

TITLE 8—DOMESTIC RELATIONS

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CHAPTER 1—MARRIAGE

SUBCHAPTER I—GENERAL PROVISIONS

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Subchapter I—General Provisions

§ 1. Marriage relation; consent; solemnization

Marriage is a personal relation arising out of a civil contract, to which the consent of parties capable of making that contract is necessary. Consent alone does not constitute marriage; it must be followed by a solemnization authorized by this title.

§ 2. Capacity of minors to marry

(a) Except as provided by subsections (b) and (c) of this section, a male under 21 years of age or a female under 18 years of age may not enter into a marriage in the Canal Zone.

(b) A male 17 years of age or over and under 21, or a female 14 years of age or over and under 18, may enter into a marriage with the written consent of:

- (1) his or her natural or adopted parents; or
- (2) the parent having his or her custody if the parents are divorced; or
- (3) one parent, if the other is dead, has deserted his or her family, or has been adjudged incompetent; or
- (4) a legally appointed guardian if there is no parent qualified to give consent.

(c) The written consent required by subsection (b) of this section shall be sworn to and acknowledged before a person authorized to administer oaths, and shall state:

- (1) the name and age of the minor;
 - (2) the name of the person whom the minor wishes to marry;
- and
- (3) if the consent is executed by only one parent as provided by paragraph (2) or (3) of subsection (b) of this section, the applicable circumstances referred to in those paragraphs.

§ 3. Proof of consent and solemnization

Consent to marriage and solemnization thereof may be proved under the same general rules of evidence as facts are proved in other cases.

§ 4. Marriage license; application; waiting period; medical certificate or court order; fee; record; period of validity

(a) A marriage may not be celebrated in the Canal Zone unless a license to marry has first been secured from the office of the clerk of the district court in either division. If both parties to a proposed marriage are residents of the Republic of Panama and neither is a United States citizen, a license may not issue in the Canal Zone unless the parties have previously obtained a license to marry from the proper authorities in the Republic of Panama. A marriage license may not be issued to a leper except upon a certificate of approval by the health director of the Canal Zone Government. A license when issued shall be accompanied by a marriage certificate to be executed by the person celebrating the marriage.

(b) The application for a marriage license shall state:

- (1) the name, address, age, color, and race of each of the persons to be married;
- (2) the relationship, if any, of the persons, by consanguinity or affinity; and
- (3) if either person has been previously married, the date and place of each previous marriage, the name of each former spouse, and the manner in which each previous marriage has been terminated.

(c) Except as provided by subsection (d) of this section, the clerk shall issue a marriage license, after application therefor, if:

- (1) the application for the license is in accordance with subsection (b) of this section, and is accompanied by the written consent when required by section 2 of this title; and
- (2) it appears to the clerk's satisfaction, from the sworn statements of the persons desiring to marry, or, if required by the clerk, from the sworn statement of another person, that no legal impediment to the marriage is known to exist.

(d) The clerk may not issue a marriage license until:

- (1) the application therefor remains on file, open to the public, in his office, for three days before license is issued; and
- (2) each of the persons desiring to be married has presented and filed with him either a medical certificate indicating that the examination required by subchapter II of this chapter has been made, or an order from the district court, as provided by that subchapter, directing him to issue the license.

(e) The Governor shall prescribe the form of the application for a marriage license, of the marriage license, and of the marriage certificate.

(f) The clerk shall collect a fee of \$2 upon the issuance of a marriage license, and shall keep a record of all licenses issued and of all applications for licenses, together with any written consent of parents or a parent or guardian or the health director accompanying the same.

The fee shall be disposed of in the same manner as other fees received by the clerk.

(g) A marriage license is valid for only 30 days, including the date it is issued.

§ 5. Who may celebrate marriages; license to celebrate

(a) A marriage may be celebrated in the Canal Zone only by a:

(1) magistrate of the Canal Zone;

(2) minister in good standing in any religious society or denomination who resides in the Canal Zone; or

(3) minister in good standing in any religious society or denomination who resides in the Republic of Panama, if he has procured from the clerk of the district court for the Canal Zone a license authorizing the minister to celebrate marriages in the Canal Zone.

(b) The clerk shall issue the license provided for by paragraph (3) of subsection (a) of this section upon the submission, by a minister referred to therein, of a written application, together with a duly authenticated copy of his authority to celebrate marriages in the Republic of Panama. The clerk shall be paid a fee of \$5 for issuing and recording the license. The fee shall be disposed of in the same manner as other fees received by the clerk.

§ 6. Certifying, signing, return, and recording of license; marriage certificate

(a) The judicial officer or minister celebrating a marriage shall:

(1) certify upon the marriage license that he celebrated the marriage, giving his official title and the time when and place where the marriage was celebrated;

(2) cause two persons who witnessed the marriage to sign their names on the marriage license as witnesses, each giving his place of residence;

(3) at the time of the marriage, fill out and sign the marriage certificate accompanying the license and deliver it to one of the parties to the marriage; and

(4) within thirty days after the date of the marriage, return the license, so certified and witnessed, to the clerk who issued it.

(b) Upon return of a license as required by subsection (a) of this section, the clerk shall file it after making registry thereof in a book to be kept in his office for that purpose only. The registry must contain the Christian and surnames of the parties, the time of their marriage, and the name and title of the person who celebrated the marriage.

§ 7. Declaration when there is no record

If a record of the solemnization of a marriage, heretofore contracted, is not known to exist, the parties may join in a written declaration of the marriage, substantially showing:

(1) the names, ages, and residences of the parties;

(2) the fact of marriage; and

(3) that a record of the marriage is not known to exist.

The declaration shall be subscribed by the parties and attested by at least three witnesses.

§ 8. Acknowledgment and recording of declaration

Declarations of marriage shall be acknowledged and recorded in the office of the clerk of the district court.

§ 9. Test of validity of the marriage by suit

If either party to a marriage denies the marriage, or refuses to join in a declaration thereof, the other may proceed, by action in the district court, to have the validity of the marriage determined and declared.

§ 10. Marriages contracted outside Canal Zone

Except as provided by section 73 of this title, marriages contracted outside the Canal Zone, which are valid under the laws of the country in which they were contracted, are valid in the Canal Zone.

§ 11. Offenses and penalties

(a) Whoever, being a judicial officer, minister qualified to celebrate marriages in the Canal Zone or a clerk of court, violates section 4, 5 or 6 of this title, shall be fined not more than \$100 or imprisoned in jail not more than 30 days, or both.

(b) Whoever knowingly makes a false oath as to a material matter for the purpose of procuring or aiding another to procure a marriage license is guilty of perjury and shall be imprisoned in the penitentiary not more than 10 years.

(c) Whoever knowingly files with the clerk a written consent, any signature to which is a forgery, is guilty of uttering a forged instrument and shall be imprisoned in the penitentiary not more than 14 years.

(d) Whoever, not being qualified to celebrate marriages in the Canal Zone pursuant to this subchapter, celebrates what purports to be a marriage ceremony shall be imprisoned in the penitentiary not more than 3 years.

Subchapter II—Pre-Marital Medical Examinations

§ 31. Medical examination required

Each person making application for a marriage license shall, at any time within 15 days prior to the application, be examined by a physician authorized to practice medicine in the Canal Zone as to the existence, or nonexistence of any stage of syphilis infection that is or is likely to become communicable.

§ 32. Laboratory tests

The medical examination required by section 31 of this title shall include a complete history, such physical examination as will reveal any existing clinical evidence of a syphilis infection, and a laboratory test or tests. Laboratory tests required by this subchapter shall be made by a laboratory approved by the health director of the Canal Zone Government. A laboratory test made by a government-operated hospital or clinic shall be made free of charge. Laboratory tests shall include a Kahn diagnostic test for syphilis, or other serological test for syphilis approved by the health director, or a Darkfield test for syphilis when moist lesions are present, or both tests. The medical certificate shall be made on a form prescribed by the health director.

§ 33. Procedure upon return of examination

If, on the basis of laboratory tests, and the medical examination, the examining physician finds no evidence of a syphilis infection, he shall issue a medical certificate to that effect to the applicant, and if he finds evidence of a syphilis infection, a medical certificate shall be withheld until the applicant has undergone additional clinical examination and laboratory tests, by the same or another physician authorized to practice medicine in the Canal Zone, to determine the existence or nonexistence of a syphilis infection. If the existence of a syphilis infection is determined, the applicant immediately becomes subject to regulations issued pursuant to section 911 of Title 2 to prevent persons having a syphilis infection in a communicable stage from transferring the infection to other persons, and a medical certificate shall be issued only when the regulations for prevention of the spread of syphilis have been fully complied with.

§ 34. Marriage license, without medical certificate, because of pregnancy

If a female applicant for a marriage license makes an affidavit to the effect that marriage is necessary because she is with child and that the marriage will confer legitimacy on the unborn child, the district court may hear and determine on medical testimony the question of pregnancy and, on adjudging that pregnancy exists, shall order the clerk of the court to issue the marriage license if all other requirements of the law regulating the issuance of marriage licenses are complied with, even though the clinical examination and laboratory tests reveal that one or both applicants have a syphilis infection. In its order, the court shall provide that the applicant or applicants having syphilis infection shall be treated for the infection as provided by the regulations referred to in section 33 of this title. A copy of the order shall be filed with the clerk in lieu of the medical certificate.

