

Divorce.

An. Code, 1924, sec. 37. 1912, sec. 36. 1904, sec. 35. 1888, sec. 35.
 1841, ch. 262, sec. 1. 1845, ch. 330, sec. 1. 1929, ch. 559.
 1931, ch. 451.

37. The courts of equity of this State shall have jurisdiction of all applications for divorce; and any person desiring a divorce shall file his 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.

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.)

This section referred to in construing secs. 14 and 15. See notes thereto. *Woodcock v. Woodcock*, Daily Record, June 30, 1935.

The fact that a divorce *a mensa* and permanent alimony had been previously awarded in another circuit for abandonment did not affect jurisdiction to grant absolute divorce for adultery. *Williams v. Williams*, 156 Md. 10.

Bill is sufficient if it alleges that defendant on divers days and times committed adultery with a person named in a certain county; not necessary to disclose with exactness the time and place. *Darner v. Darner*, 157 Md. 98.

See notes to art. 35, sec. 4.

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. 262.

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. 25, sec. 4. *Wiegand v. Wiegand*, 155 Md. 645.

Testimony shows abandonment deliberate and final and separation beyond reasonable expectation of reconciliation. *Wald v. Wald*, 161 Md. 493.