

original decree was passed had been in strict conformity to the requirements of law.

This section, so far as it attempts to validate decrees passed without jurisdiction, is unconstitutional and void. *Roche v. Waters*, 72 Md. 264.

This section referred to in contrasting section 57, *et seq.*, with section 228. *Newbold v. Schlens*, 66 Md. 588.

1904, art. 16, sec. 68. 1892, ch. 244, sec. 62 A.

72. The several equity courts of this State, upon the application of any person residing in the city or county where such application is made, shall have power to pass a decree declaring any minor child the adopted child of the petitioner, upon such reasonable notice to the parent or parents, guardian or guardians, of such child, if any there be, by summons, order of publication or otherwise, as the court may order to be given, provided that the court passing the decree shall become satisfied, upon careful investigation, that the best interests and welfare of such child will be thereby promoted, and provided further, that the child, if of sufficient intelligence and capacity to give an understanding assent shall so desire.

This and the following sections referred to in dealing with an attempt to adopt an adult. *Hillers v. Taylor*, 108 Md. 156.

The act of 1892, ch. 244, providing for the adoption of children in Maryland and giving them certain rights, having been passed after the decedent's death, an adopted child was held to have no interest in a fund in controversy. *Fisher v. Wagner*, 109 Md. 247.

Ibid. sec. 69. 1892, ch. 244, sec. 62 B.

73. The husband and wife may file a petition jointly praying the court to decree the adoption by them jointly of any child, but no decree of adoption shall pass where the petitioner is a married person unless it be shown that the husband or wife of the petitioner consents to the adoption, or is hopelessly insane, or that the parties are living apart under such circumstances as would entitle the petitioner to a divorce.

Ibid. sec. 70. 1892, ch. 244, sec. 62 C.

74. The effect of such decree of adoption shall be to entitle the child so adopted to the same rights of inheritance and distribution as to the petitioner's estate, and the same rights of protection, education and maintenance as if born to such petitioner in lawful wedlock, and the natural parents of such child shall be freed from all legal obligation towards it, provided that where such child inherits property from its adopted parent or parents, upon its dying intestate without issue the property thus inherited shall descend and be distributed to the same persons who would take the same by inheritance and in course of distribution if the child had been the child of the adopted parents born to them in lawful wedlock; provided, however, that this shall not be construed to limit or interfere with the power of disposition over such property by gift, grant, devise, bequest or otherwise by said adopted child.

See notes to sec. 72.