§ 35. Submission of specimen to laboratory; report in triplicate

A health officer, or a physician authorized to practice medicine in the Canal Zone and designated as a representative of the health director of the Canal Zone Government, who takes from an applicant for marriage license a specimen for laboratory examination shall submit it in a manner prescribed by the health director, and shall identify that specimen as "Pre-marital" when submitting it to an approved laboratory for test. The laboratory shall provide a report, in triplicate, on a form prepared and furnished by the health director, of the result of the test on each specimen submitted. The original of each report shall be forwarded to the physician submitting the specimen. A duplicate shall be forwarded to the health director not later than Saturday of the week in which the test was made, and the triplicate shall be retained by the laboratory for its files.

§ 36. Protest after refusal of medical certificate and marriage license; hearing

(a) If an applicant has been refused a marriage license by the clerk of the district court because of failure to obtain a medical certificate, the applicant may elect to file a protest and take the procedure authorized by this section or to take any other proper procedure.

(b) If an applicant elects the procedure authorized by this section, he shall file a protest in the division of the district court in which the license was denied. Notice of the protest shall be served, in the same manner as a summons, upon the health director of the Canal Zone Government.

(c) An action pursuant to subsection (b) of this section shall be summarily heard and determined by the judge in chambers. All persons shall be excluded from the hearing except necessary officers of the court, attorneys of record in the matter under consideration, the health director or a physician appointed as a representative of the health director, the witnesses and any other persons authorized by the applicant to attend. The evidence shall be transcribed, and all information, reports and evidence concerning the persons allegedly having a syphilis infection, and all recommendations, including laboratory reports pertaining thereto, shall be considered privileged communications and shall be inaccessible to the public. A final order upon a hearing in the matter shall simply state that the applicant may or may not secure the license sought if all other requirements of law regulating the issuance of a marriage license are complied with. There shall be no court costs chargeable for services incident to carrying out the provisions of this section, and the services shall be considered a part of the official duties of all officers involved in the proceedings.

(d) A protest shall be heard by the judge within 20 days after it is filed, and upon the hearing the judge shall, in addition to any other evidence, hear medical testimony by the medical examiner, or examiners, and testimony by the health director or by a physician authorized to practice medicine in the Canal Zone and designated as a representative of the health director. The medical testimony shall be addressed solely to the determination of whether the applicant is suffering from syphilis infection in a communicable stage or in a stage likely to become communicable. Evidence of a laboratory examination is not admissible unless the examination was made in a laboratory approved by the health director for the purpose of making serological tests. A written report of an approved laboratory, attested by the physician in charge and identifying the applicant, is prima facie evidence of the result of the laboratory test made concerning the applicant.

§ 37. Health director to advise judge

In order that the district court may arrive at just decisions pursuant to sections 34 and 36 of this title, the health director of the Canal Zone Government, after hearing the evidence, shall, by himself or by a physician authorized to practice medicine in the Canal Zone and especially skilled in the diagnosis of pregnancy or in the diagnosis, prevention and treatment of syphilis, advise the judge in writing as to the existence of pregnancy or of syphilis in communicable stage or a stage likely to become communicable. The advice shall be considered by the court and made a part of the record.

§ 38. Appeal from order

Either the health director of the Canal Zone Government or the applicant may appeal to the United States Court of Appeals for the Fifth Circuit from a final order issued by the district court pursuant to section 34 or 36 of this title, within 60 days from the date of the entry of the order, in the same manner as that provided for appeals in civil actions.

**CHAPTER 3—VOID AND VOIDABLE MARRIAGES;
ANNULMENT**

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- 72. Voidable marriages.
- 73. Annulment of marriage celebrated elsewhere.
- 74. Jurisdiction of annulment actions; parties.
- 75. Legitimacy of children of void or annulled marriages; custody and support.
- 76. Effect of judgment of nullity.

§ 71. Void marriages

(a) A marriage celebrated in the Canal Zone after December 29, 1926, is void, without being so decreed, if:

- (1) it is between persons related by consanguinity within the fourth degree, determined pursuant to sections 572-574 of Title 7;
- (2) either party thereto has been previously married and the previous marriage has not been terminated by death, annulment or a final decree of divorce; or
- (3) either party thereto is not present in person at the celebration of the marriage.

(b) In addition, a void marriage may be declared by judicial decree, or be shown in any collateral proceeding, to have been void from the time of its celebration.

§ 72. Voidable marriages

(a) A marriage celebrated in the Canal Zone after December 29, 1926, is voidable if:

- (1) either party thereto, at the time of the marriage, is an idiot or is insane;
- (2) the consent of either party thereto was procured by force or fraud;
- (3) either party thereto is, at the time of the marriage, incapable, from physical cause, of entering into the marriage state;
- (4) because of the age of either party thereto, a written consent under section 2 of this title was required, and the marriage was celebrated without such consent; or
- (5) at the time of the marriage, the male is under 17 or the female is under 14 years of age.

(b) A voidable marriage is valid until it is annulled by judicial decree as of the date of such decree.

§ 73. Annulment of marriage celebrated elsewhere

(a) A marriage celebrated outside the Canal Zone may be declared void or annulled in the same manner and with the same effect as though it had been celebrated in the Canal Zone if the petitioner has resided in the Canal Zone within a period of 30 days before and a period of 30 days after the date of the marriage.

(b) A marriage celebrated outside the Canal Zone may be declared void or annulled by an action instituted by the United States attorney for the Canal Zone in the name of the Government of the Canal Zone.

§ 74. Jurisdiction of annulment actions; parties

(a) The district court has jurisdiction of an action to have a marriage declared void or annulled.

(b) An action to have a marriage declared void or annulled may be instituted:

- (1) in the case of a male person under 21 or a female person under 18 years of age, through a next friend or by a parent or guardian; and
- (2) in the case of an idiot or an insane person, through a next friend.

(c) An action to have a marriage declared void or annulled may not be instituted by a person who, when fully capable of contracting marriage, entered into the marriage willfully and with knowledge of the circumstances rendering the marriage voidable.

(d) An uncontested action to have a marriage declared void or annulled shall be heard in open court.

§ 75. Legitimacy of children of void or annulled marriages; custody and support

The issue of a void marriage is legitimate. A judgment of nullity of marriage does not affect the legitimacy of children conceived or born before the judgment, and, during the pendency of the action, or at the time judgment is rendered or at any time thereafter, the court may make such order for the custody, care, education, maintenance and support of the children during their minority as it deems necessary or proper.

§ 76. Effect of judgment of nullity

A judgment of nullity of marriage is conclusive only as against the parties to the action and those claiming under them.

CHAPTER 5—DIVORCE

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Subchapter I—Causes for Divorce

§ 111. Enumeration of causes for divorce

A divorce or dissolution of the marriage contract may be judicially declared at the instance of the injured party for any of the following causes:

- (1) adultery subsequent to the marriage;
- (2) willful desertion or absence from the husband or wife for a period of two years;

(3) willful neglect, consisting of the willful failure of the husband to provide for his wife the necessaries of life, he having the ability to do so, or the willful failure to do so by reason of voluntary idleness, profligacy, or dissipation, in either case continued for a period of one year;

(4) habitual drunkenness for a period of two years;

(5) attempt, by the husband or wife, on the life of the other by any means showing malice;

(6) extreme cruelty; or

(7) conviction, subsequent to the marriage, of a felony.

§ 112. Adultery

Adultery is the voluntary sexual intercourse of a married person with a person other than the offender's husband or wife.

§ 113. Desertion generally

(a) Willful desertion is the voluntary separation of one of the married parties from the other with intent to desert.

(b) Persistent refusal to have reasonable matrimonial intercourse as husband and wife, when health or physical condition does not make the refusal reasonably necessary, or the refusal without just cause of either party to dwell in the same house with the other party, is desertion.

§ 114. Desertion in case of stratagem or fraud

If one party is induced, by the stratagem or fraud of the other party, to leave the family dwelling place, or to be absent, and during the absence the offending party departs with intent to desert the other, it is desertion by the party committing the stratagem or fraud, and not by the other.

§ 115. Departure or absence because of cruelty or threats

Departure or absence of one party from the family dwelling place, caused by extreme cruelty or by threats of bodily harm from which danger would be reasonably apprehended from the other, is not desertion by the absent party, but it is desertion by the other party.

§ 116. Separation by consent

Separation by consent, with or without the understanding that one of the parties will apply for a divorce, is not desertion.

§ 117. Absence becoming desertion

Absence or separation, proper in itself, becomes desertion whenever the intent to desert is fixed during the absence or separation.

§ 118. Consent to separate as revocable

Consent to a separation is a revocable act, and if one of the parties afterwards, in good faith, seeks a reconciliation and restoration, but the other refuses it, the refusal is desertion.

§ 119. Return as curing desertion; effect of refusing condonation

If one party deserts the other, and, before the expiration of the statutory period required to make the desertion a cause of divorce, returns and offers in good faith to fulfill the marriage contract, and solicits condonation, the desertion is cured. If the other party refuses the offer and condonation, the refusal shall be deemed and treated as desertion by that party from the time of refusal.

§ 120. Husband's selection of home or mode of living

(a) The husband may choose any reasonable place or mode of living, and if the wife does not conform thereto, it is desertion on her part.

(b) If the place or mode of living selected by the husband is unreasonable and grossly unfit, and the wife does not conform thereto, it

is desertion on the part of the husband from the time her reasonable objections are made known to him.

