IV. The Court 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 of Chancery, as might have been made by such final Decree or by Interim Orders in case the Proceedings for obtaining such Decree were still pending; and all Orders under this Enactment may be made by the Judge Ordinary alone or with One or more of the other Judges of the Court.

The Court may make Orders as to Custody of Children after a final Decree of Separation.

20 & 21 Vict. c. 85.

V. The Court after a final Decree of Nullity of Marriage or Dissolution of Marriage may inquire 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 shall seem fit.

As to Marriage Settlements of Parties after final Decree of Nullity of Marriage.

VI. 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, &c., Husband and Wife competent to give Evidence.

VII. The Right of Appeal to the House of Lords given by the Fifty-sixth Section of the recited Act shall extend to all Sentences and Final Judgments on Petitions under the Legitimacy Declaration Act, 1858.

Extension of Right of Appeal to House of Lords.

CAP. LXII.

An Act to amend the *Irish* Bankruptcy and Insolvency Act (1857).

[13th *August* 1859.]

'WHEREAS by the *Irish* Bankrupt and Insolvent Act, 1857, unclaimed Dividends made before the passing of the said Act are exempted from the Operation of its Two hundred and ninety-fourth Section, but no Provision is thereby made for the Disposal of such unclaimed Dividends, and it is expedient to amend the said Act by supplying the said Omission:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the Authority of the same, as follows:

20 & 21 Vict. c. 60.

I. The Court may order that Dividends which have been declared before the passing of the said *Irish* Bankrupt and Insolvent Act, 1857, and which have remained unclaimed for the Space of Three Years from the Declaration thereof, shall be divided and paid amongst the other Creditors, in manner provided by the Sixth of *William* the Fourth, Chapter Fourteen, Section One hundred and twenty-eight.

Application of unclaimed Dividends, &c. 6 W. 4. c. 14. s. 128.

II. The said recited Act and this Act shall be treated and construed as One Act.

Acts to be construed as One Act.

CAP. LXIII.

An Act to afford Facilities for the more certain Ascertainment of the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof.

[13th *August* 1859.]

'WHEREAS great Improvement in the Administration of the Law would ensue if Facilities were afforded for more certainly ascertaining the Law administered in one Part of Her Majesty's Dominions when pleaded in the Courts of another Part thereof;'

'thereof:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Courts in one Part of Her Majesty's Dominions may remit a Case for the Opinion in Law of a Court in any other Part thereof.

I. If in any Action depending in any Court within Her Majesty's Dominions, it shall be the Opinion of such Court, that it is necessary or expedient for the proper Disposal of such Action to ascertain the Law applicable to the Facts of the Case as administered in any other Part of Her Majesty's Dominions on any Point on which the Law of such other Part of Her Majesty's Dominions is different from that in which the Court is situate, it shall be competent to the Court in which such Action may depend to direct a Case to be prepared setting forth the Facts, as these may be ascertained by Verdict of a Jury or other Mode competent, or may be agreed upon by the Parties, or settled by such Person or Persons as may have been appointed by the Court for that Purpose in the event of the Parties not agreeing, and upon such Case being approved of by such Court or a Judge thereof, they shall settle the Questions of Law arising out of the same on which they desire to have the Opinion of another Court, and shall pronounce an Order remitting the same, together with the Case, to the Court in such other Part of Her Majesty's Dominions, being One of the Superior Courts thereof, whose Opinion is desired upon the Law administered by them as applicable to the Facts set forth in such Case, and desiring them to pronounce their Opinion on the Questions submitted to them in the Terms of the Act; and it shall be competent to any of the Parties to the Action to present a Petition to the Court whose Opinion is to be obtained, praying such last-mentioned Court to hear Parties or their Counsel and to pronounce their Opinion thereon in Terms of this Act, or to pronounce their Opinion without hearing Parties or Counsel; and the Court to which such Petition shall be presented shall, if they think fit, appoint an early Day for hearing Parties or their Counsel on such Case, and shall thereafter pronounce their Opinion upon the Questions of Law as administered by them which are submitted to them by the Court; and in order to their pronouncing such Opinion they shall be entitled to take such further Procedure thereupon as to them shall seem proper.

Opinion to be authenticated and certified Copy given.

II. Upon such Opinion being pronounced, a Copy thereof, certified by an Officer of such Court, shall be given to each of the Parties to the Action by whom the same shall be required, and shall be deemed and held to contain a correct Record of such Opinion.

Opinion to be applied by the Court making the Remit.

III. It shall be competent to any of the Parties to the Action, after having obtained such certified Copy of such Opinion, to lodge the same with an Officer of the Court in which the Action may be depending, who may have the official Charge thereof, together with a Notice of Motion, setting forth that the Party will, on a certain Day named in such Notice, move the Court to apply the Opinion contained in such certified Copy thereof to the Facts set forth in the Case herein-before specified, and the said Court shall thereupon apply such Opinion to such Facts, in the same Manner as if the same had been pronounced by such Court itself upon a Case reserved for Opinion of the Court, or upon special Verdict of a Jury; or the said last-mentioned Court shall, if it think fit, when the said Opinion has been obtained before Trial, order such Opinion to be submitted to the Jury with the other Facts of the Case as Evidence, or conclusive Evidence as the Court may think fit, of the Foreign Law therein stated, and the said Opinion shall be so submitted to the Jury.

