CHAP. 49.

An Act to amend the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870. [13th July 1871.]

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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:

Short title.

1. This Act may be cited for all purposes as "The Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1871," and the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, and this Act may be cited together for all purposes as "The Matrimonial Causes and Marriage Law (Ireland) Amendment Acts, 1870 and 1871."

Construction of Act.

2. This Act and the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, so far as the same is not inconsistent with this Act, shall be construed together as one Act.

Court may direct issues to try any fact.

3. Where the Court for Matrimonial Causes and Matters directs an issue, it shall be lawful for the said Court to direct such issue to be tried in any court of common law, and either before a judge of assize in any county, or at the sittings for the trial of causes in Dublin, and either by a special or common jury, in like manner as is now done by the Court of Probate.

Appeal against decree or order of ecclesiastical court or judge.

4. Any person considering himself aggrieved by any decree or order of any primary ecclesiastical court of competent jurisdiction made after the first day of January one thousand eight hundred and seventy and before the first day of January one thousand eight hundred and seventy-one, in any cause or matter matrimonial, or within six weeks after the said first day of January by any judge of any such court as aforesaid, under the provisions of the fifth section of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, may appeal therefrom to the Court of

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Appeal in Chancery, and thence to the House of Lords, as if the same were a decree or order of the Court for Matrimonial Causes and Matters.

Enforcement of orders and decrees.

5. All decrees and orders made by the Court for Matrimonial Causes and Matters, in any suit, proceeding, or petition under the authority of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, or of this Act, or which the said Court under the provisions of the aforesaid Acts has power to enforce, shall be enforced and put in execution in the same or the like manner as the judgments, orders, and decrees of the High Court of Chancery may be now enforced and put in execution.

Powers of the court to compel witnesses to attend, &c.

6. The Court for Matrimonial Causes and Matters shall have the like powers, jurisdiction, and authority for enforcing the attendance of persons required by it, and for punishing persons failing, neglecting, or refusing to produce deeds, evidences, or writings, or refusing to appear or to be sworn, or make affirmation or declaration, or to give evidence, or guilty of contempt, and generally for enforcing all orders, decrees, and judgments made or given by the court, and otherwise in relation to the matters to be inquired into and done by or under the orders of the court, as are by law vested in the Court of Chancery for such purposes in relation to any suit or matter depending in such court.

Judge to have authority and control over proctors, &c.

7. The Judge of the Court for Matrimonial Causes and Matters shall have and may exercise over proctors, solicitors, and attorneys practising in the said court the like authority and control as is now exercised by the judges of any court of equity or of common law over persons practising therein as proctors, solicitors, or attorneys.

Rules of evidence.

8. The rules of evidence observed in the superior courts of common law shall be applicable to and observed in the trial of all questions of fact in the Court for Matrimonial Causes and Matters.

Practice of the court.

9. The practice of the Court for Matrimonial Causes and Matters shall, except where otherwise provided by the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, or this Act, or by the rules or regulations made or to be from time to time made under the said Act or this Act, be, so far as the circumstances of the case will admit, according to the present practice of the Court of Probate.

Court may make rules and regu-

10. The judge of the Court for Matrimonial Causes and Matters may make, and when made may add to, rescind, amend, or alter,

rules and regulations with respect to the procedure and practice in matrimonial causes and matters, including rules for enabling persons to sue in the said court in formâ pauperis, and also with respect to the scale of costs and fees to be charged upon proceedings in the said court, subject to the sanction of the Commissioners of Her Majesty's Treasury as to the amount of fees to be charged, and may rescind, amend, or alter any existing rules of the said court; such rules and regulations shall be published and laid before both Houses of Parliament as provided by the "Matrimonial Causes and Marriage Law Amendment Act, 1870."

lations for procedure.

Any rules and regulations, and every addition, alteration, or amendment to, in, or of the same, made in pursuance of this section, shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if enacted in this Act.

Power to appoint commissioners to administer oaths.

11. The judge of the Court for Matrimonial Causes and Matters may, under the seal of the said court, from time to time appoint persons to administer oaths, and to take declarations or affirmations, and perform such other duties with reference to matrimonial causes and matters as may be assigned to them from time to time by rules and regulations to be made by the judge of the said court, in pursuance of the provisions of the Matrimonial Causes and Marriage Law (Ireland) Amendment Acts, 1870 and 1871, and the persons so appointed shall be styled "Commissioners of Her Majesty's Court for Matrimonial Causes and Matters."

Registrars, &c. to have power to administer oaths.