§ 121. Habitual drunkenness

Habitual drunkenness is that degree of intemperance from the use of intoxicating drinks which:

- (1) disqualifies the person a great portion of the time from properly attending to business; or
- (2) would reasonably inflict a course of great mental anguish upon the innocent party.

§ 122. Extreme cruelty

Extreme cruelty is the wrongful infliction of grievous bodily injury, or grievous mental suffering, upon the other by one party to the marriage.

Subchapter II—Causes for Denying Divorce

§ 151. Acts or circumstances prohibiting divorce

Divorces shall be denied upon showing:

- (1) connivance;
- (2) collusion;
- (3) condonation;
- (4) recrimination; or
- (5) limitation and lapse of time.

§ 152. Connivance

Connivance is the corrupt consent of one party to the commission of the acts of the other, constituting the cause of divorce.

§ 153. Corrupt consent

Corrupt consent is manifested by passive permission with intent to connive at or actively procure the commission of the acts complained of.

§ 154. Collusion

Collusion is an agreement between husband and wife that one of them shall commit, or appear to have committed, or to be represented in court as having committed, acts constituting a cause of divorce, for the purpose of enabling the other to obtain a divorce.

§ 155. Condonation generally

Condonation is the conditional forgiveness of a matrimonial offense constituting a cause of divorce.

§ 156. Requisites to condonation

The following requisites are necessary to condonation:

- (1) a knowledge on the part of the condoner of the facts constituting the cause of divorce;
- (2) reconciliation and remission of the offense by the injured party; and
- (3) restoration of the offending party to all marital rights.

§ 157. Implication by condonation

Condonation implies a condition subsequent; that the forgiving party must be treated with conjugal kindness.

§ 158. Evidence of condonation

Where the cause of divorce consists of a course of offensive conduct, or arises, in cases of cruelty, from excessive acts of ill treatment which may aggregately constitute the offense, cohabitation, or passive endurance, or conjugal kindness, is not evidence of condonation of any of the acts constituting the cause, unless accompanied by an express agreement to condone.

§ 159. Time when condonation can be made

In cases mentioned in section 158 of this title, condonation can be made only after the cause of divorce has become complete as to the acts complained of.

§ 160. Concealment as voiding condonation

A fraudulent concealment by the condonee of facts constituting a different cause of divorce from the one condoned, and existing at the time of condonation, avoids the condonation.

§ 161. Revocation of condonation

Condonation is revoked and the original cause of divorce revived when the condonee:

- (1) commits acts constituting a like or other cause of divorce;
- or
- (2) is guilty of great conjugal unkindness, not amounting to a cause of divorce, but sufficiently habitual and gross to show that the conditions of condonation had not been accepted in good faith, or not fulfilled.

§ 162. Recrimination generally

Recrimination is a showing by the defendant of a cause of divorce against the plaintiff, in bar of the plaintiff's cause for divorce.

§ 163. Condonation as bar to recriminatory defense

Condonation of a cause of divorce, shown in the answer as a recriminatory defense, is a bar to the defense unless:

- (1) the condonation is revoked as provided in section 161 of this title; or
- (2) two years have elapsed after the condonation, and before the accruing or completion of the cause of divorce against which the recrimination is shown.

§ 164. Lapse of time as bar to divorce; limitations

(a) A divorce shall be denied:

- (1) when the cause is adultery and the action is not commenced within two years after the commission of the act of adultery, or after its discovery by the injured party;
- (2) when the cause is conviction of felony, and the action is not commenced before the expiration of two years after a pardon, or the termination of the period of sentence; or
- (3) in all other cases when there is an unreasonable lapse of time before the commencement of the action.

(b) There are no limitations of time for commencing actions for divorce, except those contained in subsection (a) of this section.

§ 165. Presumptions arising from lapse of time

Unreasonable lapse of time is such a delay in commencing the action as establishes the presumption that there has been connivance, collusion, or condonation of the offense, or full acquiescence in the same, with intent to continue the marriage relation notwithstanding the commission of the offense.

§ 166. Rebuttal of presumptions

The presumptions arising from lapse of time may be rebutted by showing reasonable grounds for the delay in commencing the action.

Subchapter III—Procedure in Divorce Actions

§ 191. Jurisdiction and venue of divorce actions

- (a) The district court has jurisdiction of actions for divorce.
- (b) Complaints for divorce shall be filed in the division of the district court in which the plaintiff resides.

§ 192. Residence requirements

(a) A person is a resident of the Canal Zone for the purpose of this chapter, although he may not have acquired a permanent domicile within the Canal Zone, if he:

- (1) has an official residence within the territorial limits of the Canal Zone; or
- (2) resides therein for the purpose of an occupation or employment.

(b) A plaintiff who has not actually resided in the Canal Zone continuously during the entire year next preceding the filing of the complaint is not entitled to a divorce.

(c) The plaintiff shall prove the required residence, to the satisfaction of the court, by at least two witnesses who are residents of the Canal Zone. He shall file an affidavit with the complaint stating the:

- (1) length of time the plaintiff has resided in the Canal Zone;
- (2) places of residence during the next preceding year; and
- (3) office or occupation of the plaintiff.

§ 193. Procedure generally

Except as otherwise provided in this chapter, the process and practice in proceedings for divorce are the same as in other civil actions in which equitable relief is sought.

§ 194. Complaint

In an action for divorce the complaint shall set forth, among other matters, as near as can be ascertained, the following facts:

- (1) State or country in which the parties were married;
- (2) date of marriage;
- (3) date of separation;
- (4) number of years from marriage to separation;
- (5) number of children of the marriage, if any, and, if none, a statement of that fact; and
- (6) ages of minor children.

§ 195. Counterclaim for divorce

In his answer, the defendant may file a counterclaim for divorce; and when filed the court shall decree the divorce to the party legally entitled thereto. If the original complaint is dismissed after the filing of the counterclaim, the defendant may proceed to the trial of the counterclaim without further notice to the adverse party; and the proceedings on the counterclaim are governed by the same rules as are applicable to the proceedings on an original complaint.

§ 196. Uncontested actions; default; additional notice

(a) If the complaint is taken as confessed, the court shall proceed to hear the cause by examination of witnesses in open court, unless it otherwise orders pursuant to section 271 of Title 3.

(b) In case of default the court may not grant a divorce unless it is satisfied that:

- (1) all proper means have been taken to notify the defendant of the pendency of the suit; and
- (2) the cause of divorce has been fully proved by competent evidence.

(c) When the court is satisfied that the interests of the defendant require it, the court may order such additional notice as it considers equitable.

§ 197. Admissions of defendant

In proceedings for divorce, an admission of the defendant may not be taken as evidence unless the court is satisfied that the admission was made in sincerity and without fraud or collusion to enable the plaintiff to obtain a divorce.

§ 198. Interlocutory order; appeal; final decree of divorce

(a) A final decree granting a divorce may not be entered until after the expiration of a period of six months from the date of the entry of an interlocutory order adjudging that a case for divorce has been proved. The interlocutory order shall expressly state that a divorce is not granted by it. An appeal may be taken from the order in the same manner and within the same time as an appeal from a final decree of the court in any other proceeding.

(b) After the expiration of the period of six months provided by subsection (a) of this section, or, if an appeal is taken and the case is pending at the time of the expiration of the period, after the final disposition of the case if determined in favor of the plaintiff, the court, upon application filed within 30 days after the expiration of the period or the final disposition, by the person in whose favor the interlocutory order was entered, shall enter a final decree granting a divorce. If an application is not made, the court may, on its own motion, within three months after the expiration of the 30-day period, enter a final decree of divorce. An appeal may not be taken from the final decree.

§ 199. Effect of divorce generally

The effect of a judgment decreeing a divorce is to restore the parties to the state of unmarried persons.

§ 200. Legitimacy of children

A divorce does not affect the legitimacy of the children of the marriage.

§ 201. Resumption of former name

The court, upon granting to a woman a divorce from the bonds of matrimony, may allow her to resume her maiden name or the name of a former husband.

§ 202. Decrees and orders prior to September 21, 1922

All proceedings in the district court of the Canal Zone, wherein and whereby a decree of divorce was granted prior to September 21, 1922, upon personal service, or service by publication, and wherein other orders were made affecting the status of the parties or their children, are valid.

Subchapter IV—Alimony, Support, Custody, and Property

§ 231. Custody and care of children pending action

On the application of either party, the court may make such order concerning the custody and care of the minor children of the parties during the pendency of the action as it deems expedient and for the benefit of the children.

§ 232. Alimony pending action

In cases of divorce the court may require the husband or wife to pay to the other spouse or pay into court for the latter's use during the pendency of the action such sums of money as may enable the latter to maintain or defend the action. Either spouse, when it is just and equitable, is entitled to alimony during the pendency of the action. On appeal by either spouse, the district court may grant and enforce the payment of such money for defense and such equitable alimony during the pendency of the appeal as it deems reasonable and proper.

§ 233. Maintenance where divorce is denied

Though judgment of divorce is denied, the court may, in an action for divorce, provide for the maintenance by the husband, of the wife and children of the marriage, or any of them.

§ 234. Separate maintenance action

(a) Without applying for a divorce, a husband or wife may maintain in the district court a separate maintenance action against the other spouse for permanent support and maintenance of the plaintiff or of the plaintiff and children, when:

(1) the defendant willfully deserts, or fails to provide for the plaintiff; or

(2) the plaintiff has a cause of action for divorce as provided by section 111, of this title.

