

## An Act to provide for the establishment of a Court of Divorce and Matrimonial Causes.

**W**HEREAS it is expedient to amend the Law relating to Divorce, and to constitute a Court with exclusive Jurisdiction in matters Matrimonial in Upper Canada, and with authority in certain cases to decree the dissolution of a marriage; Therefore Her Majesty, &c.,  
5 enacts as follows :

Preamble.

I. This Act shall come in operation on such day, not sooner than the 1st day of January, one thousand eight hundred and sixty, as His Excellency the Governor General shall by Order in Council appoint; Provided that such Order be made one month at least previously to the  
10 day so to be appointed.

When Act to come into force.

II. As soon as this Act shall come into operation, jurisdiction in Upper Canada in respect of Divorces *à mensa et thoro*, Suits of Nullity of Marriage, Suits for Restitution of Conjugal Rights, or Jactitation of Marriage, and in all causes, suits, and matters Matrimonial, except in  
15 respect of Marriage Licenses, shall belong to and be invested in Her Majesty, and such jurisdiction, together with the jurisdiction conferred by this Act, shall be exercised in the name of Her Majesty in a Court of Record to be called "The Court for Divorce and Matrimonial Causes."

The Court for Divorce and Matrimonial Causes—its jurisdiction.

III. No decree shall be made for a Divorce *à mensa et thoro*, but in all  
20 cases in which a decree for a Divorce *à mensa et thoro* might have been pronounced in England, the Court may pronounce a decree for a judicial separation, which shall have the same force and the same consequences as a Divorce *à mensa et thoro* had in England.

Divorce *à mensa et thoro* abolished.

IV. The Chief Justice of the Court of Queen's Bench, the Chief  
25 Justice of the Court of Common Pleas, the Chancellor of the Court of Chancery, the Senior Puisné Judge for the time being in each of the three last mentioned Courts, and a Judge to be specially appointed to the said Court by the Governor in Council, shall be the Judges of the said Court.

Judges of said Court.

30 V. The said last Judge shall be called the Judge Ordinary of the said Court, and shall have full authority, either alone or with one or more of the other Judges of the said Court, to hear and determine all matters arising therein, except petitions for the dissolving of or annulling marriage, and applications for new trials of questions or issues  
35 before a Jury, Bills of exception, special verdicts, and special cases, and, except as aforesaid, may exercise all the powers and authority of the said Court.

Judge Ordinary.