

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1839.

VOL. 2.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

NINETEENTH LEGISLATURE.

NO. 14.

HOUSE.

A N A C T

RELATING TO DIVORCES.

[SMITH & ROBINSON,.....Printers to the State.]

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT
HUNDRED AND THIRTY-NINE.

AN ACT relating to Divorces.

Be it enacted by the Senate and House of
2 *Representatives in Legislature assembled,*
3 That in all cases of libel for divorce from the
4 bonds of matrimony now pending, or hereafter
5 to be instituted, either party shall have a right
6 to a trial by a Jury of the country; *Provided,*
7 they, or either of them, shall so elect; but in
8 case neither party shall so elect, then the issue
9 shall be tried by the Judge who may hold the
10 Court; and in case the Court or Jury shall
11 find the facts alleged in the libel to be proved,
12 the same being sufficient by the laws of this
13 State to authorize a divorce, the Court shall
14 thereupon decree a divorce of the parties, as

15 prayed for ; and it shall be no objection to hear-
16 ing the said libel, and granting said divorce, that
17 the libelant has before had a trial upon the
18 charges alleged in his libel, and failed to prove
19 the same, *Provided*, the parties shall not have
20 lived together after said trial. And in all cases
21 of libel where one has been filed for the same
22 cause before, the libeler shall recover of the
23 libelant, such reasonable sum as the Court shall
24 think just, to indemnify him or her for his or her
25 costs and charges, incurred in defence of the
26 same, and execution shall issue therefor; *Pro-*
27 *vided*, a divorce is not decreed.

AMENDMENT ADOPTED BY THE SENATE.

(A.) Insert at the end of the Bill :

*Provided, however, that this Act shall be
2 so construed as to authorize only a second
3 libel to be filed for the same cause ; and that
4 such second libel shall be filed within two
5 years after the first libel shall have been dis-
6 missed.*

AMENDMENTS PROPOSED BY MR. ALLEN OF
ALFRED.

AMENDMENT TO THE AMENDMENT OF THE
SENATE.

(A.) Strike out all after "*Provided, however,*"
and insert :

That but one new trial shall be granted for the
2 same cause, and that no application for such
3 new trial shall be sustained after a lapse of
4 three years from the final termination of the first
5 trial.

AMENDMENT TO THE BILL.

(B.) Strike out all after the word "for," in the
15th line, and insert :

And the Justices of the Supreme Judicial
2 Court are hereby vested with discretionary
3 power to grant a new trial in all cases of divorce,
4 whenever they shall judge it to be reasonable,
5 and where the parties have not lived together

6 since the first trial, upon the application of the
7 party aggrieved by the judgment in the former
8 trial, on such terms and conditions as to said
9 Justices may seem equitable and just.

STATE OF MAINE

HOUSE OF REPRESENTATIVES, }
January 30, 1839. }

This Bill having had three several readings, was, with the proposed Amendments offered by Mr. ALLEN of Alfred, laid on the table, and 300 copies of each ordered to be printed for the use of the Legislature.

CHARLES WATERHOUSE, Clerk.