

New South Wales.



ANNO QUADRAGESIMO QUARTO

VICTORIÆ REGINÆ.

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No. XXXI.

MATRIMONIAL  
CAUSES ACT  
AMENDMENT.

An Act to amend the Law relating to Divorce  
and Matrimonial Causes. [*Reserved—25th  
March, 1881.*]

Preamble.

WHEREAS it is expedient to amend the Law relating to Divorce and Matrimonial Causes and to confer the same rights and privileges in the matter of Divorce on women as are now held and enjoyed by men 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:—

Marriage may be dissolved at suit of wife for husband's adultery.

1. On and after the passing of this Act it shall be lawful for any wife whose husband shall at the time of the institution of the suit be domiciled in New South Wales to present a petition to the Court praying that her marriage may be dissolved on the ground that since the celebration thereof her husband has been guilty of adultery And every such petition shall state as distinctly as the nature of the case permits the facts on which the claim to have such marriage dissolved is founded.

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*Matrimonial Causes Act Amendment.*

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2. Every such petition shall state the fact of such domicile and proof thereof to the satisfaction of the Court shall be given before any decree in the suit shall be pronounced and it shall be stated in any decree for dissolving the marriage that such proof has been so given.

Proof of domicile to be given &c.

3. In case the Court shall be satisfied on the evidence that the case of the petitioner has been proved and shall not find that the petitioner has been in any manner accessory to or conniving at the adultery of the other party to the marriage or has condoned the adultery complained of or that the petition is presented or prosecuted in collusion with either of the respondents then the Court shall pronounce a decree declaring such marriage to be dissolved. Provided that the Court shall not be bound to pronounce such decree if it shall find that the petitioner has during the marriage been guilty of adultery or if the petitioner shall in the opinion of the Court have been guilty of unreasonable delay in presenting or prosecuting such petition or of having deserted or wilfully separated herself from her husband before the adultery complained of or of such wilful neglect collusion or misconduct as has conduced to the adultery.

Court may pronounce decree on proof of adultery.

4. In all respects other than those in this Act specifically provided for the several clauses and provisions of the Act hereby amended shall apply to petitions and suits under this Act and to all proceedings therein as far as it shall be practicable.

Principal Act to apply to proceedings under this.

5. This Act may be cited as the "Matrimonial Causes Act Amendment Act of 1881."

Short title.

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