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Domestic Relations

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this alternative, the jealous Guardians of states' rights have little left to argue about except principle, and the federal government divides the culpability of the action, as some bondholders describe it, with the state legislature.

Whatever may be the merit or lack of merit of the question raised, there is one thing certain, that it is the last possible contention which the bondholders, in states not having a consent statute, may assert against this legislation.

DOMESTIC RELATIONS

BONYNGE, J., *on Marriage and Allied Matters.*
New York State Bar Assn., March 10, 1937

Plaintiff wife sought to annul marriage because husband refused to fulfill his promise to go through with a religious ceremony after a civil marriage. The plaintiff swore that there was no cohabitation following the civil rites. The court, after remarking that the case was one of several similar cases tried at the January term, observed:

"Such a recrudescence of religious fervor in the present age tends to tax the credulity of the court. Nor are its doubts allayed by the extraordinary lack of ardor and curiosity manifested by these young benedicts, or the quite exceptional fortitude and virtue displayed by the females of the species. In a word, the stories sound fantastic and unbelievable. However, truth is sometimes stranger than fiction, and it may well be that the nuptial couch has ceased to serve its time-honored function. In the face of recent warnings, old-fashioned jurists must not permit their antediluvian ideas to impede mankind's headlong progress toward the almost perfect state. Either they must streamline their ideas or be denied the privilege of earning even so little of their salt as they are said to merit nowadays. Already beauticians and surgeons are chortling at the profits of face-lifting and glandular operations in prospect for judges who hope to baffle their eager successors. Hence if the plaintiff will submit to a physical examination by a physician to be designated by the court, and his findings corroborate her claim that the marriage was never consummated, the court will defer to his superior wisdom. Otherwise the complaint will be dismissed." (*B. v. B.*, Sup. Ct., Special Term, Pt. V, Kings County, Bonyngé, J., Feb. 17, 1937.)