

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.

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.....
1821.

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.

Accused to be held to give bond to appear and answer at next C. C. C. Pleas.

If woman be unable to attend Court, or not delivered cause may be continued and bond renewed or continued.

What proof necessary, and what admissible on trial.

Adjudication by the Court, on verdict or default, and order thereon.

Form of the issue to be tried.

cused, and the time and place where she was begotten with child, with such other circumstances as he shall judge necessary for the discovery of the truth of such accusation, and at his discretion may bind him that is so accused to the next Circuit Court of Common Pleas, with sufficient surety or sureties, to answer to such accusation, and abide the order of Court thereon. And if the woman be not then delivered, or be unable personally to attend the said Court, may order the continuance or renewal of his and her bond, that they may be forth coming at the next Circuit Court of Common Pleas after the birth of the child, and the continuance of such bonds aforesaid to the next Circuit Court of Common Pleas entered thereon by order of the said Court, (unless the surety or sureties shall object thereto) shall have the same force and effect as a recognisance taken in Court for the next term. And if she being put upon the discovery of the truth respecting the same accusation in the time of her travail, shall thereupon accuse the same person of being the father of the child, of which she is about to be delivered, and shall continue constant in such accusation, and shall prosecute him as the father of such child before the Circuit Court of Common Pleas in the manner herein prescribed, (in which prosecution she shall be admitted as a competent witness, and her credibility be left to the Jury) and such examination shall be given in evidence on the trial of the issue or if by default or by his plea he shall admit the truth of the allegations contained in said prosecution, he shall be adjudged the reputed father of such child, and stand charged with the maintenance thereof, with the assistance of the mother, as the Justices of the same Court shall order; and shall give security to perform the said order, and to save the town or place which might be otherwise chargeable with the maintenance of such child, free from charge for its maintenance, and may be committed to prison until he find sureties for the same, unless the pleas and proofs made and produced on the behalf of the man so accused, and other circumstances, be such as the Jury, by whom the issue, whether he is guilty or not guilty, shall be tried, shall find him not guilty; in which case the Justices of the said Court shall acquit him thereof; and the verdict of

the Jury of the same Court whether guilty or not guilty, shall be final respecting such issue: *Provided*, That no woman shall be admitted as a witness as aforesaid, who has been convicted of any crime, which would by law disqualify her from being a witness in any other cause: *And provided also*, That no woman after she has made an application as aforesaid to a Justice of the Peace for a prosecution against the putative father of a bastard child, and after such Justice has taken her accusation and examination on oath, shall be allowed to make any settlement with such father, or give any discharge, which shall be given in evidence on the trial of any such complaint to affect or bar the same, if it is objected to in writing by the overseers of the poor of any town, interested in the maintenance and support of such mother or bastard child.

Provido as to the testimony of the woman.

Her settlement with or discharge of the man accused, after complaint made, not to be good, or offered in evidence, if objected to by the overseers of the poor, &c.

SEC. 2. *Be it further enacted*, That any Justice of the Peace in any county, in this State, may issue his warrant, directed to the proper officer in his own county on any such complaint made on oath, and accompanied by the accusation and examination of such woman, directed to and made before any other Justice of the Peace; and such Justice, so issuing his warrant, may proceed to require of the man accused, when apprehended and brought before him, a bond with sufficient sureties as in this Act is provided, conditioned for his appearance at the Circuit Court of Common Pleas next to be holden in the county where the complaint was made,

Any Justice may issue a warrant to arrest the accused, on complaint on oath, accompanied by the accusation and examination taken before another Justice.

Same proceedings to be had.

[Approved February 14, 1821.]

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CHAPTER LXXIII.

An Act to establish Courts of Sessions.

SEC. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That there shall be a Court of Sessions in the several counties within this State, to consist of one Chief Justice and not exceeding four nor less than two Associate Justices, at the discretion of the Governor and Council, a majority of whom appointed for any county may constitute a quorum for doing business; to be

Courts established.