

THE HOUSE OF COMMONS OF CANADA.

BILL 3.

An Act to provide for the Jurisdiction of the Exchequer Court of Canada in Matters of Divorce.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- Short title. **1.** This Act may be cited as *The Exchequer Court Divorce Jurisdiction Act.* 5
- Jurisdiction of Exchequer Court. **2.** The Exchequer Court of Canada (hereinafter referred to as "the Court") shall have jurisdiction to entertain an action for dissolution of marriage from a person domiciled in the province of Quebec or Newfoundland and shall have power and authority to grant a divorce *a vinculo matrimonii* to such a person on the ground that the defendant has since the celebration of his or her marriage been guilty of adultery. 10
- Conditions upon which decree be pronounced. **3.** If the Court is satisfied by the evidence that the case of the plaintiff has been proved, and does not find that the plaintiff has been in any manner accessory to or has connived at the adultery of the defendant, or that the plaintiff has condoned the adultery complained of, or that the action was commenced and is proceeded with in collusion with the defendant or the co-respondent, then the Court may give judgment declaring such marriage to be dissolved: Provided always that the Court shall not be bound to give such judgment if it finds that the plaintiff since his marriage to the defendant has been guilty of adultery, or if the plaintiff has, in the opinion of the Court, been guilty of unreasonable delay in commencing or proceeding with the action or has been guilty of mental or physical cruelty to the defendant, or has, without just cause, deserted the defendant or separated *a mensa et thoro* from the defendant, before the adultery complained of or has otherwise conduced to the commission of adultery by the defendant. 15
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- Proviso.