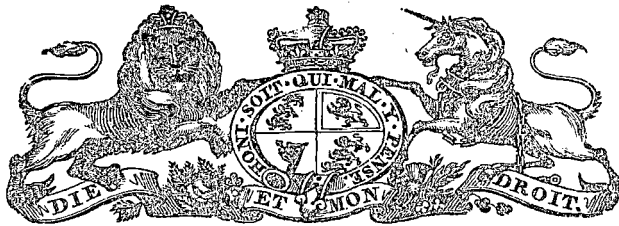


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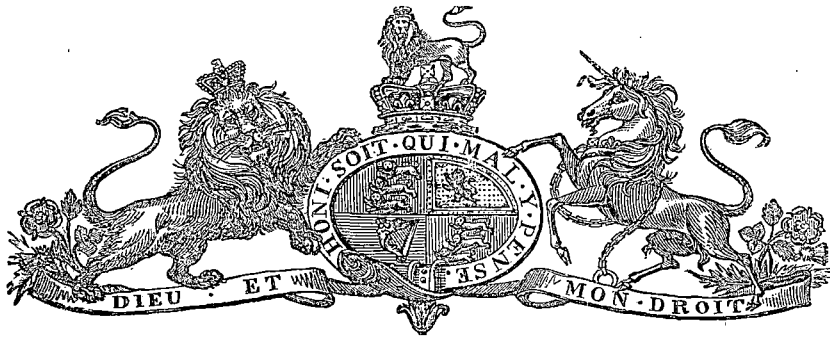
1858.

T A S M A N I A.

D E S P A T C H.

E N G L I S H D I V O R C E A C T.

Laid upon the Table by Mr. Henty, and ordered by the Council to be printed,
21 September, 1858.

CIRCULAR.

Downing-street, 12th April, 1858.

SIR,

IN transmitting to you a copy of the "Act to amend the Law relating to Divorce and Matrimonial Causes in England," I wish to call your attention to the great importance of the subject.

Her Majesty's Government regard this subject as within the general class of internal affairs which the duty and right of regulating belong to the Colonial Legislatures under Free Institutions.

But they are at the same time fully sensible of the great importance of uniformity of legislation on this head, so far as it can be attained without injury to these principles of Colonial Government, and the danger, as well to public morality as to family interests, which might arise from the Law of the Colonies on the subject of Marriage and Divorce differing materially from that of the Mother Country and of each other.

It is therefore the wish of Her Majesty's Government that you should consult your Council as to the expediency of at once introducing a measure which shall incorporate, as nearly as the circumstances of the Colony will admit, the provisions of the Act recently passed in England.

Some of the minor provisions of the Act may, probably, prove incompatible with the requirements of the Colony, nor is it my wish to prescribe uniformity in such unessential particulars. But the serious questions which might arise from difference of legislation on that portion of the subject which relates to dissolution of Marriage, or Divorce *a vinculo*,—questions possibly affecting the validity of Marriages contracted in one part of the Empire after Divorce in another, and consequent legitimacy of offspring,—render it advisable that, if the Legislature should pass any Act varying to an important degree from the present Law of England in this particular, you should reserve it for the consideration of Her Majesty.

The clause in most Governor's Instructions relating to Divorce Acts has been usually held to apply only to Special Bills for the Divorce of named persons, and you need not consider yourself in any way fettered by its provisions.

I find, from communications received from parts of Her Majesty's Colonial Possessions, that an impression existed that the late Government designed to propose to Parliament measures for extending the law to the Dominions of the Crown in general: I am not aware on what ground this has been supposed, and can only state that no such measure is in contemplation.

I have the honor to be,
Sir,

Your obedient humble Servant,

STANLEY.

Governor Sir H. E. F. YOUNG, C.B.