

MAINE STATE LEGISLATURE

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L A W S

OF THE

STATE OF MAINE;

TO WHICH ARE PREFIXED

THE

CONSTITUTION OF THE U. STATES

AND OF SAID STATE,

IN TWO VOLUMES,

WITH AN APPENDIX.

.....
VOL. I.
.....

Published according to a resolve of the State, passed
March 8, 1821.

BRUNSWICK.

Printed by J. Griffin, for the State.

.....
1821.

Penalty for neglect.

No minister, not commissioned, to marry after May, 1, 1821.

ed in the society or meeting to which he belongs, and shall deliver the same to the Clerk of the town, in which the Clerk of said meeting resides; and if he shall neglect so to do, he shall forfeit the sum of fifty dollars, the one half to the use of the county, and the other half to the use of the prosecutor, to be recovered by an action of debt.

SEC. 10. *Be it further enacted*, That no Minister of the Gospel, not appointed and commissioned as aforesaid, shall solemnize any marriage after the first day of May next.

[Approved February 19, 1821.]

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CHAPTER LXXI.

An Act regulating Divorces.

Sup. J. Court to decide all questions of Divorce and Alimony.

SEC. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled*, That all questions of divorce and alimony shall be heard and tried by the Supreme Judicial Court holden for the county where the parties live; and that the decree of the same Court shall be final.

Libel to be filed in Clerk's office, and opposite party, to be served with copy if in the State—

SEC. 2. *Be it further enacted*, That no cause of divorce or alimony shall be brought before the same Court, unless the party suing or complaining shall file his or her libel in the office of the Clerk of the said Court, therein setting forth the cause of his or her complaint specially, and shall cause the other party, if in this State, to be served with an attested copy of the same, and with a summons to appear at the Court, fourteen days at least before the sitting of said Court where the cause is to be tried; otherwise, in such manner as the said Court shall direct; and the said Court shall have all the powers necessary to the conducting and finally issuing such causes, according to the true intendment of this Act.

If not, such notice must be given as the Court may order.

Divorces from bond of matrimony, in what cases decreed.

SEC. 3. *Be it further enacted*, That divorces from the bonds of matrimony shall be decreed, in case the parties are within the degrees by law prohibited, or either of them had a former wife or husband alive at the time of solemnizing such second marriage, or for impotency or adultery in either of the parties, and for no other cause; and that divorce from bed and board may and shall be granted for the

In what cases from bed and board.

cause of extreme cruelty in either of the parties, or whenever any husband shall utterly desert his wife, or shall grossly or wantonly and cruelly neglect or refuse to provide suitable maintenance for her, being of sufficient ability thereto.

SEC. 4: *Be it further enacted*, That when it shall appear that the adultery or cruelty complained of, is occasioned by the collusion of the parties, and done with an intention to procure a divorce, or that both parties have been guilty of adultery, in such case, no divorce shall be decreed.

In cases of collusion, or adultery of both parties, no divorce to be decreed.

SEC. 5. *Be it further enacted*, That when a divorce shall be had for the causes of affinity, consanguinity, or of impotency of either of the parties, the wife shall have restored to her all her lands, tenements and hereditaments; and a judgment may be passed for a restoration to her of all, or such part of the personal estate specifically, or the value thereof, which hath come to her husband's hands by force of the marriage, as the Justices of the Supreme Judicial Court, from all the circumstances of the case, shall determine equitable; and they may make use of such kind of process to carry their judgment into effect, as shall be necessary; and the Court, in case they think proper, may compel the husband to disclose, on oath, what personal estate he hath received in right of his wife, and how the same hath been disposed of, and what proportion thereof remained in his hands at the time of such divorce: and when the divorce shall be for the cause of adultery committed by the husband, in addition to her dower, to be assigned her in the lands of her husband, in the same manner as if such husband was naturally dead, and to the real estate which her husband held in her right, the Court by whom such divorce may be decreed, shall have power to assign to the wife for her own use, all the personal estate which the husband hath received by reason of the marriage, or such part thereof as shall be just and reasonable, under all the circumstances of the case, or a sum of money equal in value to the whole of the said personal estate; or to so much thereof as the Court may judge proper should be so assigned to her. But if the personal estate or money which the Court are by this Act authorized to assign to the woman so divorced, together with her dower in

In cases of divorce for affinity, consanguinity or impotency, wife shall have all her lands restored to her.