12. The registrars and officers of the Court for Matrimonial Causes and Matters, and the commissioners for taking oaths in the High Court of Chancery, and all persons now or hereafter authorised to administer oaths under the Probates and Letters of Administration Act (Ireland), 1857, and the Court of Probate Act (Ireland), 1859, shall respectively have full power to administer oaths, and to take declarations or affirmations in proceedings of the said Court for Matrimonial Causes and Matters.

Commissioners may be appointed in the Isle of Man, &c.

13. It shall be lawful for the judge of the Court for Matrimonial Causes and Matters to appoint, by commission under the seal of the said court, any persons practising as solicitors in the Isle of Man, in the Channel Islands, or any of them, and also such persons resident in England, Wales, and Scotland as he shall think fit, to administer oaths, and to take declarations or affirmations, and to exercise any other powers which can be exercised by commissioners of the said court, and such persons shall be entitled from time to time to charge and take such fees as any other persons performing the same duties in the said court may charge and take.

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Power to make affirmations or declarations.

14. Any party required to be examined, or any person required or desiring to make an affidavit or deposition, under or for the purposes of the Matrimonial Causes and Marriage Law (Ireland) Amendment Acts, 1870 and 1871, shall be permitted to make his solemn affirmation or declaration, instead of being sworn, under the circumstances and in the manner under and in which a person called as a witness so desiring to make an affidavit or deposition in any of the superior courts would now be permitted to do so.

Penalty on forging or counterfeiting seals, &c. of officers.

15. If any person forge the signature of any commissioner of the Court for Matrimonial Causes and Matters, or of any registrar or officer of the said court, or of any commissioner of the High Court of Chancery, or of any person acting under the authority of this Act, or forge or counterfeit any seal of the said Court for Matrimonial Causes and Matters, or knowingly use or concur in using any such forged or counterfeit signature or seal, or tender in evidence any document with a false or counterfeit signature of such commissioner, registrar, or other officer of the said court, or of any such commissioner of the High Court of Chancery, or such other person, or use a false or counterfeit seal, knowing the same signature or seal to be false or counterfeit, every such person shall be guilty of felony, and shall upon conviction be liable to penal servitude for the term of his life, or any term not less than seven years, or to imprisonment for any term not exceeding three years, with or without hard labour.

Affidavits, before whom to be sworn when parties making them reside in foreign parts.

16. In cases where it is necessary to obtain affidavits, declarations, or affirmations to be used in the Court for Matrimonial Causes and Matters from persons residing in foreign parts or out of Her Majesty's dominions, the same may be sworn, declared, or affirmed before the persons empowered to administer oaths under the Act of the sixth of George the Fourth, chapter eighty-seven, or under the Act of the eighteenth and nineteenth of Victoria, chapter forty-two; provided that in places where there are no such persons as are mentioned in the said Acts such affidavits, declarations, or affirmations may be made, declared, and affirmed before any foreign local magistrate or other person having authority to administer an oath.

Affidavits, before whom to be sworn in British possessions.

17. Affidavits, declarations, and affirmations to be used in the Court for Matrimonial Causes and Matters may be sworn and taken in the Isle of Man, the Channel Islands, or any colony, island, plantation, or place out of the United Kingdom of Great Britain and Ireland under the dominion of Her Majesty, before any court, judge, notary public, or person lawfully authorised to administer oaths in such country, colony, island, plantation, or place re-

spectively, or, so far as relates to the Isle of Man and the Channel Islands, before any commissary, ecclesiastical judge, or surrogate who at the time of the passing of this Act is authorised to administer oaths in the Isle of Man or in the Channel Islands respectively; and all registrars and other officers of the Court for Matrimonial Causes and Matters shall take judicial notice of the seal or signature, as the case may be, of any such court, judge, notary public, or person, which shall be attached, suspended, or subscribed to any such affidavit, declaration, or affirmation, or to any other document.

Persons forging seal or signature guilty of felony.

18. If any person shall forge 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 sixth of George the Fourth, or of the said Act of the eighteenth and nineteenth of Victoria, to any affidavit, declaration, or affirmation to be used in the Court for Matrimonial Causes and Matters, or shall tender 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, at the request of any party against whom the same is so admitted in evidence, 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 shall seem meet; and every person charged with committing any felony under this Act may be dealt with, indicted, tried, and if convicted sentenced, and his offence may be laid and charged to have been committed, in the county, district, or place in which he may be apprehended or be in custody; and every accessory before or after the fact to any such offence may be dealt with, indicted, tried, and if convicted sentenced, and his offence laid and charged to have been committed, in any county, district, or place in which the principal offender may be tried.

Perjury.

