

titled, An Act concerning Marriage and Divorce, and for punishing Incest and Adultery, and declaring Polygamy to be Felony, it is, among other things, enacted, that all matters relating to Prohibited Marriages and Divorce shall be heard and determined by the Governor, or Commander in Chief for the time being, and His Majesty's Council of this Province, and it has become necessary, for giving efficiency to the proceedings and business of the Court of Marriage and Divorce, to make such provisions as may be necessary for the regulation thereof, and the more effectual Administration of Justice therein.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall be, and he is hereby declared to be, the President of the said Court; but inasmuch as the arduous affairs of Government may render it inconvenient for him to preside in person therein, it shall and may be lawful for him, by Warrant under his Hand and Seal, to appoint the Chief Justice, the Master of the Rolls, or any one of the Justices of the Supreme Court, to be Vice President of the Court of Marriage and Divorce, who may sit as a Member thereof, with the Governor, Lieutenant-Governor, or Commander in Chief for the time being, when he shall preside in person therein, and who (when he shall not preside in person,) shall preside in the said Court, in the place and stead of the Governor, Lieutenant-Governor, or Commander in Chief for the time being; and in case of vacancy in the said Office, it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to supply the same by a like appointment, from time to time, as occasion shall require: *Provided*, that every such Vice President shall be and continue Vice President during the pleasure of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and no longer.

Governor declared to be President of Court of Marriage and Divorce

A Vice President to be appointed

Proviso

II. *And be it enacted,* That the said Court shall consist of the Governor, Lieutenant-Governor, or Commander in Chief, and the Executive Council, for the time being, together with the Vice President; but the Vice President and any two Members of the said Council shall be a sufficient number of Members to constitute a Court; and the Vice President shall have, as well in Court as out of Court, full power to do all things whatsoever, which may appertain to his said Office, or may be necessary to carry into effect the provisions of this Act.

The Court to consist of the Governor & Executive Council with Vice President

III. *And be it enacted,* That the said Court shall be, and is hereby declared to be, invested with all the rights, powers, authority and jurisdiction, which are at present vested, by the Laws of this Province, in the Governor, Lieutenant-Governor, or Commander in Chief, and the Council of this Province, for the time being, in respect to Marriage and Divorce; and further that the said Court shall hear and determine all matters of prohibited Marriage and Divorce, and have power to direct the examination of Witnesses, viva voce; and the said Court is hereby empowered, for any of the causes specified in any of the Acts of this Province, now in force therein, to declare and decree, by definitive sentence or otherwise, the Marriage between the Parties in the Suit to be absolutely null and void, from such time, as by the said Court may be deemed proper, and to allow costs and alimony to the Wife, from time to time, during the progress of the Suit, or upon its termination; and to allow to either of the Parties their reasonable costs and expenses, in like manner as they have been heretofore allowed: *Provided always*, that nothing herein, or in the aforesaid Acts contained, shall be construed to extend to allow any person who may be divorced from Bed and Board only to marry again; and that in case of a decree or sentence of Divorce from the Bond of Matrimony, for the cause of Adultery, or any other of the causes in the said Acts contained, the Issue of such Marriage shall not be bastardized, prejudiced or affected, with any disability thereby; nor shall the Wife, in such case, be barred of her Dower, or the Husband deprived of any Tenancy, by the curtesy of England, unless it shall be so expressly adjudged and determined in and by such decree or sentence. *And provided further*, that nothing in this Act contained shall extend, or be construed to extend, to limit the Jurisdiction of the Courts of Chancery, and of Common Law, or to bar, suspend, or in any wise affect, the right of Action, of any party therein, for any matter or thing heretofore cognizable in such Courts respectively.

The Jurisdiction of the Court

To hear all matters of prohibited Marriage and Divorce and direct the examination of witnesses viva voce

Marriage may be declared to be void

Proviso

The issue of Marriage shall not be destroyed by divorce Nor wife to be barred of Dower Nor Husband deprived of Tenancy by the Curtesy of England

IV. *And be it enacted,* That it shall be lawful for, and the said Court is hereby directed, as soon as conveniently may be after the passing of this Act, to make, ordain and declare, Rules of Practice, for the proceedings of the Parties in Suits therein, and to prescribe the forms

The Court to make rules of practice and prescribe forms of