(b) During the pendency of the action, the court may require the husband or wife to pay as alimony any money necessary for the prosecution of the action and for support and maintenance, and have execution issue therefor.

(c) In an action under this section, the court, in granting permanent support and maintenance of a spouse or of a spouse and children, shall make the same disposition of the community property as would have been made if the marriage had been dissolved by judicial decree.

(d) The court may enforce its final judgment in an action under this section by such orders as from time to time it deems necessary, and may amend or revoke the orders at its discretion.

§ 235. Alimony and maintenance; care, custody and support of children

The court, in rendering a decree of divorce may make such order touching the alimony and maintenance of the husband or wife, the care, custody, and support of the children, or any of them, as from the circumstances of the parties and the nature of the case, is reasonable and just. The court may order the giving of reasonable security for the alimony and maintenance, or may enforce the payment of the alimony and maintenance in any other manner consistent with the rules and practice of the court. On application, the court may, from time to time, make such alterations in the allowance of alimony and maintenance and the care, custody, and support of the children as appear reasonable and proper. In decreeing a divorce, the court may order the payment of alimony in a gross sum or in installments as may seem best. It may make the orders and enforce them by attachment and secure the payment of the alimony, but judgment for alimony may not be taken when the defendant is not personally served with summons or does not voluntarily appear.

§ 236. Order of resort to property

In executing sections 232-235 of this title, the court shall resort:

(1) to the community property; then

(2) to the separate property of the party required to make the payments.

§ 237. Withholding allowance to prevailing party

When the prevailing party has a separate estate, or is earning his or her own livelihood, or there is community property sufficient to give him or her alimony or a proper support, or the custody of the children has been awarded to the other party who is supporting them, the court may withhold any allowance to the prevailing party out of the separate property of the other party. Where there are no children, and either party has a separate estate sufficient for his or her proper support, an allowance may not be made from the separate estate of the other party.

§ 238. Subjection of property to support and education of children

The court may subject the community property and the separate property to the support and education of the children in such proportions as it deems just.

§ 239. Disposition of community property on divorce

(a) In case of the dissolution of the marriage by the decree of the district court, the community property shall be assigned to the respective parties in such proportions as the court, from all the facts of the case, and the condition of the parties, deems just.

(b) The court, in rendering a decree of divorce, shall make such order for the disposition of the community property, as is provided in this chapter, and, whenever necessary for that purpose, may order a partition or sale of the property and a division or other disposition of the proceeds.

§ 240. Compelling conveyance of property belonging to other spouse

If it appears to the court that either party holds the title to property equitably belonging to the other, the court, in rendering a decree of divorce may compel conveyance thereof to the party entitled to it, upon such terms as it deems equitable.

CHAPTER 7—HUSBAND AND WIFE

Sec.

- 271. Mutual obligations.
- 272. Husband as head of family.
- 273. Separate interests; dwelling.
- 274. Contracts.
- 275. Legal relations; separation agreement.
- 276. Separation agreement; consideration.
- 277. Methods of holding property.
- 278. Separate property generally.
- 279. Damages for personal injuries as separate property.
- 280. Community property; presumptions.
- 281. Inventory of separate property.
- 282. Filing inventory; effect.
- 283. Contracts by wife; liability of community property.
- 284. Wife's earnings; liability for husband's debts.
- 285. Wife's earnings when living separate.
- 286. Earnings of each party after separate maintenance judgment.
- 287. Husband's earnings after interlocutory divorce judgment.
- 288. Wife's pre-marital debts; liability of husband.
- 289. Wife's separate property; general liability.
- 290. Wife's separate property; liability for certain secured debts.
- 291. Married woman's torts.
- 292. Management of wife's earnings.
- 293. Management of community personal property.
- 294. Property rights of spouses; effect of marriage settlement.
- 295. Execution of marriage settlement.
- 296. Marriage settlements by minors.

§ 271. Mutual obligations

Husband and wife contract towards each other obligations of mutual respect, fidelity, and support.

§ 272. Husband as head of family

The husband is the head of the family. He may choose any reasonable place or mode of living, and the wife shall conform thereto.

§ 273. Separate interests; dwelling

A husband or wife has no interest in the property of the other, but neither may be excluded from the other's dwelling, except that in actions or proceedings for divorce, annulment of marriage, or permanent support of wife or children, the court may make orders for

temporary exclusion of either party from the family dwelling or from the dwelling of the other, until the final determination of the action.

§ 274. Contracts

Either spouse may enter into any engagement or transaction with the other, or with any other person, respecting property, which either might if unmarried; subject, in transactions between themselves, to the general rules which control the actions of persons occupying confidential relations with each other, as defined by chapters 161 and 163 of Title 7 on trusts.

§ 275. Legal relations; separation agreement

A husband and wife may not, by a contract with each other, alter their legal relations, except as to property, and except that they may agree, in writing, to an immediate separation, and may make provision for the support of either of them and of their children during the separation.

§ 276. Separation agreement; consideration

The mutual consent of the parties is a sufficient consideration for a separation agreement pursuant to section 275 of this title.

§ 277. Methods of holding property

A husband and wife may hold property by joint interests, by interests in common, or as community property.

§ 278. Separate property generally

The following property, with the rents, issues and profits thereof, is the separate property of a spouse:

- (1) property owned by the spouse before marriage; and
- (2) property acquired by the spouse after marriage by gift, bequest, devise, or descent.

The wife may convey her separate property without the consent of her husband.

§ 279. Damages for personal injuries as separate property

All damages, special and general, awarded a married person in a civil action for personal injuries, are the separate property of that person.

§ 280. Community property; presumptions

(a) Except as provided by sections 278 and 279 of this title, personal property, wherever situated, acquired after marriage by either husband or wife, or both, while residing in the Canal Zone, is community property; but whenever personal property, or an interest therein or encumbrance thereon, is acquired by a married woman by an instrument in writing, the presumption is that it is her separate property, and if acquired by her and another person, the presumption is that she takes the part acquired by her, as an interest in common, unless a different intention is expressed in the instrument; except that when personal property is acquired by husband and wife by an instrument in which they are described as husband and wife, unless a different intention is expressed in the instrument, the presumption is that the property is the community property of the husband and wife.

(b) The presumptions provided for by subsection (a) of this section are conclusive in favor of a person dealing in good faith and for a valuable consideration with the married woman or her legal representatives or successors in interest, and regardless of a change in her marital status after acquisition of the property.

§ 281. Inventory of separate property

A full and complete inventory of the separate personal property of either spouse may be made out and signed by the spouse, acknowledged or proved in the manner required by chapter 27 of Title 4, and recorded in the office of the registrar of property.

§ 282. Filing inventory; effect

The filing of the inventory in the office of the registrar of property is notice and prima facie evidence of the title of the party filing the inventory.

§ 283. Contracts by wife; liability of community property

The property of the community is not liable for the contracts of the wife, made after marriage, unless secured by mortgages thereof executed by the husband.

§ 284. Wife's earnings; liability for husband's debts

The earnings of the wife are not liable for the debts of the husband.

§ 285. Wife's earnings when living separate

The earnings and accumulations of the wife, while she is living separate from her husband, are her separate property.

§ 286. Earnings of each party after separate maintenance judgment

After the rendition of a judgment or decree for separate maintenance the earnings or accumulations of each party are the separate property of the party acquiring them.

§ 287. Husband's earnings after interlocutory divorce judgment

After the rendition of an interlocutory judgment of divorce and while the parties are living separate and apart, the earnings and accumulations of the husband are the separate property of the husband.

§ 288. Wife's pre-marital debts; liability of husband

Neither the separate property of the husband nor his earnings after marriage are liable for the debts of the wife contracted before the marriage.

§ 289. Wife's separate property; general liability

(a) The separate property of the wife is liable for her own debts contracted before or after marriage, but it is not liable for her husband's debts, except as provided by subsection (b) of this section.

(b) The separate property of the wife is liable for the payment of debts contracted by the husband or wife for the necessities of life furnished to them or either of them while they are living together. This subsection does not apply to the separate property of the wife held by her at the time of marriage or acquired by her after marriage by devise, succession, or gift, other than by gift from the husband.

§ 290. Wife's separate property; liability for certain secured debts

The separate property of the wife is not liable for a debt or obligation secured by mortgage, deed of trust, or other hypothecation of the community property, unless the wife expressly assents in writing to the liability of her separate property for the debt or obligation.

§ 291. Married woman's torts

For civil injuries committed by a married woman, damages may be recovered from her alone, and her husband is not liable therefor, except in cases where he would be jointly liable with her if the marriage did not exist.

§ 292. Management of wife's earnings

Notwithstanding section 293 of this title, and subject to sections 280 and 285 of this title, the wife has the management, control, and disposition, other than testamentary except as otherwise permitted by law, of community property money earned by her until it is commingled with other community property.

During the time the wife has the management, control, and disposition of such money, she may not make a gift thereof, or dispose of it without a valuable consideration, without the written consent of the husband.

This section does not make such money the separate property of the wife, nor does it change the respective interests of the husband and wife in the money.

§ 293. Management of community personal property

The husband has the management and control of the community personal property, with the same power of disposition, other than testamentary, as he has of his separate estate; except that he may not, without the written consent of the wife:

- (1) make a gift of the community personal property;
- (2) dispose of the community personal property without a valuable consideration; or
- (3) sell, convey, or encumber the furniture, furnishings, or fittings of the home, or the clothing or wearing apparel of the wife or minor children that is community.