19. Any person who shall wilfully give false evidence, or who shall wilfully swear, affirm, or declare falsely in any affidavit or deposition before any commissioner of the Court for Matrimonial Causes and Matters, or before any registrar or officer of the said court, or any commissioner of the High Court of Chancery, or any

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other person acting under the authority of this Act, or before any commissary, ecclesiastical judge, or surrogate who, at the time of the passing of this Act, is authorised to administer oaths in the Isle of Man, or in any of the Channel Islands, or before any person authorised to administer oaths under this Act, shall be liable to the penalties of wilful and corrupt perjury.

Power to Chief or Under Secretary to order all letters patent, records, &c. to be transmitted from all ecclesiastical courts.

20. The Chief or Under Secretary to the Lord Lieutenant of Ireland may order every person who before the first day of January one thousand eight hundred and seventy-one was judge, registrar, or other officer of any ecclesiastical court in Ireland, or any other person having the custody or possession of or control over any letters patent, records, deeds, processes, acts, proceedings, books, documents, or other instruments or papers relating to marriages or to any matters or causes matrimonial, to transmit the same to the principal registry of the said Court for Matrimonial Causes and Matters, at such times and in such manner and under such regulations as the said Chief or Under Secretary may appoint; and if any such person shall wilfully disobey such order, he shall for the first offence forfeit the sum of one hundred pounds, to be recoverable, at the suit of Her Majesty's Attorney General, as a debt under this Act, in any of the superior courts at Dublin, and for the second and subsequent offences the judge of the said Court for Matrimonial Causes and Matters may commit the person so offending to prison for any period not exceeding three calendar months, provided that the warrant of committal be countersigned by the Chief Secretary.

Amendment of 33 & 34 Vict. c. 110. s. 37.

21. Section 37 of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, shall be construed as if the words "the President or Head of the Methodist or Wesleyan Church" were omitted from the said section, and the words "the Secretary of the Conference of the Methodist or Wesleyan Church in Ireland" were inserted instead thereof in the said section.

A certificate to be produced in all cases of marriages by special license.

22. In all cases of marriages which may be legally solemnized under the authority of a special license granted in pursuance of the provisions of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, the parties about to contract any such marriage shall produce to the clergyman or minister celebrating the marriage, or, in case the parties are members of the Society of Friends, to the registering officer of the said Society of Friends for the district in which the same is intended to be solemnized, a certificate according to the form in the schedule hereunto annexed, or to the like effect, which certificate shall be procured by the parties contracting the marriage, previous to its solemnization,

from the registrar of the district within which such marriage is intended to be solemnized, who shall be bound to fill up the said form, and which certificate shall be signed by the parties contracting the marriage and by the witnesses present thereat, not being less than two, and also by the said clergyman, minister, or registering officer; and the parties contracting the marriage shall within three days thereafter either deliver or send by post such certificate to the Registrar General of Marriages; and the husband shall, in case of failure so to deliver or send such certificate, be liable in a penalty not exceeding ten pounds, to be recovered in manner provided by the Registration of Marriage (Ireland) Act, 1863, for the recovery of penalties.

Particulars of certificates to be entered in register books.

Corrections of erroneous entries.

23. Every registrar, on receipt of any such certificate, shall forthwith enter the particulars thereof in the register book: Provided always, that if any error shall be discovered to have been committed in the entry of marriage in any register, the person discovering the same shall forthwith give information thereof to the justice or justices at the petty sessions of the district within which such marriage shall have been solemnized, or, if within the Dublin Metropolitan Police District, to a divisional justice or justices within the said district; and it shall be lawful for the said justice or justices, and they are hereby authorised and required, thereupon, or upon otherwise coming to the knowledge of such erroneous entry, to summon before them the person who made and any person concerned in making such erroneous entry or having any knowledge regarding the same, and also any person interested in the effect of such erroneous entry, and to examine all such persons on oath; and if the said justice or justices shall be satisfied that any error has been committed in any such entry, such justice or justices shall, by authority in writing under his or their hands, direct the registrar to correct the erroneous entry; and it shall be lawful for the registrar, and he is hereby required, thereupon to correct the erroneous entry according to the truth of the case, by entry in the margin, without any alteration of the original entry; and such marginal entry shall contain a reference to the deposition upon which the said justice or justices directed the correction to be made, and shall be dated on the day on which it is made, and signed by the parties applying for the correction, and by the registrar; and in every case the registrar shall make the like alteration in the certified copy of the register book; provided that in case such certified copy shall have been already made, he shall make and deliver in like manner a separate certified copy of the original erroneous entry and of the marginal correction made therein.

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Marriages by special license under 33 & 34 Vict. c. 110. valid.

