No. 7715. Equity.

that no part of the $5600 mentioned in the Mortgage was ever due to Francis H Orendorff, which the guardian of Julia Mills maintains that $3.600 which belonged to Julia Mills as a gift from Francis H Orendorff's wife, was in point of fact a portion of the Consideration of the $5600 mentioned in the mortgage. To all the answers a replication was put in; considerable testimony has been taken, including in the evidence adduced, the entire proceedings in former Equity Case No. 4411. The case has been elaborately and fully argued and the questions which are presented may be reduced to the following: First. Has the Court jurisdiction to grant the relief prayed? Secondly. Is the Bill multifarious? Thirdly Is there a Misjoinder or non-joinder of parties, either Plaintiffs or defendants? Fourth. Have the averments of the Bill with reference to the insolvency of Francis H. Orendorff been sustained? Fifth. Do the release and assignment operate in law to hinder, delay and defraud the Creditors of Francis H. Orendorff, who were such at the time the release and assignment were executed? Of these in their order.

It will be appropriate, in view of the recent recurrence of some of the above inquiries, to go into a fuller discussion of several of them, than would ordinarily be necessary; and though such a course will considerably lengthen this judgment it may make clearer certain propositions about which there seemed to be a wide divergence of opinion among Counsel during the oral argument.

First. Has the Court jurisdiction to grant the relief prayed for in the Bill? It is insisted by the defendants that the Court is without jurisdiction in the premises because all the parties to the Cause, except James H. Orendorff and his Children are residents of Carroll County and that, therefore the proceedings should have been instituted in that County. It is true, as a general proposition, that proceedings must be instituted in the Court within whose jurisdiction the defendants reside, but there are exceptions to this rule. Under Article 16 Section Section 77. of the Code amongst other things it is provided that "Where the defendants, or any of them reside in a different County from that in which the land lies which is to be affec-