

MAINE STATE LEGISLATURE

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PUBLIC ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

NINETEENTH LEGISLATURE,

JANUARY SESSION, 1839.

PUBLISHED AGREEABLY TO THE RESOLVE OF JUNE 28, 1820.

AUGUSTA:
SMITH & ROBINSON, PRINTERS TO THE STATE.

1839.

Act, when in force.

any County in the State any law or usage to the contrary notwithstanding, and this act shall be in force from and after its approval by the Governor.

[Approved by the Governor, March 4, 1839.]

Chapter 377.

AN ACT relating to Divorces.

Be it enacted by the Senate and House of Representatives in Legislature assembled, That in

In case of libel for divorce, either party to have right of trial by jury.

all cases of libel for divorce from the bonds of matrimony now pending or hereafter to be instituted, either party shall have a right to a trial by a jury of the country provided they or either of them shall so elect; but in case neither party shall so elect, then the issue shall be tried by the Judge who may hold the Court;—and in case the Court or jury shall find the facts alleged in the libel to be proved, the same being sufficient by the laws of this State to authorize a divorce, the Court shall thereupon decree a divorce of the parties as prayed for; and the Justices of the Supreme Judicial Court are hereby

Court authorized in certain cases to decree a divorce.

New trial to be granted by S. J. Court in certain cases.

vested with discretionary power to grant a new trial in all cases of divorce, whenever they shall judge it to be reasonable, and where the parties have not lived together since the first trial, upon the application of the party aggrieved by the judgment in the former trial, on such terms and conditions as to said Justices may seem equitable and just: *Provided, however,* That but one new trial shall be granted for the same cause, and that no application for such new trial shall be sustained after a lapse of three years from the final termination of the first trial.

Proviso.

[Approved by the Governor, March 4, 1839.]