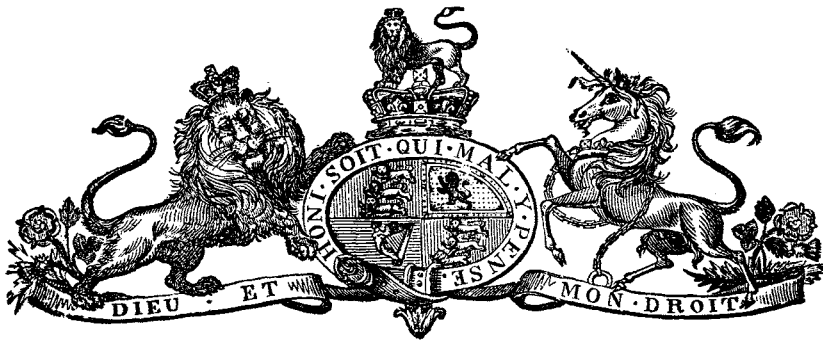


T A S M A N I A.

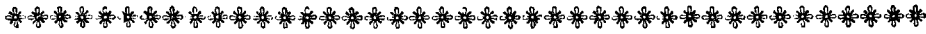


1860.

ANNO VICESIMO-QUARTO

VICTORIÆ REGINÆ,

No. 1.



AN ACT to vest in the Supreme Court Jurisdiction in respect of Divorce and Matrimonial Causes. [4 October, 1860.]

WHEREAS an Act has been passed by the Imperial Parliament, intituled *An Act to amend the Law relating to Divorce and Matrimonial Causes in England*, and other Acts have been passed by the said Parliament amending the said Act, and it is expedient to adopt the provisions of the said Acts in the administration of justice in this Colony so far as such provisions are applicable to the circumstances of the Colony, and to vest jurisdiction in matters Matrimonial, with authority in certain cases to decree the Dissolution of a Marriage, in the Supreme Court of *Tasmania*: Be it therefore enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

PREAMBLE.
20 & 21 V. c. 85.
21 & 22 V. c. 108.
22 & 23 V. c. 61.

1 The Supreme Court of *Tasmania* shall have and exercise in *Tasmania* all jurisdiction which before the passing of the said firstly recited Act of the Imperial Parliament was vested in or exercisable by any Ecclesiastical Court or Person in *England* in respect of Divorces à *Mensâ et Thoro*, Suits of Nullity of Marriage, Suits for Restitution of Conjugal Rights or Jactitation of Marriage, and in all Causes, Suits, and matters Matrimonial, except in respect of Marriage Licences: Provided, that the Supreme Court shall not make any Decree for a

Jurisdiction in Causes Matrimonial vested in Supreme Court.

Judicial Separation.

tion substituted
for a Divorce
à Mensâ et Thoro.

Divorce *à Mensâ et Thoro*; but, in all cases in which such a Decree might have been pronounced by such Ecclesiastical Courts in *England* before the passing of the said first-recited Act, the Supreme Court may pronounce a Decree for a Judicial Separation, which shall have the same effect as a Divorce *à Mensâ et Thoro* had in *England* when the same might lawfully have been pronounced, and also such other legal effect as hereinafter mentioned.

Court to act on
principles of the
Ecclesiastical
Courts.

2 In all suits and proceedings, other than proceedings to dissolve any Marriage, the Court shall proceed and act and give relief on principles and rules which, in the opinion of the Court, shall be as nearly as may be conformable to the principles and rules on which the Ecclesiastical Courts acted and gave relief in *England* before the passing of the said recited Act of the Imperial Parliament, but subject to the provisions herein contained and to the rules and orders under this Act.

Decree for a
Judicial Separation.

3 A Decree for a Judicial Separation may be obtained, either by the Husband or the Wife, on the ground of Adultery, or Cruelty, or Desertion without Cause for Two years and upwards.

Application for
Restitution of
Conjugal Rights
or Judicial
Separation may
be made by Hus-
band or Wife by
Petition to Court,
&c.

4 Application for Restitution of Conjugal Rights or for Judicial Separation on any one of the grounds aforesaid may be made by either Husband or Wife, by Petition to the Court; and the Court, on being satisfied of the truth of the allegations contained in such Petition, and that there is no legal ground why the same should not be granted, may decree such Restitution of Conjugal Rights or Judicial Separation accordingly; and where the application is by the Wife, may make any Order for Alimony which the Court may deem just.