Court may restore to her such part of her personal estate, as they think proper.

And may compel husband to disclose on oath an account of property.

When divorce is decreed, for adultery of husband, wife to have dower, the real estate held in her right and all or part of the personal estate received of her by her husband, as Court may order.

And if these be insufficient, Court may allow her alimony

out of her husband's estate.

In cases of divorce for adultery of wife, what the husband shall hold.

Proviso.

In case of divorce for cruelty or desertion of husband, what proceedings shall be had as to property.

On application of either party Court may make alterations as to alimony, restorations, &c.

In case of libel by wife for divorce from bed and board and service on husband, his lands, &c. held to answer, &c. in case divorce be decreed.

her husband's real estate, should be insufficient for her reasonable and comfortable support, then the Court may allow her reasonable alimony out of her husband's estate, so long as she shall remain unmarried, in the same manner as alimony may be allowed to a woman divorced from bed and board, for the cause of extreme cruelty in the husband: regard to be had, in making such allowance, to the character, circumstances and property of the husband, and the character and situation of the wife. And where the divorce shall be occasioned by adultery committed by the wife, the husband shall hold her personal estate forever, and her real estate during his natural life, in case they have had issue born alive of her body during the marriage; otherwise during her natural life only, if he shall survive her: *Provided nevertheless*, That the Court may allow her for her subsistence so much of such personal or real estate as they shall judge necessary. And whenever a decree of divorce from bed and board shall be made because of the cruelty of the husband or of his utterly deserting his wife, or grossly or wantonly and cruelly neglecting or refusing to provide suitable maintenance for her, being of sufficient ability thereto, the wife, if there be no issue living at the time of the divorce, shall be restored to all her lands, tenements and hereditaments, and shall be allowed out of his personal estate such alimony as the Court shall think reasonable, having regard to the personal property that came to the husband by the marriage, and to his ability; but if there be issue living at the time of the divorce, then the Court, with respect to ordering restoration, or granting alimony as aforesaid, may do as they shall judge the circumstances of the case may require; and upon application from either party, may from time to time, make such alterations therein as may be necessary. And whenever the wife shall file in the Clerk's office a libel against her husband praying for a divorce from bed and board for any of the causes mentioned in this Act, and shall cause the same to be served on him, all his lands within the State shall be considered as attached and bound to answer the order or judgment of the Court, in case a divorce is decreed upon said libel; and in such cases the Court may order and adjudge, that the whole or any part of

the real estate of the husband, or of the rents and profits of the same, shall be assigned and set off to the wife, for and during her life, and may make use of such process to enforce such judgment, as may be deemed necessary and proper. And in case a divorce shall be decreed for cruelty in the wife, whether there shall be issue or not of the marriage, at the time of the divorce, the Court may order to her a restoration of the whole, or such part of her lands, tenements and hereditaments, and may also assign alimony as they may judge proper.

In case divorce be decreed what proceedings shall be had as to property.

In case of divorce for the cruelty of wife, what proceedings shall be had as to property.

SEC. 6. *Be it further enacted*, If any persons who shall be divorced for the cause either of affinity or consanguinity shall, after such divorce, cohabit together, such persons so offending shall be liable to all the pains and penalties provided by the laws then in being against incest; and if any persons shall cohabit or live together in the same house after a divorce, for the cause of prior marriage or adultery, such persons shall be liable to all the pains and penalties provided by the laws then in being against adultery. *Provided always*, That no decree of divorce for or on account of adultery, shall bar the issue of such marriage from inheriting; but the question of the right of such child or children to inherit shall be tried and settled upon the principles of common law, in the same manner as though this Act had never been made.

Punishment for cohabiting or living in the same house after divorce from bond of matrimony.

Decree of divorce for adultery not to bar children of their inheritance.

[Approved February 10, 1821.]

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CHAPTER LXXII.

An Act for the maintenance of Bastard Children.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That whenever any woman who hath been delivered of a bastard child, or being pregnant with a child which if born alive, may be a bastard, shall accuse any man of being the father thereof before any Justice of the Peace and desire a prosecution against the man whom she accuses of being the father of the child, the Justice shall then proceed to take her accusation and examination, in writing, under oath, respecting the man so ac-

When a woman shall accuse a man as father of a bastard child; before a Justice of the Peace, what proceedings shall be had.