

For a case involving the application of the removal under the act of 1824, ch. 196, and the writ of *ne exeat*, to cases arising under this section, see *Bayly v. Bayly*, 2 Md. Ch. 329.

The portion of this section authorizing the court to revoke a divorce *a mensa*, referred to. *Sharp v. Sharp*, 105 Md. 585.

Permanent alimony may only be granted upon grounds sufficient to support decree for divorce. *Strzegowski v. Strzegowski*, 175 Md. 58.

Cited in *Timanus v. Timanus*, Daily Record, Jan. 15, 1940.

See notes to secs. 14, 38 and 39.

An. Code, 1924, sec. 39A. 1931, ch. 220.

42. Any deed or agreement made between husband and wife respecting support, maintenance, property rights, or personal rights, or any settlement made in lieu of support, maintenance, property rights or personal rights shall be valid, binding and enforceable to every intent and purpose, and such deed or agreement shall not be a bar to an action for divorce, either *a vinculo matrimonii* or *a mensa et thoro*, as the case may be, whether the cause for divorce existed at the time or arose prior or subsequent to the time of the execution of said deed or agreement, or whether at the time of making such deed or agreement the parties were living together or apart; provided, that whenever any such deed or agreement shall make provision for or in any manner affect the care, custody, education or maintenance of any infant child or children of the parties the court shall have the right to modify such deed or agreement in respect to such infants as to the court may seem proper, looking always to the best interests of such infants.

Cited in construing Sec. 40. *Campbell v. Campbell*, 174 Md. 251.

An. Code, 1924, sec. 40. 1912, sec. 39. 1904, sec. 38. 1888, sec. 38. 1841, ch. 262, sec. 5. 1843, ch. 287. 1886, ch. 10.

43. No person shall be entitled to make application for a divorce, where the causes for divorce occurred out of this State, unless the party plaintiff or defendant shall have resided within this State for two years next preceding such application.

A court of equity has jurisdiction under this section and sec. 38, where adultery is committed in this state, both husband and wife being at the time non-residents of Maryland, but the wife becoming a resident of this state a few months prior to the filing of the bill. A wife may establish a domicile separate from her husband. *Adams v. Adams*, 101 Md. 507.

Applicant for divorce for causes outside of State failed to submit satisfactory evidence of residence in State for 2 years next preceding application. *Willingham v. Willingham*, 162 Md. 539.

Cited but not construed in *Brown v. Brown*, 2 Md. Ch. 319.

See notes to sec. 38.

An. Code, 1924, sec. 41. 1912, sec. 40. 1904, sec. 39. 1888, sec. 39. 1842, ch. 198, sec. 1. 1906, ch. 765.

44. When a bill prays for a divorce *a vinculo matrimonii*, the fact that the parties have been divorced *a mensa et thoro* shall not be taken to interfere with the jurisdiction of the court over the subject, and a party who has obtained a divorce *a mensa et thoro* on the ground of abandonment, which at the time of obtaining said divorce was not of the character and duration specified in section 40 of this article, shall not be estopped thereby from subsequently obtaining a divorce *a vinculo matrimonii* on the ground of abandonment proved to be of the character and duration specified in said section 40.

One who has obtained divorce *a mensa* on ground of abandonment which was of character and duration entitling to divorce *a vinculo* cannot thereafter secure latter on ground of abandonment. *Miller v. Miller*, 153 Md. 219.

Divorce *a mensa* in favor of the wife on the ground of abandonment does not prevent absolute divorce for wife's subsequent adultery. *Williams v. Williams*, 156 Md. 10.