

1885-6.

Legislative Council.

DIVORCE PROCEDURE AMENDMENT BILL.

1. In all suits under the Matrimonial Causes Act or any Act amending the same wherein a decree is sought for dissolution of marriage any party to the suit may require the contested matters of fact therein to be tried by a jury And the provisions of the Act forty-eighth Victoria number three shall apply to every such trial. Trial by jury. 36 Vic. No. 9 s. 6 23 and 30.

2. No marriage heretofore contracted by the petitioner or the respondent in any such suit after expiration of the time limited by the decree *nisi* and where no opposition was then pending to the making of such decree absolute shall be affected by reason only of its not having been made absolute as now prescribed. Certain past marriages validated.

3. On every decree *nisi* in any such suit pronounced after the passing of this Act the Registrar shall indorse a notice that if the petitioner or respondent shall contract marriage before such decree has been made absolute he or she will be guilty of bigamy But it shall not be necessary for the petitioner to move to make any decree *nisi* absolute whether heretofore or hereafter pronounced After expiration of the time limited in that behalf the Court on the request in writing of the petitioner and upon a certificate from the Registrar that no matter in opposition to the final decree is then pending shall make the decree absolute as of course. Making decree absolute.

4. Within thirty days after the passing of this Act the Registrar shall make out a list of all suits in which a decree *nisi* has been pronounced and the time allowed for showing cause has expired but in which there has been no application to make the decree absolute and shall in such newspapers as the Court shall direct publish a notice that any party to any suit included in the list may inspect the same and may within six months apply to the Judge in Chambers for an order to vacate the decree in such suit and such decree may unless cause be shown to the contrary be vacated accordingly. List of past suits. What decrees in list vacated.

5. Within thirty days after the expiration of the said six months the Registrar shall on the request in writing of the petitioner in any suit included in the list submit the name of such suit to the Court for confirmation of the decree therein and upon a certificate from the Registrar that no matter in opposition to the final decree is then pending the Court unless cause be shown to the contrary shall make the decree *nisi* absolute. What decrees in list made absolute.



DIVORCE PROCEEDURE AMENDMENT BILL

1. In all suits under the Matrimonial Causes Act or any Act amending the same wherein a decree is sought for dissolution of marriage any party to the suit may require the contested matter of fact therein to be tried by a jury. And the provisions of the Act (except sections 1 to 4) shall apply to every such trial.

2. No marriage petition commenced by the petitioner or the respondent in any such suit after the expiration of the time limited by the Act shall be treated as a decree nisi and where no opposition was then pending to the making of such decree absolute shall be affected by reason only of its not having been made absolute as now provided.

3. On every decree nisi in any such suit pronounced after the passing of this Act the Registrar shall endorse a notice that if the petitioner or respondent shall contract marriage before such decree has been made absolute he or she will be guilty of bigamy. It shall not be necessary for the petitioner to move to make any decree nisi absolute whether petition or decretal pronouncement. After expiration of the time limited in that behalf the Court on the request in writing of the petitioner and upon a certificate from the Registrar that no matter in opposition to the final decree is then pending shall make the decree absolute as of course.

4. Within thirty days after the passing of this Act the Registrar shall make out a list of all suits in which a decree nisi has been pronounced and the time allowed for showing cause has expired but in which there has been no application to make the decree absolute and shall in such newspapers as the Court shall direct publish a notice calling any party to any suit included in the list to appear before the Court and show cause why the decree in such suit should not be made absolute. The notice shall be published in the manner and at the times directed by the Court.

5. Within thirty days after the expiration of the said six months the Registrar shall on the request in writing of the petitioner in any suit included in the list publish the names of such suits to the Court for consideration of the Court. Therein and upon a certificate from the Registrar that no matter in opposition to the final decree is then pending the Court may cause to be shown to the Court any matter which the Court may think fit to consider.