

The compilation discloses a serious defect in the existing Acts with respect to divorce.

Under the Act of 1867 section 17 gave the husband the right to petition on the ground of adultery, and section 18 gave a similar right to the wife on the ground, *inter alia*, of incestuous adultery, or of adultery coupled with desertion for two years. The amending Act of 1898 repealed section 17, but not section 18, and provided that any married person who at the time of the suit had been domiciled in New Zealand for two years might petition for divorce on the ground, *inter alia*, of adultery committed after the coming into operation of the Act, or of desertion for five years.

The consequences are curious: The Act of 1898 came into operation on the 1st June, 1899, and on that date the wife's previous matrimonial misconduct ceased to count as a ground of divorce. For, as shown, the husband is limited to the Act of 1898, and therefore cannot allege adultery committed before the commencement of the Act.

The wife, however, may proceed under either Act, and it is only where she proceeds under the Act of 1898 that her petition is subject to the same restrictions as the husband's.

Presumably this was not the intention of the Legislature, but, of course, I must compile the Acts as they are.

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Subject to the alterations above referred to, I hereby certify that the annexed compilation intitled "The Divorce and Matrimonial Causes Acts Compilation Act, 1904," is a true and correct compilation of the respective Acts specified in the First Schedule thereto.

FRED. FITCHETT, Solicitor-General

Crown Law Offices, Wellington, 10th August, 1904.

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