

owned by husband and wife as tenants by the entireties. *Roberts v. Roberts*, 160 Md. 522.

Cited but not construed in *Bushman v. Bushman*, 157 Md. 172; *Wald v. Wald*, 161 Md. 500.

Under this section and sec. 15, held that suit for alimony must be brought in jurisdiction where defendant resides and alimony proceeding cannot be amended to a divorce proceeding, in which alimony is made incident thereto. *Woodcock v. Woodcock*, Daily Record, June 20, 1935.

See notes to sec. 39.

15.

Cited but not construed in *Bushman v. Bushman*, 157 Md. 172; *Wald v. Wald*, 161 Md. 500.

See notes to sec. 14.

1935, ch. 261.

16A. In all cases where alimony or alimony pendente lite and counsel fees are claimed, the court shall not award such alimony or counsel fees unless it shall appear from the evidence that the wife's income is insufficient to care for her needs; ↑

Amendment.

17.

This section and rule 17 give court very wide discretion in allowing or refusing amendments before final decree, but where amendment involves new party, he should have same right of review as original party. *Buckner v. Jones*, 157 Md. 247.

An appeal does not lie from order sustaining demurrer to bill of complaint for relief by way of injunction, with leave to plaintiff to amend within prescribed time, when plaintiff does not amend but takes appeal after expiration of prescribed time, without decree of court dismissing bill of complaint. *Mass v. Mass*, 165 Md. 344.

19.

Distribution by receiver of building association should not be approved without order of court auditor. *Mendelis v. Building & Loan Assn.*, Daily Record, April 20, 1935.

Books and Papers, Production of.

26.

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.

Deeds.

35.

Recording of mortgage after six months' period does not operate as constructive notice, unless pursuant to order of court. *Kinsey v. Drury*, 146 Md. 230.

This section and its construction in *Dyson v. Simmons*, 48 Md. 207, referred to in construing art. 21, sec. 55—see notes thereto. *In re Rosen*, 23 F. (2nd), (D. Ct. Md.), 688.

See notes to art. 66, sec. 25.

Insert
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