

DIVORCE INDEXES

1858 - 1958

ON

MICROFILM

BACKGROUND INFORMATION

A Court for Divorce and Matrimonial Causes was first established in January 1858. Prior to this the church courts were able to direct married couples to live apart or to declare their marriage invalid in the first place. From 1858, a husband could sue for divorce on grounds of his wife's adultery. Until 1969, the name of the person with whom adultery had been committed had to appear as co-respondent in the petition. The wife could only sue on the grounds of her husband's adultery if this was coupled with either bigamy, bestiality, incest, rape, sodomy, cruelty or desertion for two years. From 1925 onwards a divorce could be granted on the petition of the wife solely because of her husband's adultery.

The Matrimonial Causes Act 1937 meant that a marriage could be made void

- because of refusal of the respondent to consummate the marriage
- because either party was of unsound mind, mentally defective, or subject to recurrent fits of insanity or epilepsy at the time of the marriage
- because the respondent suffered from venereal disease in a communicable form at the time of the marriage
- because of adultery by either party
- because of desertion for three years
- because of cruelty to the petitioner

Finally, the Divorce Reform Act 1969 made irretrievable breakdown of a marriage the sole grounds for divorce.

The films are indexes of petitions rather than decrees. They show the full names of those who petitioned for divorces, followed by the names of the defendants. Where the husband has alleged adultery on the part of the wife, the name of the co-respondent is given as well. The indexes are handwritten and arranged by the initial letter of the surname in chronological order. The year is not always obvious, and it is only in the volume for 1954 that the months are inserted.

There are no indexes for 1946-49, but from 1 Nov 1946-9 June 1951 there are Divorce Receipt Books, which list the petitions filed at the Principal Registry in chronological order, although again, it is often difficult to ascertain the date.

From 1907 onwards, the index references have the following prefixes indicating the type of case involved:

HD	Petition by husband for decree of divorce
WD	Petition by wife for decree of divorce
HN	Petition by husband for decree of nullity (the marriage itself being invalid)
WN	Petition by wife for decree of nullity
HJS	Petition by husband for judicial separation (couples being directed to live apart)
WJS	Petition by wife for judicial separation
HRCR	Petition by husband for restitution of conjugal rights
WRCR	Petition by wife for restitution of conjugal rights
Legit	Petition for declaration of legitimacy
Prot	Application for order for Protection of wife's earnings and property
Div Ct	Appeal to Divisional Court from Justices

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