

# HOUSE....No. 51.

---

## Commonwealth of Massachusetts.

---

HOUSE OF REPRESENTATIVES, Feb. 5, 1855.

The Committee on the Judiciary, to whom was referred the Order in relation to giving the Supreme Court further jurisdiction in cases of divorce, have considered the same, and report that, under the existing provisions of law contained in the Revised Statutes, chap. 76, sect. 3, statutes of 1843, chap. 77, and 1846, chap. 197, it has been held by the Supreme Court that they do not extend so far as to give them jurisdiction in applications for divorce where the fraud was practised, or the cause for divorce occurred, and the marriage was solemnized out of this State, even though the libellant was an inhabitant of this State at the time, and continued after the marriage an inhabitant of Massachusetts. To remedy this defect, they report the accompanying Bill.

C. P. HUNTINGTON, *Chairman.*

## Commonwealth of Massachusetts.

---

In the Year One Thousand Eight Hundred and Fifty-  
Five.

---

### AN ACT

Relating to the Jurisdiction of the Supreme Judicial  
Court in Cases of Divorce.

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

1    SECT. 1.  When a marriage is supposed to be void,  
2 or the validity thereof is doubted, either for fraud or  
3 or any other legal cause, the justices of the supreme  
4 judicial court shall have jurisdiction, and upon proof  
5 of the fraud, or other legal cause of divorce, to their  
6 satisfaction, they shall have power to grant a divorce  
7 or sentence of nullity, although such marriage was  
8 solemnized out of this Commonwealth; *provided* that  
9 the libellant had his or her domicile in this Common-  
10 wealth when the marriage was solemnized and when  
11 the libel was filed.