§ 294. Property rights of spouses; effect of marriage settlement

The property rights of husband and wife are governed by this chapter, unless there is a marriage settlement containing stipulations contrary thereto.

§ 295. Execution of marriage settlement

Contracts for marriage settlements shall be:

- (1) in writing;
- (2) subscribed by the party to be charged or by his agent authorized in writing; and
- (3) acknowledged or proved as prescribed by chapter 27 of Title 4.

§ 296. Marriage settlements by minors

A minor capable of contracting marriage may make a valid marriage settlement.

CHAPTER 9—CHILDREN BY BIRTH

Sec.

331. Legitimacy of issue of wife cohabiting with husband.
332. Children born in wedlock.
333. Children born after dissolution of marriage.
334. Who may dispute legitimacy.
335. Subsequent marriage of parents.
336. Custody of minors.
337. Rights of parents when separated.
338. Action and decree for exclusive control of children.
339. Custody of illegitimate child.
340. Allowance to parent.
341. Control of property of child.
342. Parental abuse.
343. Termination of parental authority.
344. Relinquishment of services and custody.
345. Wages of minors.
346. Residence of child.

§ 331. Legitimacy of issue of wife cohabiting with husband

The issue of a wife cohabiting with her husband, who is not impotent, is indisputably presumed to be legitimate.

§ 332. Children born in wedlock

All children born in wedlock are presumed to be legitimate.

§ 333. Children born after dissolution of marriage

All children of a woman who has been married, born within 10 months after the dissolution of the marriage, are presumed to be legitimate children of that marriage.

§ 334. Who may dispute legitimacy

The presumption of legitimacy may be disputed only by the Government of the Canal Zone in a criminal action brought pursuant to section 431 of this title, or by the husband or wife, or the descendant of one or both of them. Illegitimacy, in such a case, may be proved in the same manner as any other fact.

§ 335. Subsequent marriage of parents

A child born before wedlock becomes legitimate by the subsequent marriage of its parents.

§ 336. Custody of minors

The father and mother of a legitimate unmarried minor child are equally entitled to his custody and services; but either one of them is entitled to the custody and services if the other:

- (1) is dead or unable to take the custody;
- (2) refuses to take the custody; or
- (3) has abandoned the family.

§ 337. Rights of parents when separated

The husband and father has no rights superior to those of the wife and mother, in regard to the care, custody, education, and control of the children of the marriage, while the husband and wife live separate and apart from each other.

§ 338. Action and decree for exclusive control of children

Without applying for a divorce, either spouse may bring an action for the exclusive control of the children of the marriage.

During the pendency of the action, at the final hearing, or afterwards, the district court may make any order or decree, in regard to the support, care, custody, education and control of the children of the marriage, as may be just and in accordance with the natural rights of the parents and the best interests of the children. At any time after an order or decree is made, the court may amend, vary, or modify it, as the natural rights and the interests of the parties, including the children, may require.

§ 339. Custody of illegitimate child

The mother of an illegitimate unmarried minor is entitled to its custody and services.

§ 340. Allowance to parent

The district court may direct an allowance to be made to the parent of a child, out of its property, for its past or future support and education, on such conditions as may be proper, whenever such a direction is for its benefit.

§ 341. Control of property of child

The parent, as such, has no control over the property of the child.

§ 342. Parental abuse

The abuse of parental authority is the subject of judicial cognizance in a civil action brought by the child, by its relative within the third degree, or by the United States attorney. If the abuse is established, the child may be freed from the dominion of the parent, and the duty of support and education enforced.

§ 343. Termination of parental authority

The authority of a parent ceases upon:

- (1) the appointment by a court of a guardian of the person of a child;
- (2) the marriage of the child; or
- (3) its attaining majority.

§ 344. Relinquishment of services and custody

The parent, whether solvent or insolvent, may relinquish to the child the right of controlling him. Abandonment by the parent is presumptive evidence of such a relinquishment.

§ 345. Wages of minors

The wages of a minor employed in service may be paid to him.

§ 346. Residence of child

Subject to the power of the proper court to restrain a removal prejudicial to the rights or welfare of the child, a parent entitled to the custody of a child has a right to change his residence.

CHAPTER 11—CHILDREN BY ADOPTION

Sec.

381. Adoption generally.

382. Adoption by stepfather or stepmother.

383. Notice to absent or nonconsenting parent.

384. Investigation.

385. Adoption order; effect.

386. Consent to adoption of illegitimate child.

387. Adoption of illegitimate child by father.

§ 381. Adoption generally

(a) An unmarried resident of the Canal Zone, or a husband and wife jointly, may petition the district court for leave to adopt a minor child.

(b) Written consent to the adoption must be given by the child, if of the age of 14 years, and:

- (1) by each living parent who is not incompetent, intemperate, or otherwise unfit, or has not abandoned the child; or
- (2) if there are no such parents, or the parents are unknown, or have abandoned the child, or they are incompetent, intemperate, or otherwise unfit, then by the legal guardian; or
- (3) if there is no legal guardian, then by a discreet and suitable person appointed by the court to act in the proceeding as next friend of the child.

(c) When the child is an inmate of a charitable institution within the Canal Zone, and has been previously abandoned by its parents or guardians thereto, written consent to the adoption by the head of the institution is required.

(d) This section does not authorize a guardian to adopt his ward before the termination of the guardianship and the final settlement and approval, by the court, of his accounts as guardian.

§ 382. Adoption by stepfather or stepmother

(a) A resident of the Canal Zone, the husband or wife of a parent who has a minor child by a deceased or divorced former spouse, may petition the district court for leave to adopt the minor child and change his name.

(b) Written consent to the adoption is required, as provided by section 381 of this title, except that if the custody of the child has been awarded to the petitioner's spouse, the consent of the other parent is not required.

§ 383. Notice to absent or nonconsenting parent

In cases of adoption where the consent of a parent is required, and it is alleged in the petition that the parent refuses to sign the consent, or is a resident of the Republic of Panama or elsewhere, an order to the parent to show cause why the petition should not be granted may be entered by the court. The order shall be published in accordance with section 163 of Title 5.

§ 384. Investigation

Upon the filing of a petition for adoption, the court may order an investigation to be made by a representative designated by the court and may further order that a report of the investigation shall be filed with the court within the time fixed in the order. The investigation may include the conditions and antecedents of the child for the purpose of determining whether he is a proper subject for adoption; appropriate inquiry to determine whether the proposed home is a suitable one for the child; and any other circumstances and conditions which may have a bearing on the adoption and of which the court should have knowledge. The report of the investigation shall become a part of the files in the case, and the court may require that the report contain a definite recommendation for or against the adoption and state reasons therefor.

§ 385. Adoption order; effect

(a) When this chapter is complied with, if the court is satisfied with the ability of the petitioner to bring up and educate the child properly, having reference to the degree and condition of the child's parents and the fitness and propriety of the adoption, it shall make an order setting forth the facts and declaring that from that date the child, to all legal intents and purposes, is the child of the petitioner and that its name is thereby changed. The order shall be recorded in the records of the court.

(b) The natural parents, except the spouse of the petitioner when a child is adopted pursuant to section 382 of this title, shall, by the order referred to in subsection (a) of this section, be divested of all legal rights and obligations in respect to the child, and the child shall be free from all legal obligations of obedience and maintenance with respect to them. The child shall be to all intents and purposes the child and legal heir of the person adopting him or her, entitled to all the rights and privileges, and subject to all the obligations of a child of such person begotten in lawful wedlock.

§ 386. Consent to adoption of illegitimate child

If the child to be adopted is illegitimate, the consent of the father to adoption is not required.

§ 387. Adoption of illegitimate child by father

The father of an illegitimate child, by publicly acknowledging it as his own, receiving it as his own, with the consent of his wife, if he is married, into his family, and otherwise treating it as if it were a legitimate child, thereby adopts it as a legitimate child; and the child is thereupon deemed for all purposes legitimate from the time of its birth. Sections 381-386 of this title do not apply to such an adoption.

CHAPTER 13—SUPPORT OF RELATIONS

Sec.

- 421. Support of wife.
- 422. Support of wife on abandonment or separation ; husband's earnings.
- 423. Support of husband.
- 424. Duties of parents ; support and education.
- 425. Death of parent without providing for support.
- 426. Reciprocal duties of parents and children.
- 427. Action for relief from obligation to support parent.
- 428. Parent's liability for necessities or support.
- 429. Wife's children by former marriage.
- 430. Compensation and support of adult child.
- 431. Penalty for abandonment or failure to support wife or child.

§ 421. Support of wife

If a husband neglects to make adequate provisions for the support of his wife, except in the cases provided for by section 422 of this title, any other person may, in good faith, supply her with articles necessary for her support, and recover their reasonable value from the husband.

§ 422. Support of wife on abandonment or separation ; husband's earnings

A husband abandoned by his wife is not liable for her support until she offers to return, unless she was justified in abandoning him by his misconduct. During the period of unjustified abandonment, prior to the wife's offer to return, the earnings of the husband are his separate property.

A husband is not liable for his wife's support when she is living separate from him by written agreement, unless the support is stipulated in the agreement.

§ 423. Support of husband

A wife shall support the husband out of her separate property when:

- (1) he has not deserted her ;
- (2) he does not have separate property ;
- (3) there is no community property ; and
- (4) he is unable, from infirmity, to support himself.

