

Domestic Relations Legislation at the 1937 Session

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DOMESTIC RELATIONS LEGISLATION AT THE 1937 SESSION

At the 1937 regular session of the Maryland General Assembly several statutes of interest in the field of Domestic Relations were passed. Chapter 396 added to the causes for absolute divorce the voluntary living apart of the spouses for a period of five years. Chapter 91 provided a forty-eight hour delay between the application for a marriage license and its issuance. This latter statute, however, has been held up by a referendum petition, and will be voted on at the 1938 election.

Adoption and legitimation were dealt with in several statutes. Chapter 172 makes possible for the first time the adoption of adults by judicial proceeding. Chapter 49 provides for the issuance of a new birth certificate whenever a child shall have been adopted, legitimated by subsequent inter-marriage of parents, or its paternity determined by judicial proceeding. Chapter 303 determines the effect of a will of the subsequent birth, adoption, or legitimation of a child of the testator. It provides that the combination of subsequent marriage and happening of any of those events shall revoke a will, but that a will executed after marriage shall not be revoked by the subsequent happening of any such save where it provides for an existing child and not for any subsequent ones. In that event any children thereafter born, adopted, or legitimated shall take an intestate share if they survive the testator.

The position of the illegitimate child was considerably ameliorated by a series of statutes. Chapter 74 provided generally (by way of amendment of the "Rules of Interpretation" article of the Code) that "child" shall include illegitimate child, save for inheritance, descent, or distribution, or where such a construction would be unreasonable. Chapter 39 clarified the position of the illegitimate with respect to receiving relief. Chapter 38 permits a mother to sue for the wrongful death of an illegitimate, and vice versa. Chapter 37 provides that the mother of an illegitimate may sue for its seduction or for the loss of its wages or services due to wrongful or negligent injury, with the proviso that no change shall be made in the rules for recovery of Workmen's Compensation. In this latter field there was already a limited change in the common law situation in favor of illegitimates.¹

¹ Md. Code Supp., Art. 101, Sec. 65 (10).