

## CHAP. 84.

Chancellor to  
have power to de-  
cree, &c.

2. BE IT ENACTED, by the General Assembly of Maryland, That the chancellor shall have power and authority, on the application of either party, on the trial of any actions at law depending in the general courts, or on any bill instituted in the chancery court, either for discovery or relief, to require and decree that the parties shall produce either the original books, writings or papers, or copies certified by a justice of the peace, of all such parts of such books, writings or papers, in their possession or power, as contain evidence pertinent to the issue, or relative to the matters in dispute between the parties, to be used as evidence at the trial of such cause or causes(a;) provided, that before any such order shall be made, the party making such application shall satisfy the chancellor, on oath or affirmation, that the said books, writings or papers, contain material and necessary evidence, and that such party cannot safely proceed to the trial of his, her or their case, without the benefit of such testimony.

(a) By 1807, ch. 140, on failure of the party to produce the books 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, &c. the chancellor may in his 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.

## CHAP. 61.

Passed Jan. 20 1799

*An Act for amending, and reducing into system, the Laws and Regulations concerning Last Wills and Testaments, the duties of Executors, Administrators and Guardians, and the rights of Orphans and other Representatives of deceased persons. Lib. JG. No. 3, fol. 187.*

## CHAP. 4.

Inquisition find-  
ing lunacy con-  
clusive, &c.

5. Any inquisition of a jury, on a writ issued from chancery, finding the party an idiot, lunatic, or *non compos mentis*, and confirmed by the chancellor, shall be conclusive evidence of the unsound mind of the party; and if such an inquisition shall not have been had, at the time when administration ought to be granted, a writ *de lunatico inquirendo* may issue by the chancery or orphans court, on the petition of either of the said courts of any person interested; and the finding of the jury, that the party is an idiot, lunatic or madman, or *non compos mentis*, thereon returned and confirmed by the chancellor or the orphans court, as the case may be, shall be conclusive against the party; and a certificate from the register in chancery, under seal, stating the substance of the proceedings, shall be evidence in the orphans court, who may thereon proceed as if the party had not been named in the will.

## CHAP. 10.

Directions to exe-  
cutors, &c. where  
by the will it is  
necessary to re-  
tain, &c. on mo-  
ney being payable  
in future.

11. If by the provisions in a will it shall be necessary for an executor, or for an administrator with a copy of the will annexed, to retain in his hands the personal estate, or a part thereof, after all just claims are discharged, as where money, or some other thing is directed to be paid at a distant period, or upon a contingency, the court of chancery or the orphans court shall have power, on the application of such executor or administrator, or of a party interested, to decree or give directions relative thereto; and it shall be the duty of such executor or administrator, to apply to the court of chancery or the orphans court, and the said courts