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C A P. XCIII.

An Act to enable Persons to establish Legitimacy and the Validity of Marriages, and the Right to be deemed natural-born Subjects.

[2d *August* 1858.]

WHEREAS it is expedient to enable Persons to establish their Legitimacy, and the Marriage of their Parents and others from whom they may be descended, and also to enable Persons to establish their Right to be deemed natural-born Subjects: 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:

Application to Court for Divorce and Matrimonial Causes for Declaration of Legitimacy or Validity or Invalidity of Marriage.

I. Any natural-born Subject of the Queen, or any Person whose Right to be deemed a natural-born Subject depends wholly or in part on his Legitimacy or on the Validity of a Marriage, being domiciled in *England* or *Ireland*, or claiming any Real or Personal Estate situate in *England*, may apply by Petition to the Court for Divorce and Matrimonial Causes, praying the Court for a Decree declaring that the Petitioner is the legitimate Child of his Parents, and that the Marriage of his Father and Mother, or of his Grandfather and

Grand-

Grandmother, was a valid Marriage, or for a Decree declaring either of the Matters aforesaid; and any such Subject or Person, being so domiciled or claiming as aforesaid, may in like Manner apply to such Court for a Decree declaring that his Marriage was or is a valid Marriage, and such Court shall have Jurisdiction to hear and determine such Application and to make such Decree declaratory of the Legitimacy or Illegitimacy of such Person, or of the Validity or Invalidity of such Marriage, as to the Court may seem just; and such Decree, except as herein-after mentioned, shall be binding to all Intents and Purposes on Her Majesty and on all Persons whomsoever.

Application to Court for Declaration of Right to be deemed a natural-born Subject.

II. Any Person, being so domiciled or claiming as aforesaid, may apply by Petition to the said Court for a Decree declaratory of his Right to be deemed a natural-born Subject of Her Majesty, and the said Court shall have Jurisdiction to hear and determine such Application, and to make such Decree thereon as to the Court may seem just, and where such Application as last aforesaid is made by the Person making such Application as herein mentioned for a Decree declaring his Legitimacy or the Validity of a Marriage, both Applications may be included in the same Petition; and every Decree made by the said Court shall, except as herein-after mentioned, be valid and binding to all Intents and Purposes upon Her Majesty and all Persons whomsoever.

Petition to be accompanied by Affidavit.

III. Every Petition under this Act shall be accompanied by such Affidavit verifying the same, and of the Absence of Collusion, as the Court may by any General Rule direct.

20 & 21 Vict. c. 85. to apply to Proceedings under this Act.

IV. All the Provisions of the Act of the last Session, Chapter Eighty-five, so far as the same may be applicable, and the Powers and Provisions therein contained in relation to the making and laying before Parliament of Rules and Regulations concerning the Practice and Procedure under that Act, and fixing the Fees payable upon Proceedings before the Court, shall extend to Applications and Proceedings in the said Court under this Act, as if the same had been authorized by the said Act of the last Session.

Power to award and enforce Payment of Costs.

V. In all Proceedings under this Act the Court shall have full Power to award and enforce Payment of Costs to any Persons cited, whether such Persons shall or shall not oppose the Declaration applied for, in case the said Court shall deem it reasonable that such Costs shall be paid.

VII. A Copy

Attorney General to have a Copy of Petition One Month before it is filed, and to be Respondent.

VI. A Copy of every Petition under this Act, and of the Affidavit accompanying the same, shall, One Month at least previously to the Presentation or filing of such Petition, be delivered to Her Majesty's Attorney General, who shall be a Respondent upon the Hearing of such Petition and upon every subsequent Proceeding relating thereto.

Court may require Persons to be cited.

VII. Where any Application is made under this Act to the said Court such Person or Persons (if any) besides the said Attorney General as the Court shall think fit shall, subject to the Rules made under this Act, be cited to see Proceedings or otherwise summoned in such Manner as the Court shall direct, and may be permitted to become Parties to the Proceedings, and oppose the Application.

Saving for Rights of Persons not cited.

VIII. The Decree of the said Court shall not in any Case prejudice any Person, unless such Person has been cited or made a Party to the Proceedings or is the Heir-at-Law or next of Kin, or other Real or Personal Representative of or derives Title under or through a Person so cited or made a Party; nor shall such Sentence or Decree of the Court prejudice any Person if subsequently proved to have been obtained by Fraud or Collusion.

Persons domiciled in Scotland may insist, on an Action of Declarator, that he is a natural-born Subject.

IX. Any Person domiciled in *Scotland*, or claiming any Heritable or Moveable Property situate in *Scotland*, may raise and insist, in an Action of Declarator before the Court of Session, for the Purpose of having it found and declared that he is entitled to be deemed a Natural-born Subject of Her Majesty; and the said Court shall have Jurisdiction to hear and determine such Action of Declarator, in the same Manner and to the same Effect, and with the same Power to award Expenses, as they have in Declarators of Legitimacy and Declarators of Bastardy.

No Proceedings to affect final Judgments, &c. already pronounced.

X. No Proceeding to be had under this Act shall affect any final Judgment or Decree already pronounced or made by any Court of competent Jurisdiction.

Acts to be read together.

Short Title.

XI. The said Act of the last Session and this Act shall be construed together as One Act; and this Act may be cited for all Purposes as "The Legitimacy Declaration Act, 1858."

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