



1940.

ANNO QUARTO

GEORGII VI. REGIS.

No. 57.

## ANALYSIS.

1. Short title.
2. Amendment of 24 Vict. No. 1, s. 9.
3. Amendment of 28 Vict. No. 4.  
New section 3A.  
Prevention of delay in application for decree absolute.
4. Amendment of 38 Vict. No. 13, s. 3.



AN ACT to amend the *Matrimonial Causes Act*  
1860. [10 December, 1940.]

A.D.  
1940

**BE** it enacted by His Excellency the Governor of Tasmania,  
by and with the advice and consent of the Legislative  
Council and House of Assembly, in Parliament assembled, as  
follows:—

**1** This Act may be cited as the *Matrimonial Causes Act* 1940. Short title.

**2** Section nine of the Principal Act is hereby amended— Amendment  
of 24 Vict.  
No. 1, s. 9.

- I. By deleting the words “who, at the time of the institution of the suit, has been domiciled in Tasmania for two years and upwards” in subsection (1) thereof: and

*Matrimonial Causes.*

A.D. 1940.

II. By adding at the end of that subsection the following new paragraph VII.—

“VII. That her husband has, since the celebration of the marriage, has been convicted of rape, sodomy, or bestiality.”

1 Ed. VIII.  
and 1 Geo.  
VI., c. 57,  
s. 2.

Amendment  
of 28 Vict.  
No. 4.  
New section  
3A.

Prevention  
of delay in  
application  
for decree  
absolute.

1 Ed. VIII.  
and 1 Geo.  
VI., c. 57,  
s. 9.

**3** The *Matrimonial Causes Act 1864* is hereby amended by inserting after section three thereof the following new section three A:—

“**3A** Where a decree nisi has been obtained, whether before or after the enactment of this section, and no application for the decree to be made absolute has been made by the party who obtained the decree, then, at any time after the expiration of three months from the earliest date on which that party could have made such an application, the party against whom the decree nisi has been granted shall be at liberty to apply to the Court, and the Court shall, on such application, have power to make the decree absolute, reverse the decree nisi, require further inquiry, or otherwise deal with the case as the Court thinks fit.”

Amendment  
of 38 Vict.  
No. 13, s. 3.

**4** Section three of the *Matrimonial Causes Act 1874* is hereby amended by deleting the words “adultery or cruelty” after “her” in the fourth line and substituting therefor the words “adultery, cruelty, or desertion”.