

An. Code, sec. 35. 1904, sec. 34. 1888, sec. 34. 1868, ch. 325.

**36.** Whenever any deed or bill of sale shall have been duly signed and sealed by the parties thereto, but shall not have been acknowledged by the said parties, or any one of them, in the manner or form, or before the person authorized to take such act or acknowledgment, the circuit court for the county in which, by law, the said deed or bill of sale 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.

An. Code, sec. 36. 1904, sec. 35. 1888, sec. 35. 1841, ch. 262, sec. 1. 1845, ch. 330, sec. 1.

**37.** 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.

A plaintiff held to be a resident of Baltimore city so as to entitle her to file a bill under this section in that jurisdiction. Meaning of the word "residence" as used in this section; when a change of domicile takes place. *Harrison v. Harrison*, 117 Md. 612.

A bill held to sufficiently set out the residence of the defendant under this section and sec. 171. *Etheridge v. Etheridge*, 120 Md. 13.

This section and sec. 40 referred to as showing that equity courts of this state exercise jurisdiction where defendant is a non-resident. Nevada court held to have been without jurisdiction. *Walker v. Walker*, 125 Md. 661.

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.