

# MAINE STATE LEGISLATURE

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# SIXTY-FIRST LEGISLATURE.

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HOUSE.

No. 48.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-THREE.

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AN ACT to amend chapter sixty of the revised  
statutes, relating to divorce.

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*Be it enacted by the Senate and House of Representatives  
in Legislature assembled, as follows :*

SECTION 1. Section two of chapter sixty of the  
2 revised statutes is hereby amended by striking out  
3 the words "when the judge deems it reasonable  
4 and proper, conducive to domestic harmony and  
5 consistent with the peace and morality of society,"  
6 and inserting instead thereof the words "for causes  
7 of adultery, impotency, extreme cruelty, utter deser-  
8 tion, continued for three consecutive years next  
9 prior to the filing of the libel, gross and confirmed  
10 habits of intoxication, cruel and abusive treatment,  
11 or on the libel of the wife, when the husband, being  
12 of sufficient ability, grossly or wantonly and cruelly

13 refuses or neglects to provide suitable maintenance  
14 for her.” Said section is further amended by strik-  
15 ing out the word “if” in the fifth line and inserting  
16 the word “provided” instead thereof, and by strik-  
17 ing out out the words “and when such divorce is  
18 granted may marry again” in the last two lines, so  
19 that said section as amended shall read as follows,  
20 viz:

21 *Sect. 2.* A divorce from the bond of matrimony  
22 may be decreed by the supreme judicial court in  
23 the county where either party resides at the com-  
24 mencement of proceedings, for causes of adultery,  
25 impotency, extreme cruelty, utter desertion, con-  
26 tinued for three consecutive years next prior to the  
27 filing of the libel, gross and confirmed habits of  
28 intoxication, cruel and abusive treatment, or on the  
29 libel of the wife, when the husband being of suffi-  
30 cient ability, grossly or wantonly and cruelly re-  
31 fuses or neglects to provide suitable maintenance  
32 for her; *provided*, the parties were married in this  
33 state, or cohabited hereafter marriage; or if the  
34 libelant resided here when the cause of divorce  
35 accrued or had resided here in good faith one year  
36 prior to the commencement of proceedings. Either  
37 party may be a witness.

SECT. 2. Sections three, twelve and thirteen of 2 said chapter are hereby repealed.

SECT. 3. All decrees of divorce shall in the first 2 instance be decrees *nisi*, to become absolute after 3 the expiration of six months from the entry thereof, 4 on the application of either party to the clerk of 5 the court; and on such application the clerk shall 6 enter a final decree unless the court has for suffi- 7 cient cause, on application of any party interested, 8 otherwise ordered.

SECT. 4. After a divorce from the bond of mat- 2 rimony the party on whose petition the divorce was 3 granted shall not marry again within two years after 4 the entry of the final decree except on permission 5 granted by the court. The party against whom 6 the divorce was granted shall not marry again 7 within two years from the entry of said decree, and 8 then only on permission granted by the court.

SECT. 5. Within thirty days after the adjourn- 2 ment of any court having jurisdiction of divorce, 3 the clerk thereof shall make return to the secretary 4 of state, of the applications and decrees *nisi* for the 5 term, in cases of divorce, with the names of the 6 parties and the causes for which the divorces were 7 granted. And the secretary of state shall record 8 the same in a book kept for that purpose.

STATE OF MAINE.

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In HOUSE OF REPRESENTATIVES, }  
February 2, 1883. }

Reported by Mr. HALL, from the Committee on the Judiciary,  
and ordered printed.

ORAMANDAL SMITH, *Clerk.*