

ought to be or to have been recorded, or the circuit courts of Baltimore city, if the said deed or bill of sale ought, by law to be or to have been recorded in said city, may, upon the petition of any party to said deed or bill of sale, or his or their assigns, or any person claiming under them, setting forth the defects in the acknowledgment of said deed or bill of sale, pass an order directing the other parties thereto to appear and answer the said petition, and may cause notice to be given to such parties by summons or publication, according to the practice of the said court, and may direct testimony to be taken in relation to the matters in said petition, or in said petition contained; and the said court may grant relief upon said petition by directing the said parties, or any of them, to acknowledge or to re-acknowledge the said deed or bill of sale, as the case may require; and the order of the said court, passed in the premises, directing the said acknowledgment to be made as aforesaid, shall operate in the same manner and to the same extent, from the date of the said order, as if the said party, ordered as aforesaid to acknowledge or re-acknowledge the said deed or bill of sale, had thereupon so done; provided, however, that the rights of any person who shall not be a party to said proceedings, as aforesaid, shall not be in any wise affected by said order.

Divorce.

1904, art. 16, sec. 35. 1888, art. 16, sec. 35. 1860, art. 16, sec. 24.
1841, ch. 262, sec. 1. 1845, ch. 330, sec. 1.

36. The courts of equity of this State shall have jurisdiction of all applications for divorce; and any person desiring a divorce shall file his or her bill in the court, either where the party plaintiff or defendant resides; or if the party against whom the bill is filed be a non-resident, then such bill may be filed in the court where the plaintiff resides; and upon such bill the same process by summons, notice or otherwise, shall be had to procure the answer and appearance of a defendant, as is had in other cases in chancery; and in all cases where, from the default of the defendant, a bill for divorce may be taken *pro confesso*, the court shall order testimony to be taken, and shall decide the case upon the testimony so taken.

The divorce court is governed by the rules and principles established in the ecclesiastical courts in England so far as they are consistent with our code. To what extent the judge may elicit additional proof on his own motion and act thereon. *Fisher v. Fisher*, 95 Md. 318; *Fisher v. Fisher*, 93 Md. 303; *J. G. v. H. G.*, 33 Md. 406.

A decree of divorce distinguished from a decree of nullity. A bill held not to be one for divorce, as it set forth none of the causes thereof, and was filed by a third party. *Ridgely v. Ridgely*, 79 Md. 305; *LeBrun v. LeBrun*, 55 Md. 502.

For a case involving the effect of the death of one of the parties upon the divorce suit, see *McCurley v. McCurley*, 60 Md. 185.

This section referred to in deciding that the act of 1830, ch. 185, section 1, had no relation at the time of its adoption to proceedings for divorce. *Chappell v. Chappell*, 86 Md. 541.

For cases involving the effect of the acts of 1841, ch. 262, and 1844, ch. 306, upon the legislative power to grant divorces, see *Wright v. Wright*, 2 Md.