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Husband and wife, upon discovery of the husband's inability to father children, sought to have the wife artificially inseminated. The husband gave his written consent to the clinical impregnation and agreed to pay for it. As a result of the artificial insemination a child was born. Subsequently, the wife sought an annulment and

petitioned for support of this child. *Held,* annulment granted, and child declared illegitimate.[1] A child conceived through artificial insemination by a third-party donor, even though done with the consent of the mother's husband, is illegitimate.[2] *Gursky v. Gursky,* 39 Misc. 2d 1083, 242 N.Y.S.2d 406 (Sup. Ct. 1963).

As a result of the holding in the principal case, a child conceived by heterologous artificial insemination (AID)[3] will not only be socially stigmatized, but he will also find it difficult to bring himself under statutes that confer rights or privileges on a "child" or on "children," since these terms are generally construed as referring only to legitimate children.[4] In addition, an

1. The court also held that, because of the husband's acts in consenting to the artificial insemination, he was liable for the support of the child under either an implied contract theory or by application of the doctrine of equitable estoppel. The principal case is noted in 30 BROOKLYN L. REV. 126 (1963); 64 COLUM. L. REV. 376 (1964); 26 GA. B.J. 188 (1963).

Compare Slater v. Slater, 1 All E.R. 246 (1953), where the English court stated that if the wife, at the time she had the insemination treatment, knew she had an annulment remedy available to her as a result of her husband's impotency, her consent to undergo artificial insemination would amount to approbation of the marriage. The theory seems to be that, by consenting to clinical impregnation, a wife vicariously consummates the marriage and should be barred from pursuing an action for annulment.

2. The authority for the adjudication of the legitimacy question in the principal case was N.Y. DOM. REL. LAW § 145: "If a marriage be declared a nullity or annulled for any cause or under any conditions other than those specified in the foregoing subdivisions, the court by the judgment may decide that a child of the parties is the legitimate child of either or both of its parents."

3. There are two types of artificial insemination: homologous artificial insemination (AIH) and heterologous artificial insemination (AID). Homologous artificial insemination is used if either penial or vaginal malformation prevents fertilization in an otherwise potentially fertile couple, and it involves the transfer of the husband's semen to the wife's reproductive tract. See generally GLOVER, ARTIFICIAL INSEMINATION AMONG HUMAN BEINGS (1948). Homologous artificial insemination creates no legal problems since the offspring is the natural child of both parents. Doornbos v. Doornbos, 23 U.S.L. WEEK 2308 (Cook County Super. Ct., Dec. 13, 1954), *aff'd,* 12 Ill. App. 2d 473, 139 N.E.2d 844 (1955). In heterologous artificial insemination, the person contributing the semen is not the husband. This method is employed when the wife is fertile and the husband sterile, or when the Rh factor would increase the likelihood of an erythroblastic baby if the husband were also the father. Candidates for artificial insemination are carefully screened and analyzed. A clinic at the Johns Hopkins Hospital requires that the physician be well acquainted with the couple and familiar with their intellectual abilities and emotional stability so that the characteristics of the husband and wife can be weighed in selecting the donor. Guttmacher, *The Role of Artificial Insemination in the Treatment of Sterility,* 120 J. AM. MED. ASS'N 442 (1942). See also Weisman, *The Selection of Donors for Use in Artificial Insemination,* 50 WEST J. SURG. 142 (1942).

4. *E.g.,* Frazier v. Oil Chemical Co., 407 Pa. 78, 179 A.2d 202 (1962) (illegitimate child denied standing under wrongful death act to recover damages for the death of his father); Sanchez v. Texas Employers' Ins. Ass'n, 51 S.W.2d 818 (Tex. Civ. App. 1932) (in the absence of acknowledgment by putative father, an illegitimate child is not within the term "child" as used in workmen's compensation act). For further examples, see Jung v. St. Paul Fire Dep't Relief Ass'n, 223 Minn. 402, 27 N.W.2d 151 (1947); Trautz v. Limp, 329 Mo. 580, 46 S.W.2d 135 (1931); State *ex rel.* Canfield v. Porterfield, 222 Mo. App. 553, 292 S.W. 85 (1927).

