

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

SENATE.

No. 37

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT to correct an error in chapter 79, of the Public Acts of 1899, and to amend section 2 of chapter 60 of the Revised Statutes.

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

Section 1. Section two of chapter sixty of the Revised Statutes, as amended by chapter one hundred and seventy-nine of the Public Laws of 1893, and by chapter seventy-nine of the Public Laws of 1899, is hereby further amended by inserting after the word "proceedings" in the twelfth line of said section of the Revised Statutes, the following words, 'or if the libellee is a resident of this State,' so that said section as amended, shall read as follows:

'Sect. 2. A divorce from the bonds of matrimony may be decreed by the supreme judicial court in the county where

11 either party resides, at the commencement of proceedings, for
12 causes of adultery, impotence, extreme cruelty, utter deser-
13 tion continued for three consecutive years next prior to the
14 filing of the libel, gross and confirmed habits of intoxication
15 from the use of intoxicating liquors, opium or other drugs,
16 cruel and abusive treatment, or on the libel of the wife, where
17 the husband being of sufficient ability or being able to labor
18 and provide for her, grossly or wantonly and cruelly refuses
19 or neglects to provide suitable maintenance for her; provided
20 that the parties were married in this State or cohabited here
21 after marriage; or if the libelant resides here when the cause
22 of divorce accrued, or had resided here in good faith for one
23 year prior to the commencement of proceedings, or if the
24 libellee is a resident of this State. But when both parties
25 have been guilty of adultery, or there is collusion between
26 them to procure a divorce, it shall not be granted. Either
27 party may be a witness.'

Sect. 2. This act shall take effect when approved.

STATEMENT OF FACTS.

Chapter 207 of the Public Laws of 1897 amended section 2, of chapter 60 of the Revised Statutes, by adding the words, "or if the libellee is a resident of this State," thus giving to the supreme judicial court jurisdiction to grant divorces where the libellee is a resident of Maine, notwithstanding the non-residence of the libelant.

In 1899 said section 2, of chapter 60 of the Revised Statutes was further amended. (See Public Laws of 1899, chapter 79). The amendment of 1899 was for another and distinct purpose, to wit, for the purpose of inserting the words, "from the use of intoxicating liquors, opium or other drugs," but in the re-enactment of section 2, contained in the act of 1899, the clause inserted as above stated by the amendment of 1897, was accidentally omitted. The purpose of the present act is to restore the words of the amendment of 1897, which were inadvertently omitted in the amendment of 1899.

STATE OF MAINE.

IN SENATE, February 4, 1903.

Reported by Mr. PIERCE from Committee on Legal Affairs, and laid
on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*