ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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CAP. LXXVII.

An Act to amend the Law relating to Appeals from the Court of Divorce and Matrimonial Causes in *England*. [31st *July* 1868.]

WHEREAS it is expedient to amend the Law relating to Appeals from the Court for Divorce and Matrimonial Causes with a view to prevent unnecessary Delay in the final Determination of Suits for Dissolution or Nullity of Marriage:

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:

Interpretation.

1. Throughout this Act the Expression "the Court" shall mean the Court for Divorce and Matrimonial Causes.

Sect. 56 of 20 & 21 Vict. c. 85., Sect. 17 of 21 & 22 Vict. c. 108., and Sect. 3 of 23 & 24 Vict. c. 144. repealed.

2. Section Fifty-six of the Act of Twentieth and Twenty-first *Victoria*, Chapter Eighty-five, Section Seventeen of the Act of Twenty-first and Twenty-second *Victoria*, Chapter One hundred and eight, and Section Three of the Act of Twenty-third and Twenty-fourth *Victoria*, Chapter One hundred and forty-four, are hereby repealed.

3. Either

Appeals to House of Lords to be within One Month.

3. Either Party dissatisfied with the final Decision of the Court on any Petition for Dissolution or Nullity of Marriage may, within One Calendar Month after the pronouncing thereof, appeal therefrom to the House of Lords, and on the Hearing of any such Appeal the House of Lords may either dismiss the Appeal or reverse the Decree, or remit the Case to be dealt with in all respects as the House of Lords shall direct: Provided always, that in Suits for Dissolution of Marriage no Respondent or Co-Respondent, not appearing and defending the Suit on the Occasion of the Decree Nisi being made, shall have any Right of Appeal to the House of Lords against the Decree when made absolute, unless the Court, upon Application made at the Time of the pronouncing of the Decree absolute, shall see fit to permit an Appeal.

No Appeal in undefended Suits for Dissolution unless by Leave of Court.

Liberty to Parties to marry again.

4. Section Fifty-seven of the said Act of Twenty-first *Victoria*, Chapter Eighty-five, shall be read and construed with reference to the Time for appealing as varied by this Act; and in Cases where under this Act there shall be no Right of Appeal, the Parties respectively shall be at liberty to marry again at any Time after the pronouncing of the Decree absolute.

Short Title.

5. This Act may be cited as "The Divorce Amendment Act, 1868."

Qualified retrospective Operation.

6. This Act shall extend to all Suits pending at the Time when the same shall come into operation, notwithstanding that a Decree may have been pronounced therein; provided nevertheless, that this Act shall not affect any pending Appeal, nor shall the same prejudice any subsisting Right of Appeal against a Decree already pronounced, provided such Appeal be lodged within One Calendar Month after this Act shall come into operation.

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