

## CHAP. 238.

## CHAPTER 238.

Passed Mar. 9, 1841. *A bill supplementary to an act passed December session, eighteen hundred and twenty-nine, chapter two hundred and two, relative to the taking of Testimony in all applications for Divorce.*

All persons applying for a divorce to have a subpoena issued

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That in all applications for divorce, the party so applying shall make application to some justice of the peace, who shall thereupon issue a subpoena directed to some constable or other person, who shall serve the same on the person from whom the divorce is sought; and the person serving the same shall make an affidavit of the fact of the service of the same.

Either party may take testimony

SEC. 2. *And be it enacted,* That after the subpoena shall have been served and returned to the justice issuing the same, either party may proceed to take testimony after the lapse of thirty days, before a justice of the peace in the county or city where they reside, if they both reside in the same county or city; but if they should not reside in the same county or city, then either party may take the depositions of such witnesses as they may think proper in the county or city where they may reside, and transmit the same to the Legislature at its next annual session.

If the party from whom divorce is asked be non resident

SEC. 3. *And be it enacted,* That if the person from whom the divorce is sought be a non-resident of the State, or shall be absent from the same, the person applying shall give at least three months notice in some newspaper published in the city of Baltimore, of their intention to apply for a divorce at the next session of the General Assembly; and at the expiration of such time may proceed to take the testimony of such witnesses as they may think proper before a justice of the peace, on-oath, and transmit the same to the next Legislature for their action, to be judged of by them.

Officers' fees

SEC. 4. *And be it enacted,* That the justice of the peace issuing a summons or summonses, and the constable or other person serving the same, shall be allowed the same fees as are now allowed by law for similar services; each party to pay their own costs.

Inconsistent acts repealed

SEC. 5. *And be it enacted,* That all acts or parts of acts inconsistent with this act, be and the same are hereby repealed.