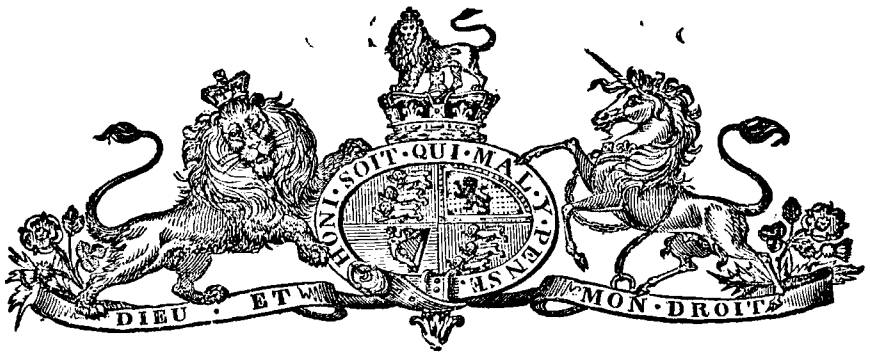


ANNO TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XX.

An Act to enable Persons in *Ireland* to establish Legitimacy and the Validity of Marriages, and the Right to be deemed Natural-born Subjects.

[29th *May* 1868.]

WHEREAS it is expedient to extend to *Ireland* the Provisions of "The Legitimacy Declaration Act, 1858," which enables Persons to establish their Legitimacy, and the Marriage of their Parents and others from whom they may be descended, and which also enables Persons to establish their Right to be deemed Natural-born Subjects by Application to the Court for Divorce and Matrimonial Causes in *England*:

Be it therefore 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:

Application to Probate Court in Ireland for Declaration of Legitimacy.

1. Any Natural-born Subject of the Queen, or any Person whose Right to be deemed a Natural-born Subject depends wholly or in part on his Legitimacy, being domiciled in *England* or *Ireland*, or claiming any Real or Personal Estate situate in *Ireland*, may apply by Petition to the Court of Probate in *Ireland*, praying for a Decree that the Petitioner is the legitimate Child of his Parents, and that the Marriage of his Father and Mother, or of his

Grandfather and Grandmother, was a valid Marriage, or for a Decree declaring either of the Matters aforesaid; and any such Subject or Person being so domiciled or claiming as aforesaid may in like Manner apply to such Court for a Decree declaring that his Marriage was or is a valid Marriage; and such Court shall have Jurisdiction to hear and determine such Application, and to make such Decree declaratory of the Legitimacy or Illegitimacy of such Person, or of the Validity or Invalidity of such Marriage, as to the Court may seem just; and such Decree, except as herein-after mentioned, shall be binding to all Intents and Purposes on Her Majesty and on all Persons whomsoever.

Application to Court for Declaration of Right to be deemed a Natural-born Subject.

2. Any Person being so domiciled or claiming as aforesaid may apply by Petition to the said Court for a Decree declaratory of his Right to be deemed a Natural-born Subject of Her Majesty, and the said Court shall have Jurisdiction to hear and determine such Application, and to make such Decree thereon as to the Court may seem just; and where such Application as last aforesaid is made by the Person making such Application as herein mentioned for a Decree declaring his Legitimacy or the Validity of a Marriage, both Applications may be included in the same Petition; and every Decree made by the said Court shall, except as herein-after mentioned, be valid and binding, to all Intents and Purposes, upon Her Majesty and all Persons whomsoever.

Petition to be accompanied by Affidavit as Court directs.

3. Every Petition under this Act shall be accompanied by such Affidavit verifying the same, and of the Absence of Collusion, as the Court may by any General Rule direct.

20 & 21 Vict. c. 79. and 22 & 23 Vict. c. 31. to apply to Proceedings under this Act.

4. All the Provisions of the Acts "The Probates and Letters of Administration Act (*Ireland*), 1857," and "The Court of Probate Act (*Ireland*), 1859," so far as the same may be requisite and applicable, and the Powers and Provisions therein contained, as to Practice, Procedure, and Right of Appeal, and the making and ratifying Rules and Regulations for the same, and fixing the Fees payable upon Proceedings before the Court, and in respect of the summoning and enforcing the Attendance of Juries, shall respectively extend to Applications and Proceedings under this Act, as if the same had been originally authorized by the said Acts respectively.

Power to award and enforce Payment of Costs.

5. In all Proceedings under this Act the said Court shall have full Power to award and enforce Payment of Costs to any Person cited, whether such Person shall or shall not oppose the Declaration applied for, in case such Court shall deem it reasonable that such Costs shall be paid.

6. A Copy

Attorney General to have a Copy of Petition One Month before filed, and to be a Respondent.

6. A Copy of every Petition under this Act, and of the Affidavit accompanying the same, shall One Month at least previously to the Presentation or filing of such Petition be delivered to Her Majesty's Attorney General for *Ireland*, who shall be a Respondent upon the Hearing of such Petition, and upon every subsequent Proceeding relating thereto.

Court may require Persons to be cited.

7. Where any Application is made under this Act to the said Court, such Person or Persons (if any) besides the said Attorney General as the Court shall think fit shall, subject to the Rules made under this Act or applicable thereto, be cited to see Proceedings or otherwise summoned in such Manner as the Court shall direct, and may be permitted to become Parties to the Proceedings, and oppose the Application.

Saving of Rights of Persons not cited.

8. The Decree of the said Court shall not in any Case prejudice any Person, unless such Person has been cited or made a Party to the Proceedings, or is the Heir-at-Law or Next of Kin, or other Real or Personal Representative of, or derives Title under or through, a Person so cited or made a Party; nor shall such Decree of the Court prejudice any Person, if the same be subsequently proved to have been obtained by Fraud or Collusion.

Proceedings not to affect Judgments, &c. already pronounced.

9. No Proceeding to be had under this Act shall affect any final Judgment or Decree already pronounced or made by any Court of competent Jurisdiction.

Interpretation Clause.

10. In the Construction of this Act the Words "Person" and "Subject" shall include Parties cited as Respondents as well as Petitioners, and shall comprise all of a Class claiming or deriving in the same Right, who would as Children or Grandchildren or in their own Persons be comprehended within the Term "Issue."

20 & 21 Vict. c. 79., 22 & 23 Vict. c. 31., and this Act to be read together.

11. The said Two Acts of One thousand eight hundred and fifty-seven and One thousand eight hundred and fifty-nine, so regulating the Court of Probate in *Ireland*, and this Act, shall be construed together as One Act, and this Act may be cited for all Purposes as "The Legitimacy Declaration Act (*Ireland*), 1868."

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