

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

FORTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1863.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 26, 1840, and March 16, 1842.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1863.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1863.

case they receive the diploma mentioned in section five, two years after they shall have graduated; and on these conditions shall be received without charge for tuition; each pupil shall pay one dollar per session for incidental expenses of the school.

Tuition.

SECT. 7. Said schools shall be put in operation in August, eighteen hundred and sixty-three, or as soon thereafter as the necessary arrangements can be made therefor, due notice of the time of commencement and the terms of admission being given in the public newspapers of that section of the state in which said schools are severally located, four weeks at least before the time of commencing.

Schools, when to be put in operation.

Notice of.

SECT. 8. To sustain said schools during the period of five years, four half townships of the public lands are hereby appropriated; the same to be sold in whole or in part at such times and in such manner as shall be deemed best by the governor and council, acting as a board of trust and management in the premises; and before these lands shall be sold they shall be advertised six months in a newspaper in Bangor, Augusta and Portland, and then sold at public auction to the highest bidder; and the avails of such sales shall be deposited in the state treasury to the credit of the normal school fund thus created.

Appropriation of lands.

How sold.

Avails, where deposited.

SECT. 9. It shall be the duty of the superintendent of common schools to act as superintendent of the normal schools; to employ teachers and lecturers for the same and with the consent of the governor and council to provide such apparatus and other facilities for conducting the operations of the schools as may be deemed necessary; the whole arrangements to be approved by the governor and council, who shall audit all accounts for expenditures in this behalf, and draw their warrant for the payment of the same when approved.

Superintendent of common schools, duties of.

Accounts, by whom audited.

SECT. 10. This act shall take effect when approved by the governor.

Approved March 25, 1863.

Chapter 211.

An act relating to divorce.

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

SECT. 1. Chapter sixty of the revised statutes is hereby amended by adding to the end of the second section thereof, the words, or if the libellant, when the cause for divorce occurred resided in this state.

Chap. 60, R. S., relating to divorce, amended.

CHAP. 212.

Cause for divorce.

SECT. 2. The said chapter is further hereby amended by adding to the end of the fourth section thereof, the words following, to wit: and when the alleged cause for divorce is wilful desertion or abandonment, such desertion or abandonment if continued for the term of three years without reasonable cause, and without intent on the part of the libellant thereby to procure a divorce, shall be held a sufficient cause for divorce; and the court shall decree accordingly. And in like cases when the desertion or abandonment has continued a less term than three years, the court may exercise a discretion as to decreeing a divorce, in view of all the facts proved in the case.

New trial granted within three years.

SECT. 3. The said chapter is further amended by adding after the words "new trial," in the eighth section, the words, either in respect to the divorce granted or amount of alimony or specific sum instead of alimony decreed, so that the same as amended will read thus: within three years after a judgment on a libel for divorce, the court on petition of the party aggrieved may grant a new trial either in respect to the divorce granted or amount of alimony or specific sum instead of alimony decreed on such conditions as they may impose, when the parties have not cohabited since the former trial, nor either of them contracted a new marriage.

Parties may be witnesses.

SECT. 4. In suits for divorce either party may be examined for a witness.

Approved March 25, 1863.

Chapter 212.

An act to amend chapter sixty-four of the revised statutes, relating to administrators.

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

Chap. 64, sec. 44, R. S., relating to administrators, amended. Executors and administrators, duties of.

SECT. 1. The forty-fourth section of chapter sixty-four of the revised statutes is hereby amended so as to read as follows: every executor or administrator shall be held to account for the personal property and effects named in the inventory at the appraised value unless sold under license as provided in the preceding section, but in case of credits and rights to property not in possession, if loss accrues without his fault or negligence he may be allowed the amount of such loss in his account of administration; and if any goods or effects not sold under license, allowed to the widow nor distributed to the heirs or devisees are shown to be of greater value than they were appraised at, he shall account for the additional value.

Allowances.