24. All marriages legally solemnized under the authority of special licenses granted in pursuance of the provisions of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, shall be deemed to be and shall be valid and effectual to all intents and purposes.

Persons may be nominated to issue licenses for marriage in the Roman Catholic Church.

25. Every bishop of the Roman Catholic Church may, by writing under his hand, nominate persons to issue licenses for marriage in cases where both or either of the parties intending to intermarry are or is a Roman Catholic: Provided that when only one of the parties is a Roman Catholic, notice in writing shall be given by one of the parties to the person empowered to issue such licenses seven days before the license shall issue; and the person receiving such notice shall forthwith send by post a copy thereof to the clergymen officiating at the places of worship where the parties intending marriage have been in the habit of attending.

Power to issue licenses for mixed marriage.

26. Any person who, under the provisions of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, is or shall be empowered to issue licenses for marriage, may issue such licenses in cases where only one of the parties intending to intermarry is a Protestant Episcopalian, in the same manner and subject to the same rules as are therein prescribed in cases where both the parties are Protestant Episcopalians; and any license heretofore or hereafter issued under the said Act, or under the provisions of this present section, is hereby declared regular and valid when one of the parties shall, for seven days previous to the giving of notice of such intended marriage, have resided in the district of the person issuing such license.

Who may solemnize mixed marriages.

27. Whenever a license for the marriage of a Roman Catholic with a person not a Roman Catholic shall have been issued, pursuant to the provisions of sections twenty-five or twenty-six of this Act, such marriage may lawfully be solemnized by a Roman Catholic clergyman between such persons; and whenever such license shall, pursuant to the provisions of either of said sections, have been issued for the marriage of a Protestant Episcopalian with a person not a Protestant Episcopalian, such marriage may lawfully be solemnized by a Protestant Episcopalian clergyman; and when any of such licenses shall have been issued it shall not be necessary to obtain any certificate from the registrar, and every such license shall have the same force and effect as under the provisions of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act, 1870, the certificate of the registrar would have had.

License in lieu of registrar's certificate.

Amendment of sect. 13 of 7 & 8 Vict. c. 81. as to marriages according to Jewish usage.

28. Whereas by section thirteen of an Act passed in the session of Parliament held in the seventh and eighth years of the reign of Her present Majesty, intituled "An Act for Marriages in Ireland, and "for registering such Marriages," it was amongst other things enacted that in every case of marriage intended to be solemnized in Ireland according to the usages of Jews, there should be stated in the notice or notices required by the said section to be given to the registrar or registrars the building in which the marriage is to be solemnized, which building is by the said section required to be within the district within which one of the parties intending marriage shall have dwelt for the time prescribed by the said section, and it is expedient that the provisions of the said section should be amended: Be it enacted, that from and after the passing of this Act, notwithstanding anything in the said section contained, it shall not be necessary in any case of marriage intended to be solemnized in Ireland according to the usages of Jews that the building stated in the notice or notices by the said section required to be given to the registrar or registrars as the building in which such marriage is intended to be solemnized, or that the building in which such marriage is solemnized shall be within the district within which one of the parties shall have dwelt for the time prescribed in the said section.

Persons nominated to issue licenses may in case of sickness, &c. appoint a deputy.

29. In case of sickness or unavoidable absence of any person duly nominated to issue licenses for marriages in Ireland, it shall be lawful for such person, with the approval in writing of the person or authority by whom he was appointed, or of the person or authority for the time being exercising the functions of such person or authority, to appoint a fit and proper person to act as his deputy for any period not exceeding two calendar months at one time, and every such deputy during the time for which he is so appointed shall have all the powers to issue licenses for marriage and shall perform all the duties and be subject to all the obligations and liabilities in relation to such licenses of the person by whom he is so appointed.

SCHEDULE.

18 .—MARRIAGES solemnized under the authority of a Special License granted by ( ), at ( ), in the Registrar's District of ( ), in the county of ( ).

No.	When married.	Name and Surname.	Age.	Condition	Rank or Profession.	Residence at the Time of Marriage.	Father's Name and Surname.	Rank or Profession of Father.
1	27 March 18 .	Patrick Donovan	Of full Age.	Bachelor	Carpenter	3, South Street	Peter Donovan -	Upholsterer.
		Mary O'Brien -	Minor	Spinster	—	17, High Street	Laurence O'Brien	Butcher.

Married at , of ( ) according to the Rites and Ceremonies of ( ),

By me, [*William Jackson*].

This Marriage was solemnized between us { *Patrick Donovan*, *Mary O'Brien*, } in the presence of us, { *Dennis Donovan*, *Laurence O'Brien*.

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