

T A S M A N I A.

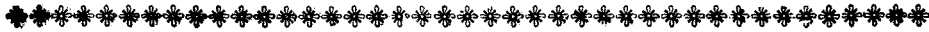


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ANNO TRICESIMO-OCTAVO

VICTORIÆ REGINÆ,

No. 13.



AN ACT to further amend the Procedure and Powers of the Supreme Court in respect of Divorce and Matrimonial Causes.

A.D. 1874.

[18 September, 1874.]

WHEREAS under Section Twenty-one of *The Matrimonial Causes Act* the Court may, on pronouncing any decree for a dissolution of a marriage, order that the husband shall, to the satisfaction of the Court, secure to the wife such gross or annual sum of money as to the Court may seem reasonable :

PREAMBLE.
24 Vict. No. 1,
s. 21.

And whereas it sometimes happens that a decree for a dissolution of marriage is obtained against a husband who has no property on which the payment of any such gross or annual sum can be secured, but nevertheless he would be able to make a monthly or weekly payment to the wife during their joint lives :

And whereas under Section Three of *The Matrimonial Causes Act*, No. 2, a decree for divorce is required in the first instance to be a decree nisi, and not to be made absolute until after the expiration of such time as the Court shall from time to time direct; and provision is made for any person showing cause why the decree should not be made absolute by reason of the same having been obtained by collusion, or of material facts not having been brought before the Court; and power is given to any person to give information to Her Majesty's Attorney-General, and such Attorney-General, if he suspects that any parties to the suit are acting in collusion for the purpose of obtaining a divorce contrary to the justice of the case, is authorised, by leave of the Court, to intervene in the suit, and otherwise proceed as therein mentioned :

28 Vict. No. 4,
s. 3.

Matrimonial Causes Act, No. 4.

A.D. 1874.

And whereas it is expedient to extend such provision to a suit for nullity of marriage :

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 :—

Extension of Sect. 3 of 28 Vict. No. 4, to suits for nullity of marriage.

1 Section Three of *The Matrimonial Causes Act, No. 2*, shall extend to decrees and suits for nullity of marriage in like manner as the same applies to decrees and suits for divorce ; and shall be construed as if the same were herein enacted, with the substitution of the words “ a decree for nullity of marriage,” for the words “ decree for a divorce,” or “ divorce,” as the case may require.

Power to order monthly or weekly payments to wife from husband on dissolution or nullity of marriage.

2 In every case in which the Court pronounces a decree for a dissolution or nullity of marriage, it shall be lawful for the Court to make an order on the husband for payment to the wife during their joint lives of such monthly or weekly sums for her maintenance and support as the Court may think reasonable : Provided always, that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order, wholly or in part, as to the Court may seem fit.

In cases of opposition on certain grounds.

3 In any suit instituted for dissolution or nullity of marriage, if the respondent shall oppose the relief sought on the ground in case of such a suit instituted by a husband, of his adultery, cruelty, or desertion, or in case of such a suit instituted by a wife, on the ground of her adultery or cruelty, the Court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had filed a petition seeking such relief.

Decree *nisi* not absolute till after Six months.

4 No decree *nisi* for a divorce or nullity of marriage shall be made absolute until after the expiration of Six calendar months from the pronouncing thereof, unless the Court shall under the power now vested in it fix a shorter time.

Desertion by cruelty of husband.

5 A husband shall be deemed to have deserted his wife where it is proved to the satisfaction of the Court or Justices, before whom any proceedings are instituted against him in respect of such desertion, that such husband has by his adultery or cruelty caused his wife to absent herself from him.

Acts to be read together.

6 This Act and *The Matrimonial Causes Act*, and all Acts altering or amending the same, except in so far as the same are amended by this Act, shall be read and construed together as one and the same Act.

Short title.

7 This Act may be cited as “ The Matrimonial Causes Act, No. 4.”