

Hawkins, 65 Md. 108; Lynch *v.* Lynch, 33 Md. 331; Levering *v.* Levering, 16 Md. 219; Tayman *v.* Tayman, 2 Md. Ch. 399; Ricketts *v.* Ricketts, 4 Gill, 108. *Cf.* Goodhues *v.* Goodhues, 90 Md. 292; Shutt *v.* Shutt, 71 Md. 193; Hoshall *v.* Hoshall, 51 Md. 74; Coles *v.* Coles, 2 Md. Ch. 351; Daiger *v.* Daiger, 2 Md. Ch. 339. And see Bowie *v.* Bowie, 3 Md. Ch. 54.

Allegations if proved held to amount to "gross misconduct" under this section. See notes to sec. 14. Outlaw *v.* Outlaw, 118 Md. 503.

Property rights.

Where a wife during coverture voluntarily and without fraud or undue influence, conveys her property to her husband or permits him to appropriate it with her consent and without any promise to restore it, a divorce does not vest her with an equitable title to such property. A decree of divorce has no retroactive effect and does not restore the parties to their former condition. Effect of a divorce upon property held as tenants by the entireties. Reed *v.* Reed, 109 Md. 692; Tyson *v.* Tyson, 54 Md. 37.

A divorce *a mensa* does not dissolve the marital relation, and does not deprive the widow of her dower or interest in her husband's personal property. Hokamp *v.* Hagaman, 36 Md. 517.

The power of the court to award the wife "such property as she had when married," does not depend upon the cause of the divorce, or the conduct of the husband, but upon the circumstances of the husband at the time of the divorce. The law is not intended as a punishment of the husband, but to protect the wife for the future. Tyson *v.* Tyson, 54 Md. 37.

After a divorce *a mensa*, where a wife has been awarded the property which she had when married, the husband need not join in an answer to a suit concerning the wife's separate property. Krone *v.* Linville, 31 Md. 145.

For case applying the portion of this section relative to wife's being awarded "such property as she had when married," see Tayman *v.* Tayman, 2 Md. Ch. 400.

Abandonment.

In order to constitute desertion, separation and intention to abandon must concur, but they need not be identical in their commencement. Abandonment made out. Muller *v.* Muller, 125 Md. 76. *Cf.* Polley *v.* Polley, 128 Md. 62; Hubbard *v.* Hubbard, 127 Md. 620.

An allegation of abandonment held to be supported by the evidence and to justify a divorce under this section. To justify a husband and wife in living apart, the reasons must be grave and weighty. What amounts to desertion. Buckner *v.* Buckner, 118 Md. 113.

Where a wife leaves her husband after he has abused her, accused her of improper conduct and ordered her to leave, she may secure a divorce under this section. Pattison *v.* Pattison, 132 Md. 368.

What constitutes abandonment under this section; abandonment not made out. Young *v.* Young, 136 Md. 85.

Custody of Children.

The court may revise its decree as to the disposition of the child, though the application is made after the expiration of the term at which the decree is passed. Where a divorce is granted on the ground of the misconduct of the wife, the evidence should be very clear to justify the court in taking the child from the father and giving it to the mother; primary concern of the court in such cases. Pangle *v.* Pangle, 134 Md. 169.

This section does not contemplate that questions as to the custody and support of children should be passed on until the divorce proceeding is heard on its merits. Act of 1920, ch. 574, and ch. 573 (see sec. 80), inapplicable. This section broad enough to cover all questions concerning care, custody, support and maintenance of children. Hood *v.* Hood, 138 Md. 363.

A decree awarding the wife the guardianship and custody of children, and charging the husband with their support, relying on this section, upheld for want of evidence, even if the discretion of the lower court in such a matter could properly be reviewed. Roth *v.* Roth, 143 Md. 150.

The estate of the wife will be awarded to her, and the guardianship and custody of the children ordered, only when a divorce has been decreed. Murray *v.* Murray, 134 Md. 657; Hood *v.* Hood, 138 Md. 361.