§ 424. Duties of parents ; support and education

A parent entitled to the custody of a child shall give him support and education suitable to his circumstances ; but if a child has sufficient earnings of his own, the cost of his support and education may be taken therefrom. If the support and education which the father of a legitimate child is able to give are inadequate, the mother shall assist him to the extent of her ability.

§ 425. Death of parent without providing for support

If a parent chargeable with the support of a child dies, leaving it a public charge, and leaving an estate sufficient for its support, the United States attorney may claim provision for its support from the parent's estate by civil action. For this purpose, the United States attorney may have the same remedies as any creditor against the estate, and against the heirs and next of kin of the parent.

§ 426. Reciprocal duties of parents and children

A father, mother, and children of a poor person unable to maintain himself by work, shall maintain him to the extent of their ability. The promise of an adult child to pay for necessities previously furnished to his parent is binding.

§ 427. Action for relief from obligation to support parent

(a) An adult person may file in the division of the district court where his parent resides a verified complaint alleging that:

(1) while the plaintiff was a minor, he was abandoned by the parent, and the abandonment continued for a period of two or more years prior to the time the plaintiff reached the age of 18 years; and

(2) the parent, during the period provided for by paragraph (1) of this subsection, was physically and mentally able to support the plaintiff—

and praying the court to free the plaintiff from the obligation otherwise imposed by law to support the parent.

(b) Upon the filing of a complaint under subsection (a) of this section, the clerk shall set it for hearing by the court, and issue a summons directed to the parent setting forth the time and place of the hearing. The summons and a copy of the complaint shall be personally served on the parent, in the same manner as that provided by law for the service of a summons in civil actions, at least five days before the time of hearing. If, upon the hearing, the court determines that the allegations in the complaint are true, it shall render a judgment granting the relief prayed for.

(c) A person released from the obligation to support a parent, as provided in this section, shall be deemed to be so released with respect to any law of the Canal Zone under which a child is required to pay for the support, care, maintenance, and the like, of a parent.

§ 428. Parent's liability for necessities or support

(a) If a parent neglects to provide articles necessary for his child under his charge, according to his circumstances, a third person may in good faith supply them, and recover the reasonable value thereof from the parent.

(b) A parent is not bound to compensate the other parent or a relative for the voluntary support of his child, without an agreement for compensation.

(c) A parent is not bound to compensate a stranger for the support of a child who has abandoned the parent without just cause.

§ 429. Wife's children by former marriage

A husband is not bound to maintain his wife's children by a former husband; but if he receives them into his family and supports them, it is presumed that he does so as a parent, and they are not liable to him for their support, nor he to them for their services.

§ 430. Compensation and support of adult child

Where a child, after attaining majority, continues to serve and to be supported by the parent, neither party is entitled to compensation, in the absence of an agreement therefor.

§ 431. Penalty for abandonment or failure to support wife or child

A husband, or a parent, lawfully chargeable with the support or maintenance of the wife or child, who abandons, or willfully fails, without lawful excuse, to furnish support or maintenance to the wife or child, shall be fined not more than \$100 or imprisoned in jail not more than 30 days or both.

CHAPTER 15—ESTABLISHING PATERNITY

SUBCHAPTER I—PATERNITY PROCEEDINGS

Sec.

- 461. Persons who may bring action; certificate where child unborn; nature of action.
- 462. Jurisdiction; complaint; procedure.
- 463. Jury trial.
- 464. Agreement or compromise.
- 465. Competency of mother to testify; dying declarations.
- 466. Judgment; payments.
- 467. Writ of execution on failure to make support payments.
- 468. Action when putative father has died; claim against estate when father dies.

SUBCHAPTER II—BLOOD TESTS TO DETERMINE PATERNITY

- 491. Authority for test.
- 492. Selection of experts.
- 493. Compensation of expert witnesses.
- 494. Effect of test results.
- 495. Applicability to criminal actions.
- 496. Uniformity of interpretation.
- 497. Short title.

Subchapter I—Paternity Proceedings

§ 461. Persons who may bring action; certificate where child unborn; nature of action

- (a) An action pursuant to this subchapter may be brought by:
 - (1) a female resident of the Canal Zone who has delivered an illegitimate child or who is pregnant with a child which, if born alive, would be illegitimate; or
 - (2) an illegitimate child or, if the illegitimate child is a minor or otherwise incompetent, his next friend.
- (b) An action for the support of a child still unborn may not be brought unless the mother files a certificate from an authorized physician specifying that she is pregnant.
- (c) If the mother was married when the illegitimate child was conceived, but living separate and apart from her husband, an action for support of the illegitimate child may be brought in the manner provided by this subchapter.
- (d) An action pursuant to this subchapter is in the nature of a civil action.

§ 462. Jurisdiction; complaint; procedure

- (a) The district court has exclusive jurisdiction of actions under this subchapter.
- (b) The action is brought by the filing of a verified complaint in the division of the court in which the plaintiff resides. The court shall proceed without unnecessary delay to a trial upon the complaint, and, except as otherwise provided by this subchapter, proceedings upon the complaint, including the issuance and service of summons, service of a copy of the complaint, and the giving of security for costs when required by the court, shall conform, as nearly as may be practicable, to proceedings in civil actions.

§ 463. Jury trial

An action pursuant to this subchapter shall be tried by jury, if either the plaintiff or defendant demands that it be so tried.

§ 464. Agreement or compromise

If, at any time before judgment in an action pursuant to this subchapter, the defendant pays or secures to be paid to the plaintiff such sums of money or property as the plaintiff may, with the approval of

the court, agree to receive, the court shall, if the agreement is made or acknowledged in its presence, dismiss the action upon the payment, by the defendant, of the costs of the proceeding. The court shall cause a memorandum of the agreement to be entered upon the docket.

§ 465. Competency of mother to testify; dying declarations

(a) In an action pursuant to this subchapter, the mother is a competent witness, unless she is otherwise legally incompetent.

(b) If the mother is dead at the time of trial, her declaration made at the time of travail and persevered in as her dying declaration shall be evidence.

§ 466. Judgment; payments

(a) If, in an action pursuant to this subchapter, it is determined that the defendant is the father of the child, the court shall adjudge him the father of the child and he shall be responsible for the maintenance of the child up to the age of 21 years, in such reasonable sums as the court may order, as well as for the costs of the action.

(b) In addition, the court may order the father to pay special sums for the expense caused the mother by the birth, for the child's education, and for expenses caused by the child's sickness or death, and to pay such attorney fees of the plaintiff as the court, in its discretion, allows.

(c) Amounts paid for support of the illegitimate child shall ordinarily be paid in advance in bi-weekly installments.

(d) Compromises between the parents of an illegitimate child are valid only if approved by the court.

(e) Money paid by the father for the support of an illegitimate child shall be spent solely for the benefit of the child.

§ 467. Writ of execution on failure to make support payments

(a) If default is made in the payment of money toward the support of an illegitimate child, the court, upon application of the plaintiff, may issue a writ of execution. The execution shall be served and satisfied as executions upon a civil judgment, except that an exemption may not be allowed against a writ issued for nonpayment of money for support of an illegitimate child.

(b) An execution may not issue, however, except for payments due within the six months next preceding the issuance of the execution.

§ 468. Action when putative father has died; claim against estate when father dies

(a) If the father of an illegitimate child dies before its birth or within a year after it was born, and before an action against him for the support of the child has been brought to conclusion, an action may be brought for the support of the child against his estate, and if it is adjudged that the deceased was the father of the child, the amounts necessary for the support of the child may be collected from his estate in the same manner as any other debt.

(b) If a man who has been ordered to pay for the support of a child dies before the child is 21 years old, the amounts he was ordered to pay may be collected from his estate, except that—

(1) if he leaves a widow or legitimate children, the amounts to be collected from his estate for his illegitimate children shall not exceed the inheritance of a legitimate child; and

(2) nothing may be paid from his estate for the support of an illegitimate child until the creditors of the estate have been fully satisfied.

Subchapter II—Blood Tests to Determine Paternity

§ 491. Authority for test

In a civil action, in which paternity is a relevant fact, including an action in the district court pursuant to subchapter I of this chapter, the court, upon its own initiative or upon suggestion made by or on behalf of any person whose blood is involved may, or upon motion of any party to the action made at a time so as not to delay the proceedings unduly, shall order the mother, child and alleged father to submit to blood tests. If a party refuses to submit to such tests, the court may resolve the question of paternity against that party or enforce its order if the rights of others and the interests of justice so require.

§ 492. Selection of experts

The tests provided by section 491 of this title shall be made by experts qualified as examiners of blood types who shall be appointed by the court. The experts shall be called by the court as witnesses to testify to their findings and shall be subject to cross-examination by the parties. A party or person at whose suggestion the tests have been ordered may demand that other experts, qualified as examiners of blood types, perform independent tests under orders of court, the results of which may be offered in evidence. The number and qualifications of experts shall be determined by the court.

§ 493. Compensation of expert witnesses

(a) Except as provided by subsection (b) of this section, the court shall fix the compensation of each expert witness appointed by the court at a reasonable amount. It shall be paid as the court shall order. The court may order that it be paid by the parties in such proportions and at such times as it shall prescribe, and that, after payment by the parties, all or part or none of it be taxed as costs in the action. The fee of an expert witness called by a party but not appointed by the court shall be paid by the party calling him but shall not be taxed as costs in the action.