Decree of Separation
obtained
during the
absence of Hus-
band or Wife may
be reversed.

5 Any Husband or Wife, upon the application of whose Wife or Husband, as the case may be, a Decree of Judicial Separation has been pronounced, may, at any time thereafter, present a Petition to the Court praying for a reversal of such Decree on the ground that it was obtained in his or her absence, and that there was reasonable ground for the alleged Desertion, where Desertion was the ground of such Decree; and the Court may, on being satisfied of the truth of the allegations of such Petition, reverse the Decree accordingly; but the reversal thereof shall not prejudice or affect the rights or remedies which any other person would have had in case such reversal had not been decreed, in respect of any debts, contracts, or acts of the Wife incurred, entered into, or done between the times of the sentence of Separation and of the reversal thereof.

Court may direct
payment of
Alimony to
Wife or to her
Trustee.

6 In all cases in which the Court makes any Decree or Order for Alimony, it may direct the same to be paid either to the Wife herself, or to any Trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court may seem expedient, and may, from time to time, appoint a new Trustee if for any reason it appears to the Court expedient to do so.

In case of Judicial
Separation the
Wife to be con-
sidered a Feme
Sole with respect
to property she
may acquire, &c.;

7 In every case of a Judicial Separation the Wife shall, from the date of the Decree and whilst the Separation continues, be considered as a Feme Sole with respect to property of every description which she may acquire or which may come to or devolve upon her; and such property may be disposed of by her in all respects as a Feme Sole, and on her decease the same shall, in case she dies intestate, go as the same

would have gone if her Husband had been then dead : Provided, that if any such Wife should again cohabit with her Husband, all such property as she may be entitled to when such cohabitation takes place shall be held to her separate use, subject, however, to any agreement in writing made between herself and her Husband whilst separate.

8 In every case of a Judicial Separation the Wife shall, whilst so separated, be considered as a Feme Sole for the purposes of Contract, and Wrongs and Injuries, and suing and being sued in any Civil proceeding; and her Husband shall not be liable in respect of any engagement or contract she may have entered into, or for any wrongful act or omission by her, or for any Costs she may incur as Plaintiff or Defendant: Provided, that where upon any such Judicial Separation Alimony has been decreed or ordered to be paid to the Wife, and the same is not duly paid by the Husband, he shall be liable for necessaries supplied for her use: Provided also, that nothing shall prevent the Wife from joining, at any time during such Separation, in the exercise of any joint power given to herself and her Husband.

also, for purposes of Contract and suing.

9 A Wife deserted by her Husband may, at any time after such Desertion, apply to the Court or a Judge, or to Justices in Petty Sessions, for an order to protect any money or property she may acquire by her own lawful industry, and property which she may become possessed of after such Desertion, against her Husband or his Creditors, or any person claiming under him; and such Court, Judge, or Justices, if satisfied of the fact of such Desertion, and that the same was without reasonable cause, and that the Wife is maintaining herself by her own industry or property, may make and give to the Wife an order protecting her earnings and property acquired since the commencement of such Desertion from her Husband, and all Creditors and persons claiming under him, and such earnings and property shall belong to the Wife as if she were a Feme Sole; and if the Husband, or any Creditor of or any person claiming under the Husband, seizes or continues to hold any property of the Wife after notice of any such order, he shall be liable, at the suit of the Wife which she is hereby empowered to bring, to restore the specific property, and also for a sum equal to double the value of the property so seized or held after such notice as aforesaid; and if any such order of protection be made, the Wife shall during the continuance thereof be and be deemed to have been, during such Desertion of her, in the like position in all respects, with regard to property and contracts, and suing and being sued, as she would be under this Act if she obtained a Decree of Judicial Separation: Provided, that it shall be lawful for the Husband, and any Creditor or other person claiming under him, to apply to the Court, or to the Justices by whom any such order of protection was made, for the discharge of such order.

Wife deserted by her Husband may apply to Court or Justices in Petty Sessions for protection.