AID child will encounter serious disadvantages in the law of inheritance. Under the still widely accepted common-law rule, an illegitimate child may not inherit from his natural father.[5] Although statutes in nearly all jurisdictions permit an illegitimate child to inherit from his natural mother,[6] it is unlikely that such a child who has been unintentionally omitted from his natural mother's will would be protected by the pretermitted heir statutes, providing that "children" so neglected may take against the will.[7] Similarly, an AID child now may be denied the right to inherit from his other maternal relatives,[8] and he may be prevented from inheriting community property.[9]

Writers have suggested that the legal problems raised by artificial insemination[10] should be resolved by the state legislatures. One suggested solution would involve modifying existing adoption laws to permit a natural mother to adopt her own child.[11] At the present time, most adoption statutes provide for adoption only by individuals who are not the natural parents, or by a spouse who marries one of the natural parents after the birth of the child. As a result, the husband could adopt the child, but the child's own mother could not, leaving it illegitimate as to her. However, even if both parents could satisfy statutory requirements, additional alterations of the adoption law would seem necessary since full compliance with present adoption statutes necessitates disclosure of highly personal information, a factor which might discourage AID parents from seeking formal adoption.[12] Finally, many parents

5. *E.g.*, People v. Moczek, 407 Ill. 373, 95 N.E.2d 428 (1950); *In re* Estate of Crapa, 344 Ill. App. 503, 101 N.E.2d 611 (1951); see generally 6 POWELL, REAL PROPERTY 660 (1952).

6. ATKINSON, WILLS 82 (2d ed. 1953).

7. See Kent v. Baker, 68 Mass. 535 (1854).

8. See Reynolds v. Hitchcock, 72 N.H. 340, 56 Atl. 745 (1903); *In re* Lauer, 76 Misc. 117, 136 N.Y.S. 325 (N.Y. County Surr. Ct. 1912).

9. See Wasmund v. Wasmund, 90 Wash. 274, 156 Pac. 3 (1916), where the court held that, although the legislature had stated that an illegitimate may inherit as heir to the mother, by failing to amend the community property section of the statute, the legislature had impliedly intended to give an illegitimate child no property other than the separate property of the mother. *Contra*, Lee v. Frater, 185 S.W. 325 (Tex. Civ. App. 1916).

10. For discussion and evaluation of some problems caused by artificial insemination, see Holloway, *Artificial Insemination: An Examination of the Legal Aspects*, 43 A.B.A.J. 1089 (1957); Radler, *Legal Problems of Artificial Insemination*, 39 MARQ. L. REV. 146 (1955); Rice, *AID—An Heir of Controversy*, 34 NOTRE DAME LAW. 510 (1958); Weinberger, *A Partial Solution to Legitimacy Problems Arising From the Use of Artificial Insemination*, 35 IND. L.J. 143 (1960).

11. *E.g.*, Rice, *supra* note 10.

12. See Seymour & Koerner, *Artificial Insemination: Present Status in the United States as Shown by Recent Survey*, 116 J. AM. MED. ASS'N 2747 (1941), cited in 36 CHI-KENT L. REV. 1, 27 n.62 (1959), where the author indicates that adoption is impractical in AID cases because both the husband and the wife usually want the manner of conception kept secret. They note that, in their experience as physicians, not one woman told even her parents.

of AID children would, through neglect or ignorance, fail to comply with formal adoption procedures.

Most writers, therefore, have instead urged state assemblies to enact legislation dealing specifically with artificial insemination.[13] Bills designed to remedy the problems caused by artificial insemination have been introduced in six state legislatures. In four of these states, the bills would have legitimatized AID children if the artificial insemination were done with the husband's consent.[14] The bill introduced in the Ohio legislature would have prohibited AID, made all children so conceived illegitimate, and imposed criminal sanctions upon violators of the provision.[15] Finally, the Minnesota legislature considered three bills simultaneously:[16] one would have prohibited all artificial insemination, another would have permitted only homologous artificial insemination (AIH),[17] and another would have legalized both AIH and AID.[18] None of these various measures considered by the six states ever came to a floor vote, probably because of the controversial nature of artificial insemination.[19] In at least one of the states, public protest was leveled at the legislature simply because it was considering legislation in the general area of artificial insemination.[20]

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13. *E.g.*, Massey, *Artificial Insemination: The Law's Illegitimate Child?*, 9 VILL. L. REV. 77 (1963); Radler, *supra* note 10; Weinberger, *supra* note 10.

