7. 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 consisting of three Judges sitting as in banco. And this Act may be cited as the "Divorce Amendment and Extension Act of 1890."

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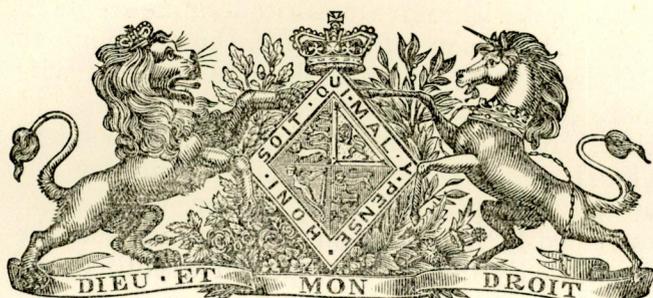
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and by the authority of the same, as follows:—

1. Any married person, who, at the time of the institution of Divorce in what  
the suit, shall have been domiciled in this Colony for three years and cases.  
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10 for the purpose of such institution) 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 that his or her marriage with the respondent may  
be dissolved, or praying that a judicial separation may be granted in  
15 either case on one or more of the grounds in this section mentioned,  
that is to say—

(a) On the ground that the respondent has, without just cause or Desertion.  
excuse, wilfully deserted the petitioner, and, without any such  
cause or excuse, left him or her continuously so deserted  
during three years and upwards. And no wife who was  
domiciled

*Divorce Amendment and Extension.*

domiciled in New South Wales when the desertion commenced shall be deemed to have lost her domicile by reason only of her husband having thereafter acquired a foreign domicile.

- 5 (b) On the ground that the respondent has, during three years and upwards, been an habitual drunkard, and either habitually left his wife without the means of support, or habitually been guilty of cruelty towards her, or, being the petitioner's wife, has, for a like period, been an habitual drunkard, and habitually neglected her domestic duties or rendered herself unfit to discharge them. Habitual drunkenness, with cruelty or neglect, &c.
- 10 (c) 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 three years, and is still in prison, under a commuted sentence for a capital crime, or under sentence to penal servitude or imprisonment for seven years or upwards, or, being a husband, has within five years undergone frequent convictions for crime, and been sentenced in the aggregate to imprisonment for three years or upwards, and left his wife habitually without the means of support. Sentence for crime.
- 15 (d) On the ground that, within one year previously, the respondent has been convicted 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.
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- 25

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, the Court shall pronounce the decree prayed for. Provided that where the petitioner's case is for dissolution of the marriage has failed, or the petition been dismissed, but a case for judicial separation has been established, the Court may pronounce a decree for a judicial separation. Divorce when pronounced, &c.

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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, 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. 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, or any report or account of such evidence, 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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5. The Court may in any case direct any issue of fact in a matrimonial or divorce suit to be tried on Circuit, and for that purpose may make all necessary orders for the setting down of the case and the return of the finding or findings therein, and respecting the costs of such trial; and the Circuit Court Judge shall have the same power of forbidding the publication of evidence as is by the preceding section conferred on the Judge exercising matrimonial jurisdiction. Trying issues on Circuit.

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*Divorce Amendment and Extension.*

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6. The Court shall have the same power in suits under this Act, as well as under the Matrimonial Causes Acts of 1873 and 1884, whether the suit be for divorce or for judicial separation only, to make all such orders in respect of the wife's property, and of alimony <sup>Wife's property and alimony.</sup> to her, when the decree made is for judicial separation, as the Court <sup>5</sup> could make under the said Acts of 1873 and 1884 or one of them if the decree made was for divorce.

7. The word "Court" in this Act shall ordinarily be taken to mean the Judge exercising jurisdiction in matrimonial causes, but for <sup>The term "Court" and short title.</sup> the purposes of an Appeal shall, after its institution, mean the Supreme Court consisting of three Judges sitting as in banco. And this Act may <sup>10</sup> be cited as the "Divorce Amendment and Extension Act of 1890."



Legislative Council.

53<sup>o</sup> VICTORIÆ, 1890.

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## A BILL

To amend and extend the Law of Divorce.

[SIR ALFRED STEPHEN ;—30 *April*, 1890.]

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**W**HEREAS 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 amend 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 (provided that he or she shall not have resorted to the Colony for the purpose only of such institution) may present a petition to the Supreme Court in the form prescribed by the "Matrimonial Causes

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, that is to say—

Desertion.

(a) On the ground that the respondent has, without just cause or 5  
excuse, wilfully deserted the petitioner, and, without any such  
cause or excuse, left him or her continuously so deserted  
during three years and upwards. And no wife who was  
domiciled in New South Wales when the desertion com-  
menced shall be deemed to have lost her domicile by reason 10  
only of her husband having thereafter acquired a foreign  
domicile.

Habitual drunken-  
ness, with cruelty or  
neglect, &c.

(b) On the ground that the respondent has, during two years and  
upwards, been an habitual drunkard, and either habitually 15  
left his wife without the means of support, or habitually  
been guilty of cruelty towards her, or, being the petitioner's  
wife, has, for a like period, been an habitual drunkard, and  
habitually neglected her domestic duties or rendered herself  
unfit to discharge them.

Sentence for crime.

(c) On the ground that, at the time of the presentation of the 20  
petition, the respondent has been imprisoned for a period of  
not less than twelve months, and is still in prison, under a  
commuted sentence for a capital crime, or under sentence to  
penal servitude for seven years or upwards, or, being a  
husband, has within three years undergone frequent convic- 25  
tions for crime, and left his wife habitually without the means  
of support.

