

American Legal History – Russell

Revised Statutes, Maine, 1847: Chapter 89, Section 2.

Sect. 2. A divorce may be decreed from the bond of matrimony, in the following cases, and for the following reasons:--

First. For the cause of adultery committed by either of the parties, within or without this state, provided, they have not cohabited together as husband and wife, after the commission of the crime was well known to the libellant;

Second. For impotency in either of the parties, existing at the time of the marriage;

Third. Where either of the parties has deserted, or shall desert the other, willfully and without reasonable cause, for the term of five successive years, and without consent or collusion of the parties, or any intention, on the part of the party deserted, thereby to procure cause for a divorce;

Fourth. Where either of the parties shall join and continue with the society called shakers, for the term aforesaid, separate from the other party, without consent or collusion, or an intention to enable the other party thereby to procure cause of divorce;

Fifth. Where either of the parties shall be sentenced to confinement and hard labor in a state prison or penitentiary, in any of the United States, for said term of five years; provided, that in neither of the last three cases, shall a divorce be granted on the application of the party deserting, joining said society, or confined in prison as aforesaid; nor, on application of either, when both parties shall have cohabited together, within the term of five years next before the filing of the libel, or between that time and the time of the trial, or decision on the same;

Sixth. Where the consent of one of the parties to the marriage was obtained, by the gross and deliberate fraud or false pretences, practiced by the other, a divorce may be granted on the application of the other [former]; provided the

parties have not cohabited, as husband and wife, after such fraud was known to the party, thus deceived;

Seventh. In all cases, where one party has been, or shall be, divorced from the bond of matrimony, the court granting the same, may on application of the other party, grant a like divorce, on such terms and conditions as such court, in the exercise of a sound discretion, may judge reasonable;

Eighth: Where either of the parties is, or shall become, a confirmed, habitual and common drunkard, and shall so continue for the term of three years, thereby incapacitating him or herself from making suitable provision for, and taking proper care of the family.

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