

# MAINE STATE LEGISLATURE

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**EIGHTY-FIRST LEGISLATURE**

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**HOUSE**

**NO. 205**

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House of Representatives, Feb. 28, 1923.

Recommitted to Committee on Legal Affairs and five hundred copies ordered printed.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Oakes of Portland.

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**STATE OF MAINE**

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

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AN ACT to Amend Chapter One Hundred and Twenty-six of the Revised Statutes Relative to Proof of Marriage in Criminal Cases.

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Be it enacted by the People of the State of Maine, as follows:

Section 1. Chapter one hundred and twenty-six of the 2 revised statutes is hereby amended by adding thereto the 3 following sections:

'Sect. 7a. In any prosecution under sections one, four or 2 five of this chapter, any statement of any person with re- 3 ference to his being married or unmarried shall be prima 4 facie evidence of the fact of marriage or lack of marriage 5 against the person making the statement; and if such

6 statement is made in the presence of another person of the  
7 opposite sex with whom an act of having carnal knowledge  
8 is alleged to have taken place, and is not then and there  
9 denied by such other person, it shall be prima facie evi-  
10 dence of the fact stated against such other person.

‘Sect. 7b. In any prosecution under sections one, four or  
2 five of this chapter the testimony of any person that he or  
3 she is lawfully married to a person who is alleged to have  
4 committed an offense under either of said sections shall be  
5 prima facie evidence of such marriage against the person  
6 on trial for such offense.

‘Sect. 7c. In any prosecution under the provisions of  
2 section one, four or five of this chapter the certificate of  
3 any town clerk or other officer required by law to keep a  
4 record of marriages of the marriage of a person bearing  
5 the same name as the person on trial shall be prima facie  
6 evidence of the lawful marriage of the person of that name  
7 on trial.

‘Sect. 7d. In any prosecution under sections one, four or  
2 five of this chapter evidence that any person who is alleged  
3 to have committed an offense under either of said sections  
4 habitually lived with a person of the opposite sex as hus-  
5 band and wife and were generally regarded as husband  
6 and wife in the community where they so lived shall be  
7 prima facie evidence of the marriage of such persons.

‘Sect. 7e. In any prosecution under the provisions of  
2 sections one, four or five of this chapter testimony that a

3 marriage was solemnized before any person professing to  
4 be a justice of the peace, or professing to be an ordained  
5 or licensed minister of the gospel, and that said marriage  
6 was performed with the full belief on the part of either of  
7 the persons married, that they were lawfully married, shall  
8 be prima facie evidence of the marriage of said persons.'

Sect. 2. The provisions of this act shall be additional to  
2 and not in substitution for any provisions now existing by  
3 law.