14. Indiana, H. No. 350, 86th Sess. (1949). New York, where identical bills were introduced four times, S. Int. 745, Pr. 2042, 171st Sess. (1948); S. Int. 778, Pr. 801, 172d Sess. (1949); S. Int. 579, Pr. 587, 173d Sess. (1950); S. Int. 493, Pr. 493, 174th Sess. (1951). Virginia, S. No. 199 (1948). Wisconsin, H. No. 407, A, 69th Reg. Sess. (1949).

15. Ohio, S. No. 93 (1955).

16. These three bills were concerned with the regulation of artificial insemination and did not contain provisions defining the status of artificially conceived children. See 8 FLA. L. REV. 304, 316 (1955).

17. See note 3 *supra*.

18. Minnesota, H. File 1090 (1949); H. File 1991 (1949); H. File 1092 (1949).

19. Although the New York state legislature has not acted, New York City has passed an ordinance designed to regulate the practice of artificial insemination. Under this ordinance, only duly licensed physicians "shall collect, offer for sale, sell or give away human seminal fluid for the purpose of causing artificial insemination. . . ." N.Y.C. SANITARY CODE § 112 (1948), revised, N.Y.C. HEALTH CODE § 21 (1959). The provision also requires physical examinations of donors to ascertain their freedom from certain diseases and hereditary defects, and the keeping of records, which are to be open only to authorized persons. *Ibid.* Referring to this ordinance, the court in the principal case stated that, although it appeared to constitute a recognition of the practice of artificial insemination, it had to be read within the framework of the recognized concepts of illegitimacy "and can in no wise be deemed to sanction the practice of artificial insemination or to render legitimate any issue thereof." Principal case at 1086, 242 N.Y.S.2d at 410.

20. In a letter to the author of a note in 8 FLA. L. REV. 304, 315 (1955), Senator Chas. W. Root of Minnesota, who introduced all three bills, described the public reaction as follows: "Extensive hearings were had on all three bills. Lobbying against the bills was terrific. Most of the lobbyists made no distinction between the provisions of the three bills. Certain religious groups became quite fanatical on the subject. The personal abuse that I and members of my family took was unbelievable. Vicious

A statute declaring all AID children legitimate from birth would undoubtedly be the most desirable way of protecting AID children from the disabilities of being illegitimate.[21] However, the public reaction to past attempts at legislative action would suggest that any legislative solution, whether approving or prohibiting artificial insemination, would be met with strong opposition. Even modification of existing adoption laws would require legislative action, and since such amendments probably would be condemned as endorsing artificial insemination, it is likely that the public would also react violently to them. Most politicians would probably be unwilling to jeopardize their political careers by sponsoring or advocating legislation on the highly controversial subject of artificial insemination. It would seem, therefore, that unless and until public opinion favors the passage of statutes dealing directly with artificial insemination, it is up to the courts to take the initiative and provide some measure of relief, both for the parents and for the artificially conceived children.

Any judicial attempt to legitimatize AID children will be futile as long as the courts are restricted by common-law concepts.[22] In the principal case and in an earlier Illinois decision,[23] the courts felt bound by the historically embedded legal concept that a child begotten by a man who is not the mother's husband is illegitimate.[24] The law of adoption is equally restrictive since it requires strict compliance with statutory provisions before adoption can be consummated.[25] Equity courts, however, need not be bound by settled concepts of the common law or strict legislative requirements for adoption when adherence would, in fact, work an in-

anonymous calls were received by the hundreds. No member of my family was spared. For a considerable period it was impossible for my children to run errands to the various shopping centers or otherwise venture on the streets. In all the twelve years that I have served in the legislature, I have never seen anything that would compare with these bills. My correspondence was so heavy that I had to hire one girl who did nothing else except answer my correspondence with respect to these bills." *Ibid.*

21. Although legislative action appears improbable at the present time, an excellent artificial insemination statute has been proposed. Massey, *supra* note 13, at 90.

