

PART II.

DECREES FOR DISSOLUTION OF MARRIAGES.

Grounds for divorce.  
1898, No. 42, sec. 3

22. (1.) Any married person who, at the time of the institution of the suit or other proceeding, is domiciled in New Zealand for two years, may present a petition to the Court praying on one or more of the grounds in this section mentioned that his or her marriage with the respondent may be dissolved :— 5

(a.) On the ground that the respondent has, since the celebration of the marriage, and after the first day of June, one thousand eight hundred and ninety-nine, being the date of the coming into operation of "The Divorce Act, 1898," been guilty of adultery. 10

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

(c.) On the ground that the respondent has during four years and upwards been an habitual drunkard, and has either habitually left his wife without 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 has habitually neglected her domestic duties and rendered herself unfit to discharge them. 20

(d.) On the ground that the respondent has been convicted and sentenced to imprisonment or penal servitude for seven years or upwards for attempting to take the life of the petitioner. 25

(2.) If in the opinion of the Court the petitioner's own habits or conduct induced or contributed to the wrong complained of, such petition may be dismissed; but in all other cases under this section, if the Court is satisfied that the case of the petitioner is established, the Court shall pronounce a decree dissolving the marriage. 30

(3.) A deserted wife who was domiciled in New Zealand at the time of desertion shall be deemed, for the purposes of this Act, to have retained her New Zealand domicile, notwithstanding that her husband may have since the desertion acquired any foreign domicile. 35

When wife may  
petition for  
dissolution of  
marriage.

1867, No. 94, sec. 18

23. Irrespective of her right to petition under the last preceding section hereof, it shall be lawful for any wife to present a petition to the Supreme Court praying that her marriage may be dissolved on the ground that since the celebration thereof her husband has been guilty of incestuous adultery, or of bigamy with adultery, or of rape, or of sodomy, or of bestiality, or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensâ et thoro* under the law heretofore existing in England, or of adultery coupled with desertion without reasonable excuse for two years or upwards; and every petition under this and the next preceding section shall state as distinctly as the nature of the case permits the facts on which the claim to have such marriage dissolved is founded. 40 45

Meaning of  
incestuous adultery  
and bigamy.  
Ibid, sec. 19

24. For the purposes of this Act incestuous adultery shall be taken to mean adultery committed by a husband with a woman with 50