

MAINE STATE LEGISLATURE

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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.

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.

SECT. 2. Any real estate held by an executor or administrator in mortgage or taken in execution may be sold at any time before the right of redemption is foreclosed, in the same manner as the personal estate of a deceased person may be sold by an executor or administrator at common law.

CHAP. 213.

Real estate,
when may be
sold.

SECT. 3. Any sales of such interests which have heretofore been made in the manner prescribed by the foregoing section shall be deemed valid.

Sales made
valid.

SECT. 4. This act shall take effect when approved.

Approved March 25, 1863.

Chapter 213.

An act additional relating to foreign insurance companies.

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

Any foreign insurance company which shall fail to publish a statement of its condition as required by the sixty-seventh chapter of the public acts of eighteen hundred and fifty-nine, shall be liable to a penalty of one hundred dollars for every such failure or neglect, to be recovered in an action of debt, one half to go to the state and one half to the party suing.

Foreign
insurance
companies,
statements of.
Penalty for
neglect.

Approved March 25, 1863.

Chapter 214.

An act to amend chapter sixty-one of the revised statutes, relating to the rights of married women.

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

SECT. 1. Chapter sixty-one of the revised statutes is hereby amended by adding after the word "conveyance" in the eighth line of the first section thereof the words: excepting, however, real estate conveyed as security to the wife for any bona fide debt due her from the husband, or for the payment of money actually loaned by the wife to the husband.

Chap. 61, R. S.,
relating to
rights of mar-
ried women,
amended.

SECT. 2. This act shall take effect from and after its approval by the governor.

Approved March 25, 1863.