

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No.

823

Session of
1919.

INTRODUCED BY MR. SIMPSON, MARCH 10, 1919.

REFERRED TO COMMITTEE ON JUDICIARY LOCAL,
MARCH 11, 1919.

AN ACT

Making incurable insanity a cause for divorce and providing procedure in such cases

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 *in addition to the causes now provided for by law it*
5 *shall be lawful for the courts of common pleas to grant*
6 *a divorce from the bonds of matrimony to any libellant*
7 *whose husband or wife is suffering with incurable in-*
8 *sanity*

9 Section 2 The courts of common pleas are invested
10 with authority to receive a petition or libel for divorce
11 alleging that the respondent named in the libel is suffer-
12 ing with incurable insanity and to provide for the ser-
13 vice of the subpoena upon the committee of the insane
14 person In case the insane person is without a committee
15 the court is authorized to appoint a committee Ad Litem

16 Section 3 Upon the hearing of the case before the

1 court a master or a jury the incurability of the in-
2 sanity of the respondent shall be proved by expert and
3 other testimony. Provided however That if the respondent
4 is an inmate of an asylum or institution for the in-
5 sane at the time of the filing of the petition for libel
6 and has been an inmate of an asylum or institution
7 for the insane continuously for a period of ten years
8 or more prior to the filing of the petition or libel
9 proof of such fact shall be sufficient to establish the
10 cause of incurable insanity

11 Section 4 In all cases under this act where a hus-
12 band is the libellant the court shall have power to pro-
13 vide by order or decree for the payment of alimony to
14 such insane wife or to her committee the amount of
15 said alimony to be determined upon due consideration of
16 the estate and circumstances of the libellant and the sep-
17 erate estate of the wife and to require the libellant to
18 file in court a bond with sufficient sureties in such sum
19 as the court may require conditioned upon obedience to
20 the order or decree of the court as in this section
21 provided for

22 Section 5 Except as in this act otherwise provided
23 all proceedings for divorce on the ground of incurable in-
24 sanity shall be as now provided by law in other cases
25 of divorce