(b) If an expert witness appointed by the court is employed by serving with an agency of the United States in the Canal Zone, he may not receive a fee but shall receive his regular full pay for the time spent in performing his services as an expert, without deduction from time allowed him for leave of absence authorized by law.

§ 494. Effect of test results

If the court finds that the conclusions of all the experts, as disclosed by the evidence based upon the tests, are that the alleged father is not the father of the child, the question of paternity shall be resolved accordingly. If the experts disagree in their findings or conclusions, the question shall be submitted upon all the evidence. If the experts conclude that the blood tests show the possibility of the alleged father's paternity, admission of this evidence is within the discretion of the court, depending upon the infrequency of the blood type.

§ 495. Applicability to criminal actions

This subchapter applies to criminal cases subject to the following limitations and provisions:

- (1) an order for the tests shall be made only upon application of a party or on the court's initiative;
- (2) the compensation of the experts shall be paid by the Canal Zone Government, except that, if the expert is one who falls within the scope of section 493(b) of this title, that subsection is applicable;

(3) the court may direct a verdict of acquittal upon the conclusions of all the experts pursuant to section 494 of this title, otherwise the case shall be submitted for determination upon all the evidence.

§ 496. Uniformity of interpretation

This subchapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it.

§ 497. Short title

This subchapter may be cited as the Uniform Act on Blood Tests to Determine Paternity.

CHAPTER 17—CHANGE OF NAME

Sec.

531. Jurisdiction.

532. Petition for change of name.

533. Order to show cause; posting.

534. Hearing; order.

§ 531. Jurisdiction

Applications for changes of names shall be heard and determined by the district court.

§ 532. Petition for change of name

An application for change of name may be made to the division of the district court where the person whose name is proposed to be changed resides, by petition, signed by the person or, if the person is under 21 years of age, if a male, and under 18 years of age, if a female, by one of the parents, if living, or, if both are dead, then by the guardian or, if there is no guardian, then by some near relative or friend.

The petition shall specify the place of birth and residence of the person, his or her present name, the name proposed, and the reason for the change of name. If the father of the person is not living, the petition shall name, so far as known to the petitioner, the near relatives of the person, and their places of residence.

§ 533. Order to show cause; posting

Upon the filing of the petition, the court shall make an order reciting the filing of the application, the name of the person by whom it is filed and the name proposed, and directing all persons interested in the matter to appear before the court, at a time and place specified, not less than four or more than eight weeks from the time of making the order, to show cause why the application for change of name should not be granted. A copy of the order to show cause shall be posted by the clerk of the court in three of the most public places in the division in which the court is held, for a period of four successive weeks. Proof of the posting shall be made to the satisfaction of the court at the time of the hearing of the petition.

§ 534. Hearing; order

Objections may be filed by any person who can show the court good reason against the change of name. On the hearing of the petition, the court may examine on oath any of the petitioners, remonstrants, or other persons, touching the application, and may make an order changing the name, or dismissing the petition, as the court deems right and proper.

SEC. 2. Section 13(a) of the Act of July 25, 1958 (Public Law 85-550, 72 Stat. 410; 5 U.S.C., sec. 2252 note), is amended by striking out the designation "(1)" preceding the first clause, and by striking out clause (2).

SEC. 3. (a) Section 14 of Title 18, United States Code, as amended, is amended to read as follows:

“§ 14. Applicability to Canal Zone; definition

“(a) In addition to the sections of this title which by their terms apply to and within the Canal Zone, the following sections of this title apply to and within the Canal Zone: 6, 8, 11, 45, 201, 202, 287, 331, 371, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 505, 506, 507, 508, 509, 594, 595, 598, 600, 601, 604, 605, 608, 611, 612, 703, 752, 755, 756, 792, 793, 794, 795, 796, 797, 798, as added by section 24(a) of the Act of October 31, 1951 (chapter 655, 65 Stat. 719), 798 as added by section 4 of the Act of June 30, 1953 (chapter 175, 67 Stat. 133), 799, 915, 917, 951, 953, 954, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 1001, 1017, 1024, 1073, 1301, 1364, 1381, 1382, 1542, 1543, 1544, 1546, 1584, 1621, 1622, 1761, 1821, 1914, 1991, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2199, 2231, 2234, 2235, 2274, 2275, 2277, 2381, 2382, 2383, 2384, 2385, 2387, 2388, 2389, 2390, 2421, 2422, 2423, 2424, 3042, 3059, 3105, 3109, 3187, 3195, 3500.

“(b) The term ‘Canal Zone’, as used in the sections of this title which by their terms apply to and within the Canal Zone, and as used in subsection (a) of this section, includes the area designated as the Canal Zone by sections 1 and 2 of Title 2, Canal Zone Code; and it also includes the corridor over which the United States of America exercises jurisdiction pursuant to the provisions of Article IX of the General Treaty of Friendship and Cooperation between the United States of America and the Republic of Panama, signed March 2, 1936, to the extent that the application, to the corridor, of the sections mentioned in this subsection, and of those specified in subsection (a) of this section, is consistent with the nature of the rights of the United States in the corridor as provided by treaty.

“(c) The definitions of the terms prescribed by sections 5 and 10, or other sections of this title, are modified to effectuate the applicability of the sections enumerated by subsection (a) of this section to and within the Canal Zone.”

(b) The analysis of chapter 1 of Title 18, United States Code, as amended, preceding section 1 of that title, is amended by striking out the item “14. Applicability to Canal Zone.”, and in lieu thereof inserting “14. Applicability to Canal Zone; definition.”

SEC. 4. (a) Chapter 311 of Title 18, United States Code, as amended, is amended by inserting at the end thereof the following section:

“§ 4210. Warrants to retake Canal Zone parole violators

“An officer of a Federal penal or correctional institution, or a Federal officer authorized to serve criminal process within the United States, to whom a warrant issued by the Governor of the Canal Zone for the retaking of a parole violator is delivered, shall execute the warrant by taking the prisoner and holding him for delivery to a representative of the Governor of the Canal Zone for return to the Canal Zone.”

(b) The analysis of chapter 311 of Title 18, United States Code, preceding section 4201 of that title, is amended by adding the following item:

“4210. Warrants to retake Canal Zone parole violators.”

SEC. 5. Title IV of the chapter designated by paragraph (2) of section 501 of the Act of June 30, 1958 (Public Law 85-477, chapter II, 72 Stat. 270) as chapter II of the Mutual Security Act of 1954, as amended, is further amended by adding to section 414 thereof (68 Stat. 848; 22 U.S.C., sec. 1934), as amended by paragraph (k) of

section 205 of the said Act of June 30, 1958 (72 Stat. 267), the following subsection:

"(d) This section applies to and within the Canal Zone."

SEC. 6. That part of section 1 of the Act of June 12, 1917 (chapter 27, 40 Stat. 105), constituting the third full paragraph on page 179 of Volume 40, Statutes at Large (24 U.S.C., sec. 196), as amended, is amended to read as follows:

"Upon the application of the Governor of the Canal Zone, the Secretary of Health, Education, and Welfare may transfer to Saint Elizabeths Hospital, in the District of Columbia, for treatment, any American citizen subject to a hospitalization order issued under section 1637 of Title 5 of the Canal Zone Code, whose legal residence in one of the States, territories, the Commonwealth of Puerto Rico or the District of Columbia for the purpose of eligibility for public medical care it has been impossible to establish. Upon the ascertainment of the legal residence of persons so transferred to Saint Elizabeths Hospital, the superintendent of that hospital shall thereupon transfer them to their respective places of residence, and the expenses attendant thereon shall be paid from the appropriation for the support of Saint Elizabeths Hospital."

SEC. 7. The first sentence of section 414 of Title 28, United States Code, is amended to read as follows: "All government publications and law books furnished to justices, judges, clerks of courts, and United States attorneys of the United States and its territories and possessions, and other officers of the United States or an agency thereof shall be transmitted to their successors in office."

SEC. 8. Subsection (b) of section 547 of Title 28, United States Code, is amended by inserting "including those of the courts or Government of the Canal Zone," after "United States," so that the subsection will read as follows:

"(b) He shall execute all lawful writs, process and orders issued under authority of the United States, including those of the courts and Government of the Canal Zone, and command all necessary assistance to execute his duties."

SEC. 9. Section 1404 of Title 28, United States Code, is amended by adding subsection (d) thereto, to read as follows:

"(d) As used in this section, 'district court' includes the United States District Court for the District of the Canal Zone; and 'district' includes the territorial jurisdiction of that court."

SEC. 10. Section 1406 of Title 28, United States Code, as amended, is amended by adding subsection (d) thereto, to read as follows:

"(d) As used in this section, 'district court' includes the United States District Court for the District of the Canal Zone; and 'district' includes the territorial jurisdiction of that court."

SEC. 11. Section 2 of the Act of November 15, 1941 (chapter 471, 55 Stat. 763; 50 U.S.C., sec. 191a), is amended to read as follows:

"SEC. 2. When the Coast Guard operates as a part of the Navy pursuant to section 3 of Title 14, United States Code, the powers conferred on the Secretary of the Treasury by section 1, title II, of the Act of June 15, 1917 (40 Stat. 220; U.S.C., title 50, sec. 191), shall vest in and be exercised by the Secretary of the Navy."

