

ment Volume and 1967 Supplement), title "Evidence," subtitle "Competency of Witness," to add a provision after the last word of Section 4 specifying the corroboration required of the plaintiff's testimony in support of the bill of complaint for a divorce a vinculo matrimonii upon the grounds of the voluntary separation of husband and wife for eighteen consecutive months, where such separation was accompanied by a separation agreement executed under oath by both parties.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 4 of Article 35 of the Annotated Code of Maryland (1965 Replacement Volume and 1967 Supplement), title "Evidence," subtitle "Competency of Witness," be and it is hereby repealed and re-enacted, with amendments, to read as follows:

4.

In the trial of all indictments, complaints and other proceedings against persons charged with the commission of crimes and offenses, and in all proceedings in the nature of criminal proceedings in any court of this State, and before a justice of the peace or other officer acting judicially, the person so charged shall at his own request, but not otherwise, be deemed a competent witness; but the neglect or refusal of any such person to testify shall not create any presumption against him. In all criminal proceedings the husband or wife of the accused party shall be competent to testify; but in no case, civil or criminal, shall any husband or wife be competent to disclose any confidential communication made by the one to the other during the marriage, nor shall the husband or wife be compelled to testify as an adverse party or witness in any criminal proceeding involving his or her spouse, except when such proceedings involves the abuse of a child under sixteen years pursuant to Section 11A of Article 27 of this Code, as amended from time to time; and in suits, actions, bills or other proceedings instituted in consequence of adultery, or for the purpose of obtaining a divorce, or for damages for breach of promise of marriage, no verdict shall be permitted to be recovered, nor shall any judgment or decree be entered upon the testimony of the plaintiff alone; but in all such cases testimony in corroboration of that of the plaintiff shall be necessary [.] ; *but in suits, actions, bills or other proceedings instituted for the purpose of obtaining a divorce a vinculo matrimonii upon the grounds of husband and wife having voluntarily lived separate and apart, without any cohabitation for eighteen consecutive months, with such separation being beyond any reasonable expectation of reconciliation, where both husband and wife prior to the filing of the bill of complaint upon such grounds for divorce a vinculo matrimonii, had executed an agreement under oath reciting that both parties had voluntarily agreed to separate, such separation agreement and the terms therein shall serve as full corroboration of the plaintiff's testimony as to the grounds for divorce* MUTUAL AND VOLUNTARY NATURE OF THE SEPARATION set out in the bill of complaint filed by the plaintiff thereby.

SEC. 2. *And be it further enacted,* That this Act shall take effect July 1, 1968.

Approved April 10, 1968.