

before any such order shall be made, the party making such application shall satisfy the court, 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 case without the benefit of such testimony.

Ringgold v. Jones, 1 Bl. 88. Williams v. Hall, 1 Bl. 193. Buckingham v. Peddicord, 2 Bl. 447. Duvall v. Farmers' Bank, 2 Bl. 686. Williams v. Savage Manfg. Co., 3 Md. Ch. 418. Eschbach v. Lightner, 31 Md. 528.

1888, art. 16, sec. 25. 1860, art. 16, sec. 21. 1807, ch. 140.

**25.** In any case where a court of equity may order the production of books in the possession of any party in the said court, on the failure of such party to produce such books so 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, or any other time that may be appointed therefor, the said court may in its 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.

#### Declaratory Decrees.

Ibid. sec. 26. 1888, ch. 478.

**26.** Any person entitled to any legal character, or to any right as to any property, may institute a suit against any person denying, or interested to deny, his title to such legal character or right; and the court may, in its discretion, make therein a declaration that he is so entitled without any further or other relief being asked or given.

Pennington v. Pennington, 70 Md. 418. McCoy v. Johnson, 70 Md. 490. Livingston v. Hall, 73 Md., 392. Wethered v. Safe Deposit Co., 79 Md. 163. Wahl v. Brewer, 80 Md. 243. Plaenker v. Smith, 95 Md, 398.

Ibid. sec. 27. 1888, ch. 478.

**27.** No court shall make any such declaratory decree where the plaintiff being, in the opinion of such court, able to seek further relief than a mere declaration of title, omits to do so.

Ibid. sec. 28. 1888, ch. 478.

**28.** A trustee of property is "a person interested to deny" a title, adverse to the title or rights of some one who is not in existence, and for whom, if in existence, he would be a trustee.

Plaenker v. Smith, 95 Md. 398.