10 In every case in which a Wife has obtained an Order to protect her earnings or property, or a Decree for Judicial Separation under this Act, such Order or Decree shall, until reversed or discharged, so far as necessary for the protection of any person or Corporation who deals with the Wife, be deemed valid and effectual; and no discharge, variation, or reversal of such Order or Decree shall prejudice or affect any rights or remedies which any person would have had in case the same had not been so reversed, varied, or discharged in respect of any debts, contracts, or acts of the Wife incurred, entered into, or done between the times of the making such Order or Decree and of the discharge, variation, or reversal thereof; and property of or to which the Wife is

Order for protection of earnings, &c. of Wife to be deemed valid.

possessed or entitled for an Estate in remainder or reversion at the date of the desertion or Decree, as the case may be, shall be deemed to be included in the protection given by the Order or Decree.

Order to state the time at which the Desertion commenced.

11 Every Order obtained by a Wife under this Act, for the protection of her earnings or property, shall state the time at which the Desertion in consequence whereof the Order is made commenced; and the Order shall, as regards all persons dealing with such Wife in reliance thereon, be conclusive as to the time when such Desertion commenced.

Indemnity to Corporations, &c. making payments under Orders afterwards reversed.

12 All persons and Corporations who, in reliance on any such Order or Decree as aforesaid, make any payment to, or permit any transfer or act to be made or done by, the Wife who has obtained the same, shall, notwithstanding such Order or Decree may then have been discharged, reversed, or varied, or the separation of the Wife from her Husband may have ceased, or at some time since the making of the Order or Decree been discontinued, be protected and indemnified in the same way in all respects as if, at the time of such payment, transfer, or other act, such Order or Decree were valid and still subsisting without variation in full force and effect, and the separation of the Wife from her Husband had not ceased or been discontinued, unless at the time of such payment, transfer, or other act such persons or Corporations had notice of the discharge, reversal, or variation of such Order or Decree, or of the cessation or discontinuance of such separation.

Provisions respecting Wife's property to extend to property vested in her as Executrix, &c.

13 The provisions contained in this Act respecting the property of a Wife who has obtained a Decree for Judicial Separation, or an Order for Protection, shall extend to property to which such Wife has or may become entitled as Executrix, Administratrix, or Trustee, since the sentence of Separation or the commencement of the Desertion, as the case may be; and the death of the Testator or Intestate shall be deemed the time when such Wife became entitled as Executrix or Administratrix.

On Adultery of Wife or Incest, &c. of Husband Petition for Dissolution of Marriage may be presented.

14 It shall be lawful for any Husband to present a Petition to the Court, praying that his Marriage may be dissolved, on the ground that his Wife has since the celebration thereof been guilty of Adultery; and it shall be lawful for any Wife to present a Petition to the Court, praying that her Marriage may be dissolved, on the ground that since the celebration thereof her Husband has been guilty of incestuous Adultery, or of Bigamy with Adultery, or of Rape, or of Sodomy or Bestiality, or of Adultery coupled with such cruelty as without Adultery would have entitled her, according to the principles of the Ecclesiastical Courts in *England*, before the passing of the said first recited Act of the Imperial Parliament, to a Divorce *à Mensâ et Thoro*, or of Adultery coupled with Desertion, without reasonable excuse, for Two years or upwards; and every such Petition shall state as distinctly as the nature of the case permits the facts on which the claim to have such Marriage dissolved is founded: Provided, that for the purposes of this Act incestuous Adultery shall be taken to mean Adultery committed by a Husband with a Woman with whom if his Wife were dead he could not lawfully contract Marriage by reason of her being within the prohibited degrees of consanguinity or affinity; and Bigamy shall be taken to mean Marriage of any person, being married, to any other person during the life of the former Husband or Wife, whether the second Marriage has taken place within the Dominions of Her Majesty or elsewhere.

As to "incestuous Adultery."

15 On any Petition presented by a Wife, praying that her Marriage may be dissolved by reason of her Husband having been guilty of Adultery coupled with Cruelty, or of Adultery coupled with Desertion, the Husband and Wife respectively shall be competent and compellable to give evidence of or relating to such Cruelty or Desertion.

On a Petition by Wife on account of Adultery, &c. both Husband and Wife competent, &c. to give evidence.

