

This section is merely an affirmation of the powers of the court of chancery. *Winder v. Diffenderfer*, 2 Bl. 195.

Original jurisdiction of equity as to bills of discovery not abolished by statute for production of books and papers. Affidavit not necessary to bill of complaint. Sufficiency of bill for discovery. This section an affirmation of general equity powers. See notes to art. 75, sec. 106. *Hill v. Pinder*, 150 Md. 406.

Cited but not construed in *Buckingham v. Peddicord*, 2 Bl. 457.

As to the production of books and papers before the auditor, see sec. 24.

Re. production of books, and bills of discovery at law, see art. 75, sec. 106, *et seq.*

An. Code, 1924, sec. 27. 1912, sec. 26. 1904, sec. 25. 1888, sec. 25. 1807, ch. 140.

28. In any case where a court of equity may order the production of books in the possession of any party in the said court, on the failure of such party to produce such books so directed to be produced by the day therein limited, or to show sufficient cause for such failure, during the first four days of the succeeding term, or any other time that may be appointed therefor, the said court may in its discretion take the allegations in the bill of complaint of the party requiring the production of the said books *pro confesso* and decree *ex parte*, in such manner as shall appear just and reasonable.

Cited but not construed in *Buckingham v. Peddicord*, 2 Bl. 457.

See notes to sec. 27.

Declaratory Decrees.

An. Code, 1924, sec. 28. 1912, sec. 27. 1904, sec. 26. 1888, sec. 26. 1888, ch. 478.

29. Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such legal character or right; and the court may, in its discretion, make therein a declaration that he is so entitled without any further or other relief being asked or given.

The jurisdiction of the court under this and the following sections, should never be invoked for the purpose of determining a mere moot or abstract question. It is only in cases where equity would have jurisdiction if some specific or ultimate relief were asked, that these sections apply. *Pennington v. Pennington*, 70 Md. 430; *Wethered v. Safe Deposit Co.*, 79 Md. 163.

This section does not confer upon a court of equity any jurisdiction which it did not theretofore have, such as that to determine matters properly cognizable at law before a jury. *McCoy v. Johnson*, 70 Md. 492.

Where property is devised for life with remainders over, the court will not during the life of the life tenant entertain under this and the five following sections, a bill to decide whether the remainders are vested or contingent. *Wahl v. Brewer*, 80 Md. 243; *Pennington v. Pennington*, 70 Md. 430.

This and the five following sections have no application to a bill filed by the leasehold owner of property praying the direction of the court in the exercise of his right of redemption, the plaintiff not having given the required notice of his intention to redeem. *Plaenker v. Smith*, 95 Md. 398.

A bill to determine the amount of a mortgage claim may not be amended by adding a prayer for a declaratory decree under this section. *Getz v. Johnston*, 143 Md. 549.

Where will provided that son would not receive corpus of estate if he was living with his "present wife" when his younger brother reached the age of thirty, held that court of equity could properly assume jurisdiction to construe will under Secs. 29-35. *Fleishman v. Bregel*, 174 Md. 87.

Company developing tract of land for dwelling house purposes not entitled to declaratory decree, under its reserved power, to dispense with restriction as to erection of apartment houses in particular case. *Saunders v. Roland Park Co.*, 174 Md. 188.

Cited but not construed in *Livingston v. Hall*, 73 Md. 393.

Secs. 29-35 cited in *Curtis v. Md. Baptist Union Assoc.*, 176 Md. 430.

An. Code, 1924, sec. 29. 1912, sec. 28. 1904, sec. 27. 1888, sec. 27. 1888, ch. 478.

30. No court shall make any such declaratory decree where the plaintiff being, in the opinion of such court, able to seek further relief than a mere declaration of title, omits to do so.

See notes to sec. 29.