



An Act to dissolve the Marriage of Gerald Richard Brooke, of Kellystown House, Clonsilla, in the County of Dublin, Esquire, with the Honorable Kathleen Brooke, his now Wife, and to enable him to marry again, and for other purposes.

A.D. 1886.

[24th June 1886.]

**H**UMBLY showeth and complaineth unto Your most Excellent Majesty your true and faithful subject, Gerald Richard Brooke, of Kellystown House, Clonsilla, in the county of Dublin, Esquire, that on or about the tenth day of April, one thousand eight hundred and seventy-five, your said subject intermarried with his now wife, the Honorable Kathleen Brooke (then the Honorable Kathleen Maude), one of the daughters of the Right Honorable Viscount Hawarden, and such marriage was duly solemnized according to the rites and ceremonies of the Church of Ireland at the parish church of Donnybrook, in the county of Dublin:

That your said subject and the said Honorable Kathleen Brooke lived and cohabited together as man and wife at Kellystown House, Clonsilla, in the county of Dublin, aforesaid, from the time of their said intermarriage till the second day of October, one thousand eight hundred and eighty-five:

That there is issue living of the said marriage three children, to wit—Clementina Henrietta, of the age of nine years; Richard Reginald, of the age of seven years; and Thomas Ralph, of the age of six years:

That your subject's said wife did on the second day of October, one thousand eight hundred and eighty-five, elope from your said subject with Seymour Bushe, of Ely Place, Dublin, barrister-at-law, with whom she hath since lived and cohabited in a state of adultery, and your said subject has not since such elopement lived or cohabited or had any intercourse whatever with his said wife:

That your subject on or about the twentieth day of October, one thousand eight hundred and eighty-five, commenced an action in the Common Pleas Division of the High Court of Justice in Ireland

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against the said Seymour Bushe for criminal conversation with your subject's said wife; and on or about the twenty-ninth day of November, one thousand eight hundred and eighty-five, obtained interlocutory judgment against the said Seymour Bushe for default in not delivering a statement of defence; and afterwards, on or about the fifteenth day of January, one thousand eight hundred and eighty-six, the damages were assessed by the verdict of a jury at one thousand pounds; and on the twentieth day of January, one thousand eight hundred and eighty-six, final judgment was entered in the said action against the said Seymour Bushe for the said damages and costs of suit, and such damages and costs have since been paid by the said Seymour Bushe:

That on or about the twenty-fourth day of October, one thousand eight hundred and eighty-five, your subject filed a petition in the Probate and Matrimonial Division of the High Court of Justice in Ireland, and thereupon a citation was issued calling upon the said Honorable Kathleen Brooke to answer your subject in a cause of divorce from bed and board and mutual cohabitation by reason of the adultery committed by her with the said Seymour Bushe; and on the fourteenth day of January, one thousand eight hundred and eighty-six, your subject obtained a final decree of divorce from bed and board and mutual cohabitation against the said Honorable Kathleen Brooke in the said Court for adultery committed by her with the said Seymour Bushe:

That the said Honorable Kathleen Brooke, your subject's said wife, hath by her said adulterous and criminal conduct dissolved the bond of matrimony on her part, and your said subject stands deprived of the comforts of matrimony, and is liable to have a spurious issue imposed upon him unless the said marriage be declared null and void by the authority of Parliament:

May it therefore please Your Majesty (out of Your Majesty's goodness and compassion to your subject's misfortune and calamity) that it may be enacted, and be it 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:—

Short title.

1. This Act may be cited as Brooke's Divorce Act 1886.

Marriage  
declared void  
and Gerald  
Richard  
Brooke  
enabled to  
marry again.

2. The bond of matrimony between the said Gerald Richard Brooke and the said Honorable Kathleen Brooke, his wife, being violated and broken by the manifest and open adultery of the said Honorable Kathleen Brooke, shall be and the same is hereby from henceforth wholly dissolved, annulled, vacated, and made void to all intents, constructions, and purposes whatsoever; and it shall be lawful for the said Gerald Richard Brooke at any time or times

hereafter to contract matrimony and to marry, as well in the lifetime of the said Honorable Kathleen Brooke as after her decease with any woman or women whom he might lawfully marry in the said Honorable Kathleen Brooke was actually dead, and such future marriage or marriages when duly had and celebrated shall be good and lawful, and shall be so deemed, adjudged, and taken in all countries, and to all intents, constructions and purposes whatsoever, and every child born in such matrimony shall be deemed, adjudged, and taken to be born in lawful wedlock, shall be legitimate and inheritable to and shall inherit in all manors, messuages, lands, tenements, and hereditaments, and may derive, have, and transmit titles to any real or personal estates, and enjoy all other privileges as if the marriage of the said Gerald Richard Brooke, of which such child shall be issue, had been celebrated after the decease of the said Honorable Kathleen Brooke.

3. The said Gerald Richard Brooke shall be entitled to be tenant by the courtesy of the manors, messuages, lands, tenements, and hereditaments of any such wife or wives as he shall hereafter marry, and such wife as he shall so hereafter marry and shall survive him shall (unless barred by jointure or otherwise) be entitled to dower, free bench, and thirds of his estate, as fully as if the said Honorable Kathleen Brooke had died before the marriage of the said Gerald Richard Brooke with such future wife.

4. The said Honorable Kathleen Brooke shall be and is hereby barred and excluded of and from all dower, free bench, and thirds at the common law by custom or otherwise, and from all other rights, titles, inheritances, claims, and demands (if any) at common law by custom which she might claim by, through, or in consequence of her marriage with the said Gerald Richard Brooke, of, in, to, or out of all and every or any of the manors, messuages, lands, tenements, or hereditaments, or other estates whereof or wherein the said Gerald Richard Brooke at any time heretofore has been, now is, or at any time hereafter shall be seised or entitled for any estate in inheritance, and of and from all claims and demands in, to, upon, or out of the personal estate and effects of which the said Gerald Richard Brooke now is or at any time hereafter shall be possessed of or entitled to.

5. The said Gerald Richard Brooke shall be and is hereby barred and excluded of and from all rights, claims, titles, interests of, or out of any real or personal estate which the said Honorable Kathleen Brooke shall at any time or times hereafter acquire, or become seised or possessed of or entitled to by descent, gift, devise,

purchase, or otherwise howsoever, and the said Honorable Kathleen Brooke, her heirs, executors, and administrators, shall hold and enjoy the same for all her or their estate and interest therein for and their own use, benefit, and advantage, exclusive of the said Richard Brooke.

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