

EQUITABLE JURISDICTION TO REMEDY OMISSION TO RECORD, OR TO GIVE EFFECT TO INFORMAL OR INVALID DEEDS.

Art 16, s 23
1785, c 72, s 11,
1791, c 79, ss
2, 3, 1792, c 41.
s 3
Proceeding to
remedy omis-
sion to record
deed agreeably
to law
27 Md 51, 368,
41 Md 514, 2 G
& J 446, 2 H &
J 281, 4 H & J
547, 5 Howard,
79

Effect of record-
ing in pursu-
ance of decree

1863, c 325.
Defective
acknowledg-
ments
33 Md 401.

Petition to Cir-
cuit Court and
answer, etc.

Testimony

102. In case any deed shall be executed, to the validity of which recording is necessary by law, and such deed hath not been recorded agreeably to law, without any fraudulent intention of the party claiming under such deed, the court shall have full power and authority, upon application of the party claiming under such deed, and upon such notice being given to the party making such deed, his heir, devisee, executor, or administrator, as the court may direct, and being satisfied that the party claiming under such deed has a fair and equitable claim to the premises therein mentioned, to order and decree, without the appearance or hearing of the defendant, that such deed shall be recorded, and when such deed is recorded, it shall, in pursuance of such decree, be taken and considered in all courts of law and equity against the party making such deed, his heirs, devisees, executors, and administrators, in the same State, and to have the same effect and consequences, to all intents and purposes, as if such deed had been recorded within the time prescribed by law; but such deed shall not destroy, or in any manner affect, the title of any purchaser of the same thing or premises in case of a purchase made after the date of such deed, and without notice of such deed by the person making such after-purchase, whether such purchase be by contract or by deed recorded agreeably to law, nor shall such deed, though recorded as aforesaid, in any manner affect the creditors of the party making such deed, who may trust such party after the date of the said deed. The provisions of this section to apply to non-residents as well as to residents, and to infants and persons of unsound mind.

103. 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 of a county in which, by law, the said deed or bill of sale ought to be or to have been recorded, or the Circuit Court 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 and answer 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