

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

15th November, 1907.

[AS AMENDED BY THE LEGISLATIVE COUNCIL.]

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.

5 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, and shall be read together with and deemed to form part of the Divorce and Matrimonial Causes Act, 1904 (hereinafter referred to as the principal Act). Short Title.

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 Section eleven of the Divorce and Matrimonial Causes Act, 1904, is hereby repealed.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

(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.

New clauses.

20 2A. (1.) Section twenty-two of the principal Act is hereby amended by adding to paragraph (d) thereof the words "or of any child of the petitioner or of the respondent." Section 22 of principal Act amended.

(2.) The said section is hereby further amended by inserting after paragraph (d) the following paragraphs:—

25 " (e.) On the ground that the respondent has been convicted of the murder of a child of the petitioner or respondent.

" (f.) On the ground that the respondent is a lunatic or person of unsound mind, and has been confined as such in any asylum or other institution or house in accordance with the provisions of the Lunatics Act, 1882, for a period or periods not less in the aggregate than ten years

Section 27 of
principal Act
amended.

within twelve years immediately preceding the filing of the petition, and that the respondent is unlikely to recover from such lunacy or unsoundness of mind."

2B. Section twenty-seven of the principal Act is hereby amended by adding thereto the following subsection:—

"(2.) When the ground of any petition for dissolution of marriage is the lunacy or unsoundness of mind of the respondent, it shall be the duty of the Solicitor-General to take on behalf of the respondent such steps in the matter of the petition as he may consider necessary in the interests of the respondent."

Commencement
of Act.

2c. This Act shall come into operation when His Majesty's assent thereto is notified in accordance with the Constitution Act.

Struck out.

Section 22 of
Divorce and
Matrimonial
Causes Act, 1904,
amended.

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

"(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."

Divorce on the
ground of
lunacy.

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

"(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."

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.