

Right Hon. Sir J. G. Ward.

DIVORCE AND MATRIMONIAL CAUSES ACT
AMENDMENT.

ANALYSIS.

- Title.
1. Short Title.
2. Repeal. Saving.

3. Section 22 of the Divorce and Matrimonial Causes Act, 1904, amended.
4. Divorce on the ground of lunacy. Notice to be given to Public Trustee, who may act for respondent.

A BILL INTITULED

AN ACT to amend the Divorce and Matrimonial Causes Act, 1904. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Divorce and Matrimonial Causes Act Amendment Act, 1907. Short Title.

2. (1.) Section eleven of the Divorce and Matrimonial Causes Act, 1904, is hereby repealed. Repeal.

10 (2.) Notwithstanding such repeal, every decree for restitution of conjugal rights which has been made before the coming into operation of this Act shall continue to have the same effect as if this Act had not been passed, and every action for the restitution of conjugal rights commenced before the passing of this Act may be completed as if this Act had not been passed. Saving.

15 3. Section twenty-two of the Divorce and Matrimonial Causes Act, 1904, is hereby amended by adding the following additional paragraph:— Section 22 of Divorce and Matrimonial Causes Act, 1904, amended.

20 “(e.) On the ground that the respondent has been convicted and sentenced to imprisonment or penal servitude for seven years or upwards for taking or attempting to take the life of any child or children either of the petitioner or of the respondent.”

25 4. (1.) The following paragraph shall be added to section twenty-two of the Divorce and Matrimonial Causes Act, 1904:— Divorce on the ground of lunacy.

30 “(f.) On the ground that the respondent is a lunatic within the meaning of the Lunatics Act, 1882, and has been continuously confined as such during seven years or upwards in any asylum, and in the opinion of any two duly qualified medical men, and the medical superintendent of the asylum where the respondent is confined, is not

likely to recover, and on a certificate being given by such medical men and superintendent to that effect. 'Asylum' means any asylum as defined in the Lunatics Act, 1882:

"Provided that no divorce shall be granted under this paragraph if it appears to the Court that the lunacy of the respondent is in any way attributable to the misconduct of the petitioner." 5

Notice to be given to Public Trustee, who may act for respondent.

(2.) Where a petition is made for a divorce under this section, notice of such petition shall be served upon the Public Trustee, who may act for and on behalf of the respondent, and demand such alimony or division of the properties owned by the petitioner at the time such petition is presented as may be deemed equitable and just as between the parties. 10