

Divorce and Matrimonial Causes Amendment Act 1913

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An Act to amend the Divorce and Matrimonial Causes Act, 1908.

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

1 Short Title

- (1.) This Act may be cited as the Divorce and Matrimonial Causes Amendment Act, 1913, and shall be read together with and deemed part of the Divorce and Matrimonial Causes Act, 1908 (hereinafter referred to as the principal Act).

Commencement.

- (2.) This Act shall come into operation on the first day of January, nineteen hundred and fourteen.

2 Section 34 of principal Act amended.

Subsection one of section thirty-four of the principal Act (relating to the making of decrees absolute) is hereby amended by omitting all the words in that subsection after the word “bigamy.”

3 Decrees absolute may be made on application of respondent.

The Court may, on the application of the respondent, make absolute a decree *nisi* for the dissolution of a marriage, and shall have in respect of such an application the same powers as if the application was made by the petitioner.

4 Section 58 of principal Act amended.

Section fifty-eight of the principal Act is hereby amended—

- (a.) By omitting the words “shall be at liberty to verify their respective cases, in whole or in part, by his or her own affidavit,” and substituting the words “may, with the leave of the Court, verify their respective cases in whole or in part by affidavit”; and
- (b.) By omitting the words “on his or her own behalf,” and substituting the words “by or on behalf of the party by whom such affidavit was filed.”

5 Repeal.

- (1.) Section seventy-three of the principal Act (relating to appeals to His Majesty in Council) is hereby repealed.

Section 4 of Divorce and Matrimonial Causes Amendment Act, 1912, amended.

- (2.) Section four of the Divorce and Matrimonial Causes Amendment Act, 1912, is hereby amended by omitting the words “or seventy-three,” and also the words “or to His Majesty in Council.”

6 Desertion after separation by mutual consent or judicial decree.

- (1.) If a married woman while living separately from her husband is or has been for any period (whether before or after the commencement of this Act) habitually and without just cause left by him without reasonable maintenance, he shall be deemed, for the purposes of the principal Act, to have deserted her wilfully and without just cause or reasonable excuse, and for that period to have left her so deserted, whether her separation from her husband has taken place or continued by mutual consent, or by virtue of a judicial decree or order under the principal or any other Act, or in any other manner.
- (2.) The Destitute Persons Act, 1910, is hereby amended—
 - (a.) By repealing subsection five of section eighteen thereof:
 - (b.) By repealing section twenty thereof.