22. There have not been many judicial decisions in this area. Doornbos v. Doornbos, 23 U.S.L. WEEK 2308 (Cook County Super. Ct., Dec. 13, 1954), *aff'd*, 12 Ill. App. 2d 473, 139 N.E.2d 844 (1955); Ohlsen v. Ohlsen, (Cook County Super. Ct., Ill., Nov. 1954); Hoch v. Hoch, No. 44-C-9307, Cook County Cir. Ct., Ill., Feb. 10, 1945; Slater v. Slater, 1 All E.R. 246 (1953); MacLennan v. MacLennan, Sess. Cas. 105, Scots L.T.R. 12 (Sess. Ct. Outer House 1958); see Orford v. Orford, 49 Ont. L.R. 15 (1921). *But see* Strnad v. Strnad, 190 Misc. 786, 78 N.Y.S.2d 390 (Sup. Ct. 1948), where the court found the artificially conceived child to be legitimate on the ground that it had been "potentially adopted" or "semi-adopted." This is the only instance where a court has tried, by analogizing to other precedent, to legitimatize an AID child.

23. Doornbos v. Doornbos, *supra* note 22.

24. *Ibid.*; Principal case at 1085, 242 N.Y.S.2d at 408.

25. *E.g.*, Ryan v. Foreman, 262 Ill. 175, 104 N.E. 189 (1914); Emmons v. Dinelli, 235 Ind. 249, 133 N.E.2d 56 (1956); Seibert v. Seibert, 170 Iowa 561, 153 N.W. 160 (1915); Lacher v. Venus, 177 Wis. 558, 188 N.W. 613 (1922).

justice. These courts could, by adopting a more imaginative approach, effectuate the intent of the parents by declaring AID children legitimate. For example, equity has already extended such relief when a child's foster parents have failed to comply with adoption statutes.[26] If an individual takes a child into his home with the understanding that he will adopt it, but he dies before adopting the child, many courts will apply the doctrine of equitable adoption and protect the child's interest in the deceased promisor's estate.[27] Although most courts require the existence of an express contractual agreement to adopt before applying equitable adoption,[28] or adoption by estoppel as it is sometimes called,[29] some courts infer an agreement from the conduct and statements of the parties and from the facts and circumstances of the case.[30] While the doctrine of equitable adoption serves as an instrument of justice to protect the child from the fraud or neglect of the foster parent, the requirement of an express or implied agreement to adopt serves as a protective device for the person standing *in loco parentis*.[31] Equitable adoption, however, gives the child only inheritance rights and not legitimacy; it has been thought inapplicable when suit is instituted during the foster parent's lifetime, apparently on the ground that public policy dictates that the relationship of parent and child, an association predicated upon love, should not be forced upon an unwilling and unnatural parent.[32]

26. *E.g.*, *In re* Lamfrom's Estate, 90 Ariz. 363, 368 P.2d 318 (1962); *In re* Gary's Estate, 69 Ariz. 228, 211 P.2d 815 (1949); *In re* Brehn's Estate, 41 Ariz. 403, 18 P.2d 1112 (1933); Sheffield v. Bary, 153 Fla. 144, 14 So. 2d 417 (1943); Chehak v. Battles, 133 Iowa 107, 110 N.W. 330 (1907); Niehaus v. Madden, 348 Mo. 770, 155 S.W.2d 141 (1941); Barney v. Hutchinson, 25 N.M. 82, 177 Pac. 890 (1918); Crilly v. Morris, 19 N.W.2d 836 (S.D. 1945); Garcia v. Quiroz, 228 S.W.2d 953 (Tex. Civ. App. 1950). *Contra*, Clarkson v. Bliley, 185 Va. 82, 38 S.E.2d 22 (1946); St. Vincent's Infants Asylum v. Central Wis. Trust Co., 189 Wis. 483, 206 N.W. 921 (1926).

27. See cases cited note 26 *supra*.

28. *E.g.*, Rieves v. Smith, 184 Ga. 657, 192 S.E. 372 (1937); Reeves v. Ellis, 257 S.W.2d 876 (Tex. Civ. App. 1953).

29. Although courts frequently use "equitable adoption" and "adoption by estoppel" interchangeably, the latter term is more properly applied when an individual specifically agrees to leave property at death to a child in return for the right to raise it as his own, and he dies, having raised the child, but without keeping his promise to leave the child property. *E.g.*, Bergman v. Carson, 226 Iowa 449, 284 N.W. 442 (1939).

30. *E.g.*, Roberts v. Roberts, 233 Fed. 775 (8th Cir. 1915); Monahan v. Monahan, 14 Ill. 2d 449, 153 N.E.2d 1 (1958); *In re* Garcia's Estate, 45 N.M. 8, 107 P.2d 866 (1940); Roberts v. Sutton, 317 Mich. 458, 27 N.W.2d 54 (1947); *In re* Estate of Firle, 197 Minn. 1, 265 N.W. 818 (1936); Kay v. Niehaus, 298 Mo. 261, 249 S.W. 625 (1923). See generally Bailey, *Adoption "By Estoppel,"* 36 TEXAS L. REV. 30 (1957).

