

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.

See notes to sec. 80 and to art. 23, sec. 234 of Code of 1912 (see foot-note to art. 48A, sec. 180, this Code) and art. 93, sec. 19.

This section referred to in construing act 1880, ch. 64, authorizing Nursery and Child's Hospital to bind out for adoption children committed to it. Adoption as provided in statute only. Legacy to "children." *Zimmerman v. Thomas*, 152 Md. 265, 8.

Cited but not construed in separate opinion in *Lowe v. Lowe*, 150 Md. 603. (See notes to sec. 38.)

Court has jurisdiction under secs. 78-84 to pass decree of adoption where husband and wife petition for adoption of child, with written consent of its parents, the parents being divorced, etc. Decree will not be annulled in absence of fraud, surprise, mistake, etc. *Backus v. Reynolds*, 159 Md. 603.

Aunt of deceased mother of child not entitled to adopt child over objection of father even though not in position at time to provide home for it. *Connelly v. Jones*, 165 Md. 546.

Error for court to refuse respondent's offer of child (10 years old) as witness so court could determine her intelligence and capacity to give consent to adoption. *Waller v. Ellis*, 169 Md. 26.

Child adopted under this and succeeding sections has status of natural child of adoptive parents. *Spencer v. Franks*, 173 Md. 82.

Secs. 78-84 referred to in construing sec. 85. *Alston v. Thomas*, 161 Md. 621.

Cited but not construed in *Waller v. Ellis*, 169 Md. 23.

An. Code, 1924, sec. 74A. 1935, ch. 63.

79. 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 General Laws of Maryland, 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 the adoption of infants.

An. Code, 1924, sec. 75. 1912, sec. 73. 1904, sec. 69. 1892, ch. 244, sec. 62B.

80. 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.

See notes to sec. 79.

Cited in *Waller v. Ellis*, 169 Md. 23.

An. Code, 1924, sec. 76. 1912, sec. 74. 1904, sec. 70. 1892, ch. 244, sec. 62C.

81. 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 it 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