16 Upon any such Petition presented by a Husband the Petitioner shall make the alleged Adulterer a Co-Respondent to the said Petition, unless on special grounds, to be allowed by the Court, he is excused from so doing; and on every Petition presented by a Wife for Dissolution of Marriage the Court, if it sees fit, may direct that the person with whom the Husband is alleged to have committed Adultery be made a Respondent; and the parties or either of them may insist on having the contested matters of fact tried by a Jury as herein-after mentioned.

Adulterer to be a Co-Respondent.

Cause may be tried by a Jury.

17 In all cases in which, on the Petition of a Husband for a Divorce, the alleged Adulterer is made a Co-Respondent, or in which, on the Petition of a Wife, the person with whom the Husband is alleged to have committed Adultery is made a Respondent, it shall be lawful for the Court, after the close of the evidence on the part of the Petitioner, to direct such Co-Respondent or Respondent to be dismissed from the Suit, if the Court thinks there is not sufficient Evidence against him or her.

Where alleged Adulterer a Co-Respondent, Court may order him to be dismissed from the Suit.

18 Upon any such Petition for the Dissolution of a Marriage, it shall be the duty of the Court to satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the Petitioner has been in any manner accessory to or conniving at the Adultery, or has condoned the same, and shall also inquire into any counter-charge which may be made against the Petitioner.

Court to be satisfied of absence of collusion.

19 In case the Court, on the evidence in relation to any such Petition, is not satisfied that the alleged Adultery has been committed, or finds that the Petitioner has during the Marriage been accessory to or conniving at the Adultery of the other party to the Marriage, or has condoned the Adultery complained of, or that the Petition is presented or prosecuted in collusion with either of the Respondents, then and in any of the said cases the Court shall dismiss the said Petition.

Dismissal of Petition.

20 In case the Court is satisfied on the evidence that the case of the Petitioner has been proved, and does not find that the Petitioner has been in any manner accessory to or conniving at the Adultery of the other party to the Marriage, or has condoned the Adultery complained of, or that the Petition is presented or prosecuted in collusion with either of the Respondents, then the Court shall pronounce a Decree declaring such Marriage to be dissolved: Provided always, that the Court shall not be bound to pronounce such Decree if it finds that the Petitioner has during the Marriage been guilty of Adultery, or if the Petitioner, in the opinion of the Court, has been guilty of unreasonable delay in presenting or prosecuting such Petition, or of cruelty towards the other party to the Marriage, or of having deserted or wilfully separated himself or herself from the other party before the Adultery complained of, and without reasonable excuse, or of such wilful neglect or misconduct as has conduced to the Adultery.

Power to Court to pronounce Decree for dissolving Marriage.

Alimony.

21 The Court may, if it thinks fit, on any such Decree, order that the Husband shall, to the satisfaction of the Court, secure to the Wife such gross sum of money, or such annual sum of money, for any term not exceeding her own life, as, having regard to her fortune, if any, to the ability of her Husband, and to the conduct of the parties, it deems reasonable, and for that purpose may refer it to any one of the Conveyancers nominated by the Court by virtue of *The Equity Procedure Act* to settle and approve of a proper Deed or Instrument to be executed by all necessary parties; and the said Court may in such case, if it sees fit, suspend the pronouncing of its Decree until such Deed has been duly executed; and upon any Petition for Dissolution of Marriage the Court shall have the same power to make interim orders for payment of money, by way of Alimony or otherwise, to the Wife, as it would have in a Suit instituted for Judicial Separation.

Husband may claim Damages from Adulterers.

22 Any Husband may, either in a Petition for Dissolution of Marriage or for Judicial Separation, or in a Petition limited to such object only, claim Damages from any person on the ground of his having committed Adultery, after the commencement of this Act, with the Wife of such Petitioner, and such Petition shall be served on the alleged Adulterer and the Wife, unless the Court dispenses with such service, or directs some other service to be substituted; and the claim made by every such Petition shall be heard and tried on the same principles, in the same manner, and subject to the same or the like Rules and Regulations as Actions for Criminal Conversation are now tried and decided at Common Law; and all the enactments herein contained with reference to the hearing and decision of Petitions to the Court shall, so far as may be necessary, be deemed applicable to the hearing and decision of Petitions presented under this Enactment; and the Damages to be recovered on any such Petition shall in all cases be ascertained by the verdict of a Jury, although the Respondents or either of them may not appear; and after the verdict has been given the Court shall have power to direct in what manner such Damages shall be paid or applied, and to direct that the whole or any part thereof shall be settled for the benefit of the Children, if any, of the Marriage, or as a provision for the maintenance of the Wife.