31. It has been asserted that it is not unusual for an individual to accept an orphaned relative or illegitimate child into his home, offering to such child the warmth and affection incident to the relationship between a natural parent and child, but with no intention of legally adopting the child or making it an heir to his estate. Cavanaugh v. Davis, 149 Tex. 573, 583, 235 S.W.2d 972, 978 (1951).

32. Erlanger v. Erlanger, 102 Misc. 236, 168 N.Y.S. 928 (Sup. Ct. 1917), *aff'd mem.* 171 N.Y.S. 1084 (App. Div. 1918).

The precautionary measures are unnecessary, however, when an artificially conceived child is concerned since AID necessarily involves a couple who clearly agreed to assume the duties and responsibilities of parents. One of the parties to an artificial insemination is the real mother of the child, and the other consenting party, the mother's husband, entered into a formal contract at the time of insemination, declaring his intention to rear and care for the child as his own.[33] For these reasons it is suggested that equity, either at the insistence of the parents or on petition by the child, should declare an AID child legally adopted as of the time the husband consented to heterologous artificial insemination.[34] At the very least, courts should declare an AID child legitimate when his mother and her husband have cared for him throughout gestation and early infancy, treating him as their natural child. There is judicial authority for changing the status of an illegitimate child through application of the doctrine of equitable adoption;[35] furthermore, analogous authority exists in the common-law doctrine that a court may determine a valid marriage exists, although none of the statutory prerequisites to marriage have been met, if injustice will thereby be avoided.[36] If parties to a relationship that begins with an illicit cohabitation can acquire the same rights as those married pursuant to statute, surely an AID child, who is the contemplated product of a valid marriage and in no way responsible for the failure or inability of his mother and her husband to adopt him, should be deemed legitimate.

Predictably, this suggested solution will draw criticism that courts of equity would undermine the purposes of adoption statutes by deviating from statutory language in applying equitable adoption.[37] Adoption statutes have been construed as intended to accomplish several objectives, including protection of children from unnecessary separation from their natural parents, avoidance of adoption by persons unfit to be responsible for the care and

33. Principal case at 1084, 242 N.Y.S.2d at 408.

34. In order to prevent undesirable publicity in such cases, equity courts could utilize adoption statutes which allow a court to exclude the general public from the room where proceedings are held and which confine all papers and books relating to such proceedings to separate files that are open to inspection only upon order by a court of record. See ILL. ANN. STAT. ch. 4, § 9.1 (1959); MICH. STAT. ANN. § 27.3178 (1953); N.Y. DOM. REL. LAW § 114.

35. *E.g.*, Radovich v. Citizens Nat'l Trust & Sav. Bank, 48 Cal. 2d 116, 308 P.2d 14 (1957); Taylor v. Coberly, 327 Mo. 940, 38 S.W.2d 1055 (1931); Fisher v. Davidson, 271 Mo. 195, 195 S.W. 1024 (1917). *Contra*, Hein v. Crabtree, 369 S.W.2d 28 (Tex. 1963).

36. *E.g.*, Lavery v. Hutchinson, 249 Ill. 86, 94 N.E. 6 (1911); Argiroff v. Argiroff, 215 Ind. 297, 19 N.E.2d 560 (1939); Oatis v. Mingo, 199 Miss. 896, 26 So. 2d 453 (1946); Crawford v. Crawford, 198 Tenn. 9, 277 S.W.2d 389 (1955).

37. See Clements v. Morgan, 201 Tenn. 94, 296 S.W.2d 874 (1956), where the court reiterated the general principle that the power to decree an adoption is purely a creation of statute.

rearing of children, and prevention of interference by natural parents who may have some legal claim because of a defect in the adoption procedure.[38] In addition, they have been interpreted as being designed to protect natural parents from reckless, imprudent decisions to give away their children, and to protect foster parents from assuming responsibilities for a child about whose heredity or mental or physical condition they know nothing.[39] It is clear that application of the doctrine of equitable adoption to AID children would not conflict with any of these objectives since the problems underlying adoption statutes are not raised by artificial insemination.[40]

For many of the married couples in the United States who are involuntarily childless, artificial insemination offers some hope for a normal family.[41] It is estimated that nearly 100,000 families in this country have had children through artificial insemination.[42] In addition to the ever-increasing use of artificial heterologous insemination, reputable authority suggests that in certain cases it is probably desirable socially.[43] A leading pediatrician has stated that artificially conceived children

> "mean more to families than children conceived in the normal manner. But for artificial insemination, motherhood would be denied the wife. The husband knows that at least half the child's

38. *In re* Adoption of Edman, 348 S.W.2d 345 (Tenn. 1961).