SEC. 12. Section 4 of the Act of November 15, 1941 (chapter 471, 55 Stat. 763; 50 U.S.C., sec. 191b), as amended by subsection (b) of section 2 of the Act of September 26, 1950 (chapter 1049, 64 Stat. 1038), is amended to read as follows:

"SEC. 4. This Act and section 91 of Title 14, United States Code, do not affect the authority conferred upon the Governor of the Canal Zone by the second paragraph of section 1, title II, Act of June 15, 1917 (40 Stat. 220; U.S.C., title 50, sec. 191), notwithstanding the

provisions of section 2 of this Act; nor do they affect the powers and authority conferred by section 34 of Title 2, Canal Zone Code.”.

SEC. 13. The Act of August 1, 1956 (chapter 849, 70 Stat. 899; 50 U.S.C., secs. 851-857) is amended by adding thereto the following section:

“SEC. 10. This Act applies to and within the Canal Zone.”.

SEC. 14. Section 1 of the Joint Resolution of May 3, 1943 (chapter 92, 57 Stat. 74), is amended by striking out the two provisos therein, including the colons preceding and following the first of the two provisos.

SEC. 15. If the United States District Court for the District of the Canal Zone finds that, on a date ninety days prior to the effective date of the Canal Zone Code, enacted by section 1 of this Act, a person had completed or was actively engaged in the study of law that would qualify him to take the bar examination under clause (2) or clause (3) of Rule 5 of Part VI of the Rules of the Court in effect on that date, the court may permit him to take the bar examination and to be admitted to the bar, if he otherwise qualifies, as if section 541 of Title 3 of the Canal Zone Code had not been enacted by this Act.

SEC. 16. The provisions carried into sections 251 and 252 of Title 4 of the Canal Zone Code, enacted by section 1 of this Act, do not, as revised, invalidate any part of a will or other instrument executed prior to the effective date of this Act, and any such part which would have been valid prior to that date shall be valid irrespective of the revised provisions. The republication of a will executed prior to the effective date of this Act by a codicil executed after that date shall not constitute execution of the will after that date within the meaning of this section.

SEC. 17. Sections 548 and 549 of Title 5, Canal Zone Code, enacted by section 1 of this Act, relating to the exemption of property from execution or attachment, do not apply to the enforcement of judgments which became final prior to the effective date of this Act.

SEC. 18. The provisions of the Canal Zone Code, enacted by section 1 of this Act, with respect to the organization of the Canal Zone Government, the Panama Canal Company, and the courts in the Canal Zone, shall be construed as continuations of existing law, and the tenure of the officers and employees thereof, including the judges, the United States attorney, the marshal, and their deputies and assistants, in office on the effective date of this Act, shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions of the Canal Zone Code, enacted by section 1 of this Act, pursuant to his prior appointment, until his tenure expires and his successor is appointed and has qualified, or unless he is removed, discharged or transferred under authority of that Code. No loss of rights, interruption of jurisdiction or prejudice to matters pending in any of the courts in the Canal Zone on the effective date of this Act shall result from its enactment.

SEC. 19. Orders, rules, and regulations in effect under laws repealed by section 26 of this Act, shall, to the extent that they would have been authorized under the Canal Zone Code, enacted by section 1 of this Act, remain in force and effect as orders, rules, and regulations under that Code, and shall be administered and enforced under that Code as nearly as may be until repealed, amended or superseded thereunder.

SEC. 20. References that other laws, orders, rules, and regulations make to laws repealed by section 26 of this Act shall be considered to be made to the corresponding or most nearly corresponding provisions of the Canal Zone Code, enacted by section 1 of this Act.

SEC. 21. An inference of a legislative construction is not to be drawn by reason of the article, subchapter, chapter, part or title in the Canal Zone Code, enacted by section 1 of this Act, in which a section is placed or by reason of the caption or catchline thereto.

SEC. 22. If a provision of the Canal Zone Code, enacted by section 1 of this Act, is held invalid, the remainder is not affected thereby unless a remaining provision is so related to the invalid provision that logical effect cannot be given to the remaining provision without the invalid provision. If a provision of the Code is invalid in one or more of its applications, the provision remains in effect in all valid applications that are severable from the invalid applications.

SEC. 23. The repeal of laws provided for by section 26 of this Act does not affect rights accruing or that have accrued or were acquired or established, or civil or criminal liabilities, penalties or forfeitures that were incurred, or judicial or administrative proceedings that were begun, under any of the laws so repealed, before the effective date of this Act; but, subject to section 19 of this Act, the proceedings in such a case shall conform with the procedure established by or under the authority of the Canal Zone Code, enacted by section 1 of this Act, unless such conformity, in the opinion of the court or administrative authority, would not be feasible or would work injustice.

SEC. 24. The repeal, by section 26 of this Act, of sections 11, 12, 121, 122 and 123 of Title 2, and section 1763 of Title 4, of the Canal Zone Code of 1934, does not repeal or affect the corresponding Federal laws, classified to the United States Code (Title 15 § 31; Title 50 § 191; Title 5 §§ 790, 791, 793; 24 U.S.C. § 196), from which they were derived.

SEC. 25. This Act takes effect January 2, 1963. Laws enacted after January 9, 1962, that are inconsistent with this Act, supersede it to the extent of the inconsistency.

SEC. 26. (a) The Code of Laws for the Canal Zone, enacted by the Act of June 19, 1934 (chapter 667, 48 Stat. 1122), is hereby repealed.

(b) The Acts or parts of Acts enumerated in the following schedule are hereby repealed.

Act No.	Chapter	Section	Repealed by
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STATUTES AT LARGE						C.Z. CODE 1934	
Date	Chapter	Title	Section	Volume	Page	Title	Section
1936—May 13	381	1	1	49	1269	4	981.
May 13	381	2	2	49	1270	6	943.
June 24	754	1	1	49	1903	2	13.
June 24	754	7	7	49	1905	2	142.
June 24	754	8	8	49	1905	2	158.
June 24	754	9	9	49	1906	2	159.
June 24	754	11	11	49	1906	5	603.
June 24	754	12	12	49	1906	5	876.
June 24	754	13	13	49	1907	6	132
1937—July 8	443	1	1	50	478		
July 9	470	1	1	50	486	2	14.
July 9	470	2	2	50	486	2	44.
July 9	470	3	3	50	487	2	81.
July 10	487	1	1	50	509	2	62.
July 10	487	2	2	50	510	2	323.
July 10	487	3	3	50	510	3	61(a).
July 10	487	4	4	50	510	3	1270.
July 10	487	5	5	50	510	3	1312.
July 10	487	6	6	50	510	4	182(b).
July 10	487	7	7	50	510	5	514.
July 10	487	8	8	50	510	6	571.
July 10	487	9	9	50	511	7	43.
July 10	487	10	10	50	511	2	222.
Aug. 24	752	1	1	50	750	2	412.
1938—Mar. 26	51	1	1	52	118	7	42.
1940—June 13	358	1	1	54	387	2	10.
June 13	358	2	2	54	389	2	271-281.
June 13	358	3	3	54	390	5	843.
June 13	358	4	4	54	391	6	125.
June 13	358	5	5	54	391	6	521.
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Dec. 16	580	3	3	55	803	7	26a.
Dec. 16	581	1	1	55	803	3	2264.
Dec. 16	581	2	2	55	803	3	2265.
Dec. 16	581	3	3	55	803	3	2265a.
Dec. 16	581	4	4	55	804	3	2274.
Dec. 16	581	5	5	55	804	5	784.
Dec. 16	583	1	1	55	804	2	142.
Dec. 16	583	2	2	55	805	5	829.
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Aug. 10	415	3		63	594	2	303.
Aug. 10	415	4		63	595	3	225.
Aug. 10	415	5		63	595, 596	4	1470a-1470f.
Aug. 10	415	6		63	596	4	1703.
Aug. 10	415	7		63	597	5	573.
Aug. 10	415	8		63	597	5	812.
Aug. 12	422	1		63	600, 601	2	16-18.
Aug. 12	422	3		63	602	2	85.
Aug. 12	422	4		63	602	2	124.
Aug. 12	422	5		63	602	6	906.
Oct. 25	705	1, 2		63	887		
1950—Sept. 26	1049	1		64	1038	2	5.
Sept. 26	1049	2(c)		64	1038	4	982, 987, 1024.
						5	833.
Sept. 26	1049	2(d)		64	1038	5	836.
Sept. 26	1049	2(e)		64	1038	2	7.
Sept. 26	1049	3		64	1039	2	10.
Sept. 26	1049	4		64	1040	2	82.
Sept. 26	1049	5		64	1041	2	245.
Sept. 26	1049	6		64	1041	2	246(e).
Sept. 26	1049	7		64	1041	2	246(e).
Sept. 26	1049	8		64	1041	2	248(e).
Sept. 26	1049	9		64	1042	2	249.
Sept. 26	1049	10		64	1042	2	255-258.
Sept. 26	1049	11		64	1042	2	411.
Sept. 26	1049	12		64	1042	2	412.

STATUTES AT LARGE						C.Z. CODE 1934	
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July 27.....	245		106.....	67	202		
July 27.....	245		107.....	67	202		
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1960—July 14.....	P.L. 86-672		1.....	74	552		
1961—Sept. 16.....	P.L. 87-262		1.....				

¹ Only the first proviso in the paragraph headed "Canal Zone Government," on page 200.

² First paragraph of this section, only.

Approved October 18, 1962.