Her Majesty in Council or House of Lords on Appeal may adopt or reject Opinion.

IV. In the event of an Appeal to Her Majesty in Council or to the House of Lords in any such Action, it shall be competent to bring under the Review of Her Majesty in Council or of the House of Lords the Opinion pronounced as aforesaid by any Court whose Judgments are reviewable by Her Majesty in Council or by the House of Lords, and Her Majesty in Council or that House may respectively adopt or reject such Opinion of any Court whose Judgments are respectively reviewable by them, as the same shall appear to them to be well founded or not in Law.

Interpretation of Terms.

V. In the Construction of this Act, the Word "Action" shall include every judicial Proceeding instituted in any Court, Civil, Criminal, or Ecclesiastical; and the Words "Superior Courts" shall include, in *England*, the Superior Courts of Law at *Westminster*, the Lord Chancellor, the Lords Justices, the Master of the Rolls or any Vice Chancellor, the

the Judge of the Court of Admiralty, the Judge Ordinary of the Court for Divorce and Matrimonial Causes, and the Judge of the Court of Probate; in *Scotland*, the High Court of Justiciary, and the Court of Session acting by either of its Divisions; in *Ireland*, the Superior Courts of Law at *Dublin*, the Master of the Rolls, and the Judge of the Admiralty Court; and in any other Part of Her Majesty's Dominions, the Superior Courts of Law or Equity therein.

CAP. LXIV.

An Act to remove Doubts as to the Validity of certain Marriages of *British* Subjects at *Lisbon*. [13th *August* 1859.]

'WHEREAS the *British* Chapel at *Lisbon* was erected in or about the Year One thousand eight hundred and twenty-two, out of Funds at the Disposal of the 'British Merchants and Factors in *Portugal* for pious, charitable, and public Uses, and has 'since been maintained in part by Contributions of *British* residents in *Lisbon*, and in part 'by Moneys provided by Parliament: And whereas the said Chapel has been considered 'to be under the special Protection and Direction of the *British* Legation, and Marriages 'have been solemnized therein between *British* Subjects according to the Rites of the 'United Church of *England* and *Ireland*: And whereas Doubts may be entertained con-'cerning the Validity of such of the said Marriages as may have been solemnized since the 'passing of the Act of the Session holden in the Twelfth and Thirteenth Years of Her 'Majesty, Chapter Sixty-eight:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 12 & 13 Vict. c. 68.

Marriages solemnized in the British Chapel at Lisbon confirmed.

I. All Marriages which before the passing of this Act have been solemnized in the said Chapel at *Lisbon* by the *British* Chaplain, or by any Minister in Holy Orders, according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, (both or One of the Parties to such respective Marriages being Subjects or a Subject of this Realm,) shall be deemed and held to be as valid in the Law as if the same respectively had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by Law.

Certificates received by Secretary of State to be sent to the Registrar General, and certified Copies to be Evidence, as under 6 & 7 W. 4. c. 86.

II. It shall be lawful for One of Her Majesty's Principal Secretaries of State to transmit to the Registrar General of Births and Marriages in *England* all such Certificates of the Marriages solemnized as aforesaid as have been or shall be transmitted to the Office of such Secretary of State by Her Majesty's Consul or Vice-Consul at *Lisbon*; and all Certificates which shall be transmitted to such Registrar General by such Secretary of State as Certificates of the Marriages confirmed by this Act shall be received by such Registrar General, and shall be kept in the General Register Office in manner directed by the Act of the Session holden in the Sixth and Seventh Years of King *William* the Fourth, Chapter Eighty-six, "for registering Births, Deaths, and Marriages in *England*," concerning the certified Copies of Registers sent to the said Registrar General, as therein mentioned; and a certified Copy of any such Certificate, such Copy purporting to be sealed or stamped with the Seal of the General Register Office, shall be received as Evidence of the Marriage to which the same relates having been solemnized as aforesaid, without further or other Proof.

Right to search and have Copies.

III. All Persons shall have the like Right to search such Certificates and to have certified Copies thereof, and upon the like Payment, as provided under the said Act with respect to Searches in the Indexes to be made and kept in the said Register Office under that Act, and certified Copies of Registers, therein mentioned; and Section Forty-three of such Act, concerning the destroying, injuring, or falsifying of Register Books, or giving false Certificates of Entries, or certifying any false Copy or Extract, shall be applicable with respect to the Certificates to be received by the said Registrar General under this Act, in the like Manner as such Enactment applies with respect to such Register Books.