

## HOUSE.....No. 62.

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### Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March 23, 1838.

*Ordered*, That the Committee on the Judiciary, be instructed to inquire into the expediency of altering or amending the law relating to *Divorce from the Bond of Matrimony*, so that to the causes mentioned in the fifth section of the seventy-sixth chapter of the Revised Statutes, for which a *divorce* may be decreed, be added “*wilful desertion*, by either party, for the term of            years, or more.”

L. S. CUSHING, *Clerk*.

## Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, March, 1838.

The Committee on the Judiciary, to whom an order was referred, to inquire into the expediency of making further provision respecting divorce for wilful desertion, by either party, have considered that subject, and they are of opinion, that further provision is necessary for cases of that nature.

The committee regret to state, that instances of desertion are not rare, by which industrious and meritorious females are left by their husbands, subject to all the disabilities of married women, liable to have their earnings or inheritances, if they have any, seized by the creditors of their husbands, and deprived at the same time of the protection and assistance of those persons. Instances of desertion by the wife, are much more rare,—but when such do occur, they produce great evil and distress, and when obstinately continued, require the interposition of the law.

Your committee therefore, report a bill providing that divorce from the bond of matrimony, may be granted on the petition of the innocent party, after a desertion which shall have continued for seven successive years ; this pe-

riod is long enough to prevent collusive desertions, and is analogous to the provision in the Revised Statutes, where either party is sentenced to imprisonment for life, or seven years or more.

The committee therefore, recommend the passage of the accompanying bill.

For the Committee,

CHARLES P. CURTIS, *Chairman.*

## Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Thirty-  
Eight.

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### AN ACT

In addition to the seventy-sixth chapter of the Revised  
Statutes.

**BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

1    SEC. 1. A divorce from the bond of matrimony  
2 may be decreed in favor of either party, whom the  
3 other shall have utterly deserted for the term of seven  
4 years consecutively.

1    SEC. 2. When a divorce is decreed for the cause  
2 of desertion by the husband, as aforesaid, the same  
3 proceedings shall be had, touching the estate of the  
4 wife, or the alimony to be allowed her, as in the case  
5 of divorce on account of the husband's being senten-  
6 ced to confinement to hard labor, or from bed and  
7 board.