

shall have the same power, authority and jurisdiction, in all and every case, as belonged to, and was exercised by, the said court before the making this act, any thing herein contained notwithstanding.

C H A P.
LXXVIII.

IV. **And provided always, and be it enacted,** That all and every person or persons who think themselves aggrieved by the decree of the county court, in such cases where the sum exceeds thirty pounds current money or three thousand pounds of tobacco, shall be at liberty to appeal to the chancery court, in the same manner as appeals are prosecuted from the court of chancery to the high court of appeals.

Persons ag-
grieved may
appeal, &c.

V. **And be it enacted,** That this act shall not be construed so as to give any county court an original equity jurisdiction for the purpose of compelling a specific performance of any agreement; and in all cases where a suit at common law is commenced in any county court, and either plaintiff or defendant prays a decision on principles of equity, the common law suit may be proceeded on to judgment, nor shall execution on the said judgment be stayed, unless the party praying an equitable decision shall verify the facts stated in his petition by his oath, or affirmation, as the case may require, and give bond to the adverse party in such sum, and with such security, as the court shall approve, conditioned for the payment of such sum as shall appear to be due to the said adverse party, on the determination of the said suit by the said court on principles of equity as aforesaid, together with all legal costs, both on the common law and equity proceedings.

Act not to be
construed so as
to give origi-
nal equity ju-
risdiction, &c.

VI. This act to continue in force until the first day of January, in the year of our Lord seventeen hundred and ninety-four.

Duration.

C H A P. LXXIX.

A Further supplement to the act, entitled, An act to enlarge the powers of the high court of chancery.

Passed De-
cember 30.

WHEREAS the court of chancery has no power to order and decree the recording of a deed where the grantor, or his representatives, reside out of this state, unless on the appearance of the defendant, which cannot be obtained,

Preamble.

II. **Be it enacted, by the General Assembly of Maryland,** That in case any deed hath been or shall hereafter be executed, to the validity of which recording is necessary, and such deed hath not or shall not be recorded agreeably to law, without any fraudulent design or intention of the party claiming under the same, and the person who hath executed or shall execute such deed, his devisee or representatives, are or may be nonresidents of this state, it shall and may be lawful for the party claiming under such deed to file his bill or petition in chancery, praying the order and decree of the said court for recording such deed, and the chancellor thereupon, without the appearance of or hearing the defendant or defendants, shall have the same power and authority to order and decree the recording of such deed, as he hath in the cases mentioned in the twelfth section of the act to which this is a supplement; provided, that the complainant or petitioner shall give such notice of his application in news-papers, or otherwise, as the chancellor shall direct.

Where deeds
are not re-
corded, the
party may file
his bill, &c.

III. **And be it enacted,** That every deed recorded in pursuance of this act shall have the same operation, effects and consequences, and be liable to the same provisions, as a deed recorded under a decree in virtue of the act to which this is a supplement.

Deed record-
ed to have the
same operati-
on, &c.

IV. **And,** whereas infants, idiots, lunatics, and persons who are not of sound mind, seized of lands, tenements or hereditaments, may be compelled to convey the same, by decree of the court of chancery, for a specific performance of agreements made by the persons under whom they claim, provided application be

made