

or her bill in the court, either where the party plaintiff or defendant resides; or if the party against whom the bill is filed be a non-resident, then such bill may be filed in the court where the plaintiff resides; and upon such bill the same process by summons, notice or otherwise, shall be had to procure the answer and appearance of a defendant, as is had in other cases in chancery; and in all cases where, from the default of the defendant, a bill for divorce may be taken *pro confesso*, the court shall order testimony to be taken and shall decide the case upon the testimony so taken. Provided that no decree of divorce shall be entered against a non-resident, unless the plaintiff shall have stated under oath in the bill his or her knowledge and information as to the place of residence of the defendant, including street address if known, and if the plaintiff has no such knowledge or information, then he or she shall so state and also give the last known address of the defendant; and the clerk of the court shall promptly, by registered mail, send to the defendant at the address, if any, disclosed in the bill a copy of the order of publication.

Persons residing on Federal reservations in Maryland not residents of State entitling them to file bill for divorce under this section and sec. 40. *Lowe v. Lowe*, 150 Md. 593. (See sec. 37A, enacted since this decision.)

1927, chs. 225 and 494.

**37A.** All persons residing on property lying within the physical boundaries of any county of this State or within the boundaries of the City of Baltimore but on property over which jurisdiction is exercised by the Government of the United States by virtue of the 17th Clause, 8th Section of the First Article of the Constitution of the United States, and Sections 31 and 32 of Article 96 of the Annotated Code of Public Laws of Maryland (legalized by Chapter 219 of the Acts of the General Assembly of 1924), shall be considered as residents of the State of Maryland and of the County or of the City of Baltimore, as the case may be, in which the land is situate for the purpose of jurisdiction in the Courts of Equity of this State in all applications for divorce.

**38.**

Abandonment is interrupted by agreement of separation, but intent as to future separation is rebuttable by parol evidence. Validity of separation agreement. Other ground of divorce. *Melson v. Melson*, 151 Md. 202.

To justify divorce *a vinculo* on ground of abandonment, marital relations must be ended and abandonment uninterrupted for three years and deliberate and final and beyond reasonable expectation of reconciliation. *Miller v. Miller*, 153 Md. 217.

Failure of proof of wife's misconduct, without husband's knowledge, before marriage—see notes to art. 35, sec. 4. *Wiegand v. Wiegand*, 155 Md. 645.

See notes to sec. 39.

**39.**

Separation and intention to abandon must concur, but need not begin at same time, and divorce may be granted on ground of abandonment without regard to duration. Refusal by wife of marital rights. *Klein v. Klein*, 146 Md. 29. And as to refusal of marital rights, see *Miller v. Miller*, 153 Md. 213; *McKane v. McKane*, 152 Md. 515.

No abandonment such as law recognizes as ground for divorce; resumption of marital relations. Amount and duration of alimony; counsel fee. *Daiger v. Daiger*, 154 Md. 503.