

MAINE STATE LEGISLATURE

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Charles F. Rice
DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1840.

AUGUSTA:

WM. R. SMITH & CO., PRINTERS TO THE STATE.

1840.

TWENTIETH LEGISLATURE.

NO. 12.

SENATE.

A N A C T

FURTHER

REGULATING DIVORCES.



STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND FORTY.

AN ACT further regulating Divorces.

SECT. 1. *Be it enacted by the Senate and
2 House of Representatives in Legislature
3 assembled, That in all libels for divorce now
4 pending or which may hereafter be filed or insti-
5 tuted in the Supreme Judicial Court, alleging
6 causes for which said Court have authority to
7 decree a divorce, and in the trial of which there
8 shall have been tried no issue to the country,
9 either party may adduce to a jury of said Court
10 competent evidence, tending to prove or dis-
11 prove the charges therein contained, Provided,
12 however, that no party shall be entitled to the
13 provision of this section, who shall have volun-
14 tarily waived the right of a trial by jury, when*

15 such right existed, unless on a review duly
16 granted by the Court.

SECT. 2. *Be it further enacted,* That the
2 libellant in the libels in the first section of this
3 act mentioned, shall not be precluded, by any
4 former libel or proceeding or final action or
5 judgment thereon, by the Court, from introduc-
6 ing evidence of acts of the libeller, which might
7 have been presented in the trial of such former
8 libel, unless it shall be made to appear to the
9 satisfaction of the Court that the libellant had
10 good reason to believe, at the time of the trial of
11 the former libel, that such evidence existed.

SECT. 3. *Be it further enacted,* That when
2 the libellant shall fail to obtain a verdict of the
3 jury in the trial of a libel, which shall have been
4 before tried by the Court and no divorce decreed,
5 the libellant shall be held to pay the other party
6 such costs and charges as shall seem to the
7 Court reasonable and proper.

SECT. 4. *Be it further enacted,* That the
2 second section of an act entitled "an act addi-
3 tional to an act regulating Divorces," approved
4 March 5, 1834, be, and the same hereby is

5 repealed. And that so much of the second section
6 of an act approved February 28, 1821, as relates
7 to the person who is the guilty cause of divorce,
8 be, and the same hereby is revived.

SECT. 5. *Be it further enacted, That*
2 divorces from the bands of matrimony, shall be
3 decreed, in case either of the parties shall have
4 wilfully deserted the other, for the term of three
5 years without reasonable cause; or in case either
6 of the parties shall have joined the society of
7 Shakers and continued with them for the term
8 of three years, separate from the other party;
9 or in case either of the parties shall have been
10 sentenced to confinement in the State's Prison
11 for said term of time, at the times respectively,
12 of the filing of said libels; subject to the provisos
13 contained in the first section, and the provision
14 contained in the second section of an additional
15 act regulating Divorces, passed March third, in
16 the year of our Lord one thousand eight hundred
17 and twenty-nine.

STATE OF MAINE.

IN SENATE, January 31, 1840.

This Bill was read the second time, and
ORDERED, That three hundred copies of the same be printed
for the use of the Legislature.

[Extract from the Journal.]

Attest : WILLIAM TRAFTON, *Secretary.*