

To constitute such a *lis pendens* in this Court it is sufficient that there be a bill filed and a subpoena returned served in a suit, the object of which is to affect the right to the debts.

Several suits, the objects of which are to have the same estate applied in satisfaction of the same set of creditors, may be consolidated.

THIS bill was filed on the 22nd of January, 1824, by Edward Campbell, Randolph Campbell, James Cunningham, and Catherine

of fact, affects the purchaser in the same manner as if he had such notice. and he will accordingly be bound by the judgment or decree in the suit. *Inloes v. Harvey*, 11 Md. 524. This case is approved in *Tilton v. Cofield*, 93 U. S. 168, where it was held that he who intermeddles with property in litigation does it at his peril, and is as conclusively bound by the results of the litigation, whatever they may be, as if had been a party to it from the outset. See to the same effect, *Boulden v. Lanahan*, 29 Md. 201; *Hall v. Jack*, 32 Md. 253.

A creditors' bill to be a *lis pendens* and to operate as a notice against real estate must be so definite in the description of the estate, as that any one reading it can learn thereby what property is the subject of the litigation. If it is not so, it will be postponed to a junior bill, which is. *Miller v. Sherry*, 2 Wallace, 237. And to affect a party as a purchaser *pendente lite* it is necessary to show that the holder of the legal title was impleaded before the purchase which is to be set aside. *Ibid*, 250.

A decree in equity for the sale of lands to pay debts and legacies, or for the purpose of distributing the proceeds among those entitled, is a proceeding *in rem*. Persons who come into the possession of the land *pendente lite*, claiming title to it under the parties to the bill or some of them, stand in the same predicament with those whom they represent in point of interest. *Tongue v. Morton*, 6 H. & J. 21. But a person in possession claiming adversely and not a party to the decree cannot be affected by it. *Ibid*. Where a grantee of land, pending a proceeding against him to set aside the deed to him as fraudulent, makes a conveyance of the land, the persons to whom he so conveys need not be made parties