Power to Court to order Adulterer to pay Costs.

23 Whenever in any Petition presented by a Husband the alleged Adulterer has been made a Co-Respondent, and the Adultery has been established, it shall be lawful for the Court to order the Adulterer to pay the whole or any part of the Costs of the proceedings.

Power to Court to make Orders as to custody of Children.

24 In any Suit or other proceeding for obtaining a Judicial Separation or a Decree of Nullity of Marriage, and on any Petition for dissolving a Marriage, the Court may, from time to time, before making its final Decree, make such interim Orders, and may make such provision in the final Decree, as it may deem just and proper with respect to the custody, maintenance, and education of the Children the Marriage of whose Parents is the subject of such Suit or other proceeding, and may, if it thinks fit, direct proper proceedings to be taken for placing such Children under the protection of the Court in its Equitable Jurisdiction.

Orders as to custody of Children after a final Decree of Separation.

25 The Court or a Judge, after a final Decree of Judicial Separation, Nullity of Marriage, or Dissolution of Marriage, may, upon application by Petition for this purpose, make, from time to time, all such Orders and provision with respect to the custody, maintenance, and education of the Children the Marriage of whose Parents was the subject of the

Decree, or for placing such Children under the protection of the Court in its Equitable Jurisdiction, as might have been made by such final Decree or by Interim Orders in case the proceedings for obtaining such Decree were still pending.

26 In questions of Fact arising in proceedings under this Act it shall be lawful for, but, except as herein-before provided, not obligatory upon, the Court to direct the truth thereof to be determined before itself, or before any One or more of the Judges of the said Court, by the Verdict of a Special Jury, in like manner as Issues in Actions are tried in the Court in its ordinary Jurisdiction.

Questions of Fact may be tried before the Court.

27 When any such Question is so ordered to be tried such Question shall be reduced into writing in such form as the Court directs, and at the Trial the Jury shall be sworn to try the said Question, and a true Verdict to give thereon according to the evidence; and upon every such Trial the Court or Judge shall have the same powers, jurisdiction, and authority as when presiding at a Trial in the Common Law jurisdiction of the Court.

Such Question to be reduced into writing, and a Jury to be sworn to try it. Judge to have same powers as at ordinary Trials.

28 Upon the Trial of any such Question or of any Issue under this Act, a General or Special Verdict or Verdicts, subject to a Special Case, may be returned, in like manner as in any cause tried in the Court under its Common Law jurisdiction; and every such Special Verdict and Special Case respectively shall be stated and settled in like manner as in any Cause tried in the Court in its Common Law jurisdiction; and the matter of Law in every such Special Verdict and Special Case shall be heard and determined by the full Court.

Special Verdict, and Special Case.

29 It shall be lawful for the Court to direct One or more Issue or Issues to be tried before a Judge of the Court at the Sittings for the Trial of Causes at such place as the Court thinks proper, in like manner as is now done by the Court in its Equitable Jurisdiction.

Court may direct Issues to try any Fact.

30 Where any Trial has been had by a Jury under this Act, it shall be lawful for the Court to grant a new Trial, subject to any Rules to be hereafter made by virtue of this Act.

New Trial.

31 Every person seeking a Decree of Nullity of Marriage, or a Decree of Judicial Separation, or a Dissolution of Marriage, or Decree in a suit of Jactitation of Marriage, shall, together with the Petition or other Application for the same, file an Affidavit verifying the same so far as he or she is able to do so, and stating that there is not any collusion or connivance between the Deponent and the other party to the Marriage.

Affidavit in support of a Petition.

32 Every such Petition shall be served on the Party to be affected thereby, in such manner as the Court by any General or Special Order, from time to time, directs: Provided, that the Court may dispense with such Service altogether in case it seems necessary or expedient so to do.

Service of Petition.

33 The Court may, if it thinks fit, order the attendance of the Petitioner, and may examine him or her, or permit him or her to be examined or cross-examined on oath on the hearing of any Petition, but no such Petitioner shall be bound to answer any question tending to show that he or she has been guilty of Adultery.

Examination of Petitioner.

Adjournment.

