

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.

38. 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.

A plaintiff held to be a resident of Baltimore City so as to entitle her to file a bill under this section in that jurisdiction. Meaning of the word "residence" as used in this section; when a change of domicile takes place. *Harrison v. Harrison*, 117 Md. 612.

A bill held to sufficiently set out the residence of the defendant under this section and sec. 177. *Etheridge v. Etheridge*, 120 Md. 13.

This section and sec. 43 referred to as showing that equity courts of this state exercise jurisdiction where defendant is a non-resident. Nevada court held to have been without jurisdiction. *Walker v. Walker*, 125 Md. 661.

The divorce court is governed by the rules and principles established in the ecclesiastical courts in England so far as they are consistent with our Code. To what extent the judge may elicit additional proof on his own motion and act thereon. *Fisher v. Fisher*, 95 Md. 318; *Fisher v. Fisher*, 93 Md. 303; *J. G. v. H. G.*, 33 Md. 406.

Decree of divorce distinguished from decree of nullity. A bill held not to be one for divorce, as it set forth none of the causes thereof, and was filed by a third party. *Ridgely v. Ridgely*, 79 Md. 305; *LeBrun v. LeBrun*, 55 Md. 502.

For a case involving the effect of the death of one of the parties upon the divorce suit, see *McCurley v. McCurley*, 60 Md. 185.

This section referred to in deciding that the act of 1830, ch. 185, sec. 1, had no relation at the time of its adoption to proceedings for divorce. *Chappell v. Chappell*, 86 Md. 541.

For cases involving the effect of the acts of 1841, ch. 262, and 1844, ch. 306, upon the legislative power to grant divorces, see *Wright v. Wright*, 2 Md. 429; *Smith v. Devecom*, 30 Md. 480; *Harrison v. State*, 22 Md. 493; *Jamison v. Jamison*, 4 Md. Ch. 293. (For present law on this subject, see Md. Constitution.)

This section referred to in construing sec. 40—see notes thereto. *Fleegle v. Fleegle*, 136 Md. 632.

As to alimony, see sec. 14. See also notes to secs. 14, 40, 41 and 43.

Testimony of the plaintiff in divorce cases must be corroborated—art. 35, sec. 4.

Persons residing on Federal reservations in Maryland not residents of State entitling them to file bill for divorce under this section and sec. 43. *Lowe v. Lowe*, 150 Md. 593. (See sec. 39, enacted since this decision.)

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.

This section referred to in construing Sec. 15. *Staub v. Staub*, 170 Md. 208.

This section cited in holding that wife could not bring suit for alimony alone under Secs. 14 and 15, except in jurisdiction of husband's residence. *Woodcock v. Woodcock*, 169 Md. 40.

Cited but not construed in *Evans v. Zouck*, 172 Md. 15.

Cited in *Abrams v. Abrams* (Judge Offutt, Circuit Court for Baltimore Co.), Daily Record, Jan. 9, 1939.

See notes to art. 35, sec. 4.

An. Code, 1924, sec. 37A. 1927, chs. 225 and 494.

39. 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