

HOUSE.....No. 43.

[Reported by a special Committee consisting of Messrs. Whitney of Deerfield, Gordon of Charlestown, and Buel of Tyringham.]

Commonwealth of Massachusetts.

In the Year of our Lord One Thousand Eight Hundred
and Thirty-Five.

AN ACT

Further regulating Divorces.

1 SEC. 1. **BE** *it enacted by the Senate and House*
2 *of Representatives, in General Court assembled, and*
3 *by the authority of the same,* That a divorce from the
4 bond of matrimony may be decreed by the Supreme
5 Judicial Court, where the husband has been sentenced
6 to confinement in the State Prison, also where the
7 wife has been convicted and sentenced to confine-
8 ment for any crime which by law is now punished by
9 confinement in the State Prison in other cases, and

10 no pardon granted to the party so sentenced, after di-
11 vorce for such cause, shall restore such party to his or
12 her conjugal rights. *Provided, however,* That appli-
13 cation for divorce be made before the expiration of
14 the sentence as aforesaid.

1 SEC. 2. *Be it further enacted,* That divorces from
2 the bond of matrimony, may be decreed in all cases
3 of extreme cruelty by either party, and also in cases
4 where the husband shall utterly desert his wife, or
5 shall grossly or wantonly and cruelly neglect or refuse
6 for years, to provide suitable maintenance for
7 her, being of sufficient ability thereto; and in all cases
8 where the wife shall utterly desert her husband for
9 the space of years and shall refuse to return
10 to him again, in every such case, the Supreme Judi-
11 cial Court, upon libel for that purpose filed, by the
12 injured party, shall have power to decree a divorce
13 from the bond of matrimony.