Violent assaults, &c.

(d) On the ground that, within one year previously, the re-  
spondent has been convicted of having attempted to murder 30  
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.

Divorce when  
pronounced, &c.

2. If in the opinion of the Court the petitioner's own habits or  
conduct induced or contributed to the wrong complained of, the 35  
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, the  
Court shall pronounce a decree dissolving the marriage.

Where to be refused.

3. Provided always that no dissolution shall be decreed, if it be  
proved that at the time of the marriage the petitioner knew that the 40  
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—but in such cases the Court may grant a judicial separation.  
Provided also that it shall not be lawful for the respondent, in  
any case, to contract another marriage before the expiration of two 45  
years from the time when the decree was made absolute; and if he  
or she shall contract another marriage within that period, such  
respondent shall be guilty of a misdemeanour, and the marriage shall  
be void.

Previous Acts made  
applicable.

4. So far as they severally are applicable, all the provisions of 50  
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, against  
any Decree or Order, as they would be entitled to in respect of a 55  
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.

Appeal and Trial by  
Jury.

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  
5 the publication of the evidence therein, or any report or account of such evidence, 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 Court may in any case direct any issue of fact in a matrimonial or divorce suit to be tried on Circuit, and for that purpose  
10 may make all necessary orders for the setting down of the case and the return of the finding or findings therein, and respecting the costs of such trial.

Trying issues on Circuit.

7. The Court shall have the same power in suits under this Act, as well as under the Matrimonial Causes Acts of 1873 and 1881,  
15 whether the suit be for divorce or for judicial separation only, to make all such orders in respect of the wife's property, and of alimony to her, when the decree made is for judicial separation, as the Court could make under the said Acts of 1873 and 1881 or one of them if the decree made was for divorce.

Wife's property and alimony.

20 8. 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 Amendment and Extension Act of 1890."

The term "Court" and short title.



Legislative Council.

53<sup>o</sup> VICTORIÆ, 1890.

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# A BILL

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[SIR ALFRED STEPHEN ;—30 *April*, 1890.]

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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, that is to say—

Desertion.

(a) 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 continuously so deserted during three years and upwards. And no wife who was domiciled in New South Wales when the desertion commenced shall be deemed to have lost her domicile by reason only of her husband having thereafter acquired a foreign domicile. 5 10

Habitual drunkenness, with cruelty or neglect, &c.

(b) On the ground that the respondent has, during two years and upwards, been an habitual drunkard, and either habitually left his wife without the means of support, or habitually been guilty of cruelty towards her, or, being the petitioner's wife, has, for a like period, been an habitual drunkard, and habitually neglected her domestic duties or rendered herself unfit to discharge them. 15

Sentence for crime.

(c) 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 a commuted sentence for a capital crime, or under sentence to penal servitude for seven years or upwards, or, being a husband, has within three years undergone frequent convictions for crime, and left his wife habitually without the means of support. 20 25

Violent assaults, &c.

(d) On the ground that, within one year previously, the respondent has been convicted 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. 30

Divorce when pronounced, &c.

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, the Court shall pronounce a decree dissolving the marriage. 35

Where to be refused.

3. Provided always that no dissolution shall be decreed, if it be proved that at the time of the marriage the petitioner knew that 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—but in such cases the Court may grant a judicial separation. Provided also that it shall not be lawful for the respondent, in any case, to contract another marriage before the expiration of two years from the time when the decree was made absolute; and if he or she shall contract another marriage within that period, such respondent shall be guilty of a misdemeanour, and the marriage shall be void. 40 45

Limitation as to marriage by respondents.

Previous Acts made applicable.

4. 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, 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. 50 55

Appeal and Trial by Jury.

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, or any report or account of such evidence, 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 Court may in any case direct any issue of fact in a matrimonial or divorce suit to be tried on Circuit, and for that purpose may make all necessary orders for the setting down of the case and the return of the finding or findings therein, and respecting the costs of such trial.

Trying issues on Circuit.

7. The Court shall have the same power in suits under this Act, as well as under the Matrimonial Causes Acts of 1873 and 1881, whether the suit be for divorce or for judicial separation only, to make all such orders in respect of the wife's property, and of alimony to her, when the decree made is for judicial separation, as the Court could make under the said Acts of 1873 and 1881 or one of them if the decree made was for divorce.

Wife's property and alimony.

8. 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 Amendment and Extension Act of 1890."

The term "Court" and short title.

The history of the United States is a story of growth and expansion. From a small collection of colonies on the eastern coast, it grew into a vast nation that spanned the continent. The early years were marked by struggle and conflict, but the spirit of independence and self-determination prevailed. The American Revolution was a turning point, leading to the birth of a new nation. The years following were a period of rapid growth and development, as the United States expanded its territory and influence. The Civil War was a defining moment, testing the nation's unity and values. The Reconstruction era followed, a period of challenge and progress. The United States emerged as a global power, shaping the world's future. The American dream of freedom, opportunity, and prosperity continues to inspire and guide the nation.

The American dream is a powerful force that has driven the nation's progress. It is the belief that through hard work and determination, anyone can achieve success and a better life. This dream has attracted immigrants from all over the world, who have contributed to the nation's growth and diversity. The American dream is not just about wealth and power, but about the pursuit of happiness and the fulfillment of one's potential. It is a dream that has inspired generations of Americans to strive for excellence and to make a positive impact on the world. The American dream is a testament to the resilience and optimism of the American people. It is a dream that has shaped the nation's identity and continues to shape its future.

