

marriage; secondly, for any cause which, by the laws of this state, render a marriage null and void *ab initio*; thirdly, for adultery; fourthly, when the court shall be satisfied by competent testimony that the party complained against has abandoned the party complaining, and that such abandonment has continued uninterruptedly for at least three years, and is deliberate and final, and the separation of the parties beyond any reasonable expectation of reconciliation; fifthly, when the woman, before marriage, has been guilty of illicit carnal intercourse with another man, the same being unknown to the husband at the time of the marriage, and when such carnal connection shall be proved to the satisfaction of the court.

May decree a divorce.

98. In all suits in chancery against non-residents, or against persons who may be proceeded against as if they were non-residents, the court may order notice to be given by publication in one or more newspapers stating the substance and object of the bill or petition, and warning such party to appear on or before the day fixed in such order and show cause why the relief prayed should not be granted; and such notice shall be published, as the court may direct, not less, however, than once a week for four successive weeks, fifteen days before the day fixed by such order for the appearance of the party.

May publish notice.

102. Upon any plea or demurrer being overruled, upon argument or otherwise, or being withdrawn without leave of the court, the party whose demurrer or plea is so overruled or withdrawn shall pay to the opposite party the sum of ten dollars and the costs thereof, and be in contempt until the said sum of money and costs are fully paid, unless the court shall otherwise specially order.

Withdrawal of plea, etc.

SEC. 2. *And be it enacted*, That a new section be added to said article sixteen, relating to the power of the judges of the court of appeals to modify and rescind the chancery rules framed by them, to read as follows:

Additional section.

SEC. ... The incorporation in this article of the rules prescribed by the court of appeals shall not deprive the said court of the power to re-

May rescind.