34 The Court may, from time to time, adjourn the hearing of any such Petition, and may require further evidence thereon, if it sees fit so to do.

Court may order settlement of property for benefit of innocent party and Children of Marriage.

35 In any case in which the Court pronounces a Decree of Divorce or Judicial Separation for Adultery of the Wife, if it is made to appear to the Court that the Wife is entitled to any property either in possession or reversion, it shall be lawful for the Court, if it thinks proper, to order such settlement as it thinks reasonable to be made of such property or any part thereof for the benefit of the innocent party, and of the Children of the Marriage, or either or any of them.

Marriage Settlements of parties after final Decree of Nullity of Marriage.

36 The Court after a final Decree of Nullity of Marriage, or Dissolution of Marriage, may enquire into the existence of ante-nuptial or post-nuptial Settlements made on the parties whose Marriage is the subject of the Decree, and may make such Orders with reference to the application of the whole or a portion of the property settled, either for the benefit of the Children of the Marriage or of their respective Parents, as to the Court seems fit.

Mode of taking evidence.

37 Subject to such Rules and Regulations as may be established as herein provided, the Witnesses in all proceedings before the Court where their attendance can be had shall be sworn and examined orally in open Court: Provided, that parties, except as herein-before provided, shall be at liberty to verify their respective cases in whole or in part by Affidavit, but so that the Deponent in every such Affidavit shall, on the application of the opposite party or by direction of the Court, be subject to be cross-examined by or on behalf of the opposite party orally in open Court, and after such cross-examination may be re-examined orally in open Court as aforesaid by or on behalf of the party by whom such Affidavit was filed.

Court may issue Commissions or give orders for examination of witnesses abroad or unable to attend.

38 Provided, that where a Witness is out of the jurisdiction of the Court, or where, by reason of his illness or from other circumstances, the Court does not think fit to enforce the attendance of the Witness in open Court, it shall be lawful for the Court to order a Commission to issue for the examination of such Witness on oath, upon interrogatories or otherwise, or if the Witness is within the jurisdiction of the Court to order the examination of such Witness on oath, upon interrogatories or otherwise, before any Officer of the said Court, or other person to be named in such Order for the purpose; and all the powers given to the Supreme Court by the Act of Council of the 5th *William* the 4th, No. 2, for enabling the Supreme Court to issue Commissions and give Orders for the examination of Witnesses in Actions depending in such Court, and to enforce such examination, and all the provisions of the said Act, and of any other Act for enforcing or otherwise applicable to such examination and the Witnesses examined, shall extend and be applicable to the examination of Witnesses under the Commissions and Orders of the Court, and to the Witnesses examined under this Act, as if the matter before the Court were an Action pending in such Court.

Affidavits by parties residing in Foreign Parts.

39 Affidavits or Affirmations may be used in proceedings under this Act from persons residing in Foreign Parts out of Her Majesty's Dominions, if sworn or affirmed before the persons empowered to administer oaths under the Act of the Imperial Parliament of the 6th *George* the 4th, Chapter 87, or of the 19th *Victoria*, Chapter 42;

provided that, in respect of places where there are no such persons as are mentioned in the said Acts, such Affidavits or Affirmations may be used if sworn or affirmed before any Foreign local Magistrate or other person having authority to administer an oath there.

40 Affidavits or Affirmations may be used in proceedings under this Act if sworn or affirmed in any place out of this Colony under the Dominion of Her Majesty, before any Court, Judge, Notary Public, or person lawfully authorised to administer oaths in such place; and the Judges, and all Officers of the Court, shall take judicial notice of the Seal or Signature, as the case may be, of any such Judge, Notary Public, or person which is attached, suspended, or subscribed to any such Affidavit or Affirmation, or to any other document.

Affidavits by parties residing in Her Majesty's Dominions.

41 If any person forges any such Seal or Signature as last aforesaid, or any Seal or Signature impressed, affixed, or subscribed under the provisions of the said Act of the Imperial Parliament of the 6th *George* the 4th, or of the 19th *Victoria*, to any Affidavit or Affirmation to be used in any proceeding under this Act, or tenders in evidence any such document as aforesaid with a false or counterfeit Seal or Signature thereto, knowing the same to be false or counterfeit, he shall be guilty of felony, and shall upon conviction be liable to Penal Servitude for the term of his life, or for any term not less than Seven Years, or to be imprisoned, with or without hard labour, for any term not exceeding Three Years nor less than One Year; and whenever any such document has been admitted in evidence by virtue of this Act, the Court or the person who has admitted the same may direct that the same shall be impounded, and be kept in the custody of some Officer of the Court or other proper person, for such period and subject to such conditions as to the said Court or person seems meet.

