

CHAPTER 302.

CHAP. 302.

*A Supplement to the act, entitled, an act to define and enlarge the powers of Courts of Equity.*

Passed Mar. 22, 1833

Section 1. *Be it enacted by the General Assembly of Maryland,* That from and after the passage of this act, it shall not be lawful for the register of the court of chancery, to permit any person or persons to take out of the chancery office, any papers filed in said office, unless by virtue of a general order of the chancellor or an order or requisition of the court of appeal.

Register forbid to allow papers to be taken from his office.

Without order.

Sec. 2. *And be it enacted,* That the said register be, and he is hereby required, at the request and cost of any of the parties in a proceeding in chancery, to record any bill, petition, answer, or other pleading, and any paper whatsoever filed therein or returned with any testimony in the course of such proceedings; and a copy from the record of the writing so recorded, shall, in case of the loss of said writing, have the same effect in said proceeding as the said writing; *Provided,* the said writing be not an instrument or the copy of an instrument, which, by virtue of any act or acts of assembly, shall have been otherwise recorded.

Register directed to record, on application, &c.

Copy valid in case of loss.

Proviso.

Sec. 3. *And be it enacted,* That where a defendant of full age in any case in the court of chancery, or in any county court as court of equity, shall upon two successive subpoenas be returned *non est*, it shall be lawful for said court to order publication of the substance of the bill or petition against such defendant as if a non-resident of this state, and to proceed against such defendant in the same manner and to every effect, as if he were not a resident of this state, and as if the case made in the bill or petition were within any of the acts of assembly made and provided, in respect of absent or non-resident defendants; *provided however,* that each of said subpoenas be delivered to the sheriff or other officer for service thereof at least twenty days before the first day of the term to which such subpoena shall be returnable.

Defendant in case

On two successive subpoenas non est.

Publication ordered.

As in case of non-residents.

Proviso.

Sec. 4. *And be it enacted,* That the provisions of the act passed at November session, of the year eighteen hundred and four, chapter one hundred and seven, be, and the same are hereby extended to all cases that shall be instituted in the court of chancery or any county court as a court of equity, for or in any wise relating to the sale, partition, or conveyance, of any lands, tenements or hereditaments, or in any manner concerning lands, tenements, or heredita-

Provisions of act of 1804 ch. 107 extended to all cases in Chancery &c.