39. *Ibid.*

40. Equitable adoption as a solution to the problems raised by artificial insemination would not involve any separation of the child from his natural mother, and since the biological father must waive all rights to his child, there would be no possibility of subsequent parental interference. Since both parents are first investigated as candidates for artificial insemination, there would be no question about their qualifications as responsible parents. Finally, because of the care used in the selection of donors for artificial insemination and because the mother would be a party to the adoption, both parents would be confident about the child's heredity and mental and physical condition. See note 3 *supra.*

41. One out of ten married couples in the United States are unable to have children in the usual manner. It is estimated that in 40% of the reported cases of infertility, the cause is the husband's sterility. Weinberger, *A Partial Solution to Legitimacy Problems Arising From the Use of Artificial Insemination,* 35 IND. L.J. 143 (1960).

42. *Ibid.*

43. The American Society for the Study of Sterility represents approximately five hundred specialists in the field of sterility. At its meeting in Atlantic City in 1955 it adopted a proposal which approved artificial insemination as a desirable form of medical therapy, provided it is done in accordance with the following conditions: (1) that the married couple have an urgent desire to have their infertility problems solved by artificial insemination; (2) that a physician carefully select a biologically and genetically satisfactory donor; and (3) that the physician determine, after thorough study, that the married couple would make desirable parents. N.Y. Times, June 5, 1955, p. 53, col. 1 (City ed.). The proposal also stated that, from observation over many years, the membership was impressed by the almost universal good results achieved. The fact that some parents have returned for as many as four children by donor insemination was considered proof of the happiness it bestows. *Ibid.*

> inheritance is good—it comes from his own wife, and he has his physician's assurance that the other half is of the best. Babies conceived in this manner are wanted children. They are welcomed into families with love. I know of not a single case where things have worked out badly."[44]

However, if the courts continue to attach the stigma of illegitimacy to AID children, the potential advantages of artificial insemination may be overshadowed. Certainly there are those who believe the practice to be morally wrong,[45] but even they must admit the need for recognizing its existence and remedying its problems, just as they recognize the problems of divorce, which they may also find objectionable. The law can legitimatize a child born from a common-law marriage[46] or from a bigamous marriage,[47] relationships which are initially illicit; the law can legitimatize an AID child if the mother were to divorce her original husband and marry the third-party donor.[48] Common sense, as well as justice, now calls for the courts to use the doctrine of equitable adoption to bestow immediate and permanent legitimacy on all AID children.

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44. Statement of Dr. Alan F. Guttmacher, head of the Department of Gynecology and Obstetrics of Mount Sinai Hospital, New York, cited in 36 CHI.-KENT L. REV. 1, 30 n.67 (1959). *But see* Lamson, Panard & Meaker, *The Sociologic and Psychological Effects of Artificial Insemination With Donor Semen*, 145 J. AM. MED. ASS'N 1062 (1951).

45. Both the Catholic Church and the Church of England have condemned artificial insemination as immoral and contrary to the laws of nature. For an excellent examination and analysis of religious views on insemination, see Lewisohn, *Human Artificial Insemination*, 36 CHI.-KENT L. REV. 1, 4 (1959). See also 7 SYRACUSE L. REV. 96, 104, 105 (1956).

46. *E.g.*, Dent v. Dent, 241 Ind. 606, 164 N.E.2d 351 (1960); Dacunzo v. Edgye, 19 N.J. 443, 117 A.2d 508 (1955).

47. *E.g.*, Green v. Green, 309 P.2d 276 (Okla. 1957).

48. *E.g.*, MICH. STAT. ANN § 27.3178 (1943), provides that a child born out of wedlock may be legitimatized by the marriage of his natural father and mother. See 4 VERNIER, AMERICAN FAMILY LAWS, §§ 242-245 (1936).