Persons forging Seal or Signature guilty of felony.

42 Subject to the provisions of this Act, the Rules of Evidence observed in the Supreme Court in its Common Law jurisdiction shall be applicable to and observed in the Trial of all questions of Fact under this Act.

Rules of Evidence at Law to be observed.

43 The Supreme Court, in the exercise of the jurisdiction conferred by this Act, shall have and exercise all the powers of the Court in its ordinary jurisdiction for compelling the attendance and examination of witnesses and the production of documents, and otherwise as a Court of Record; and all Laws and Rules applicable to the examination or depositions of witnesses or deponents in matters relating to the ordinary jurisdiction of the Court shall be equally applicable to the examination and depositions of witnesses and deponents under this Act; and all persons wilfully deposing or affirming falsely in any proceeding under this Act shall be guilty of perjury, and punishable accordingly.

Ordinary Rules of Law to apply to attendance and examination of Witnesses under this Act.

False evidence perjury.

44 The Court on the hearing of any Suit, Proceeding, or Petition under this Act, may make such Order as to Costs as to such Court may seem just.

Costs.

45 The Bill of any Proctor, Attorney, or Solicitor, for any fees, charges, or disbursements in respect of any business transacted under this Act in the Supreme Court, shall, as well between Proctor or Attorney or Solicitor and Client, as between Party and Party, be subject to Taxation by the Taxing Officer of the Court; and the mode in which

Bills of Proctors, Attorneys, &c. to be subject to taxation.

any such Bill shall be referred for Taxation, and by whom the Costs of Taxation shall be paid, shall be regulated by the Rules and Orders to be made under this Act; and the Certificate of the Taxing Officer of the amount at which such Bill is taxed shall be subject to Appeal to the Court.

Enforcement
of Orders
and Decrees.

46 All Decrees and Orders to be made by the Court in any Suit, Proceeding, or Petition to be instituted under the authority of this Act shall be enforced and put in execution in the same or the like manner as the Judgments, Orders, and Decrees of the Court in its Equitable jurisdiction may be enforced and put into execution.

Power to make
Rules, &c. for
procedure, and to
alter them from
time to time.

47 The Court shall make such Rules and Regulations concerning the Practice and Procedure under this Act as it may, from time to time, consider expedient, and shall have full power, from time to time, to revoke or alter the same.

Fees to be regu-
lated.

48 The Court shall have full power to fix and regulate, from time to time, the Fees payable upon all proceedings under this Act, which Fees shall be accounted for and paid by the Officer receiving the same to the Colonial Treasurer and form part of the General Revenue: Provided, that the Court may make such Rules and Regulations as it may deem necessary and expedient for enabling persons to sue in the said Court *in formâ pauperis*.

Liberty to parties
to marry again.

No Minister com-
pelled to solemnize
certain Marriages.

49 When any Decree dissolving a Marriage has been pronounced by the Court it shall be lawful for the respective parties thereto to marry again, as if the prior Marriage had been dissolved by Death: Provided, that no Minister of Religion shall be compelled to solemnize the Marriage of any person whose former Marriage may have been dissolved on the ground of his or her Adultery, or shall be liable to any suit, penalty, or censure for solemnizing or refusing to solemnize the Marriage of any such person.

No Action in
Tasmania for
Criminal Conver-
sation.

50 After the commencement of this Act no Action shall be maintainable in *Tasmania* for Criminal Conversation committed after such commencement.

Rules, &c. to be
laid before Par-
liament.

51 All Rules and Regulations concerning Practice or Procedure, or fixing or regulating Fees, which may be made by the Court under this Act, shall be laid before both Houses of the Parliament of *Tasmania* within One month after the making thereof, if Parliament is then sitting, or if Parliament is not then sitting, within One month after the commencement of the then next Session of Parliament.

Short title.

52 In referring to this Act it shall be sufficient to use the expression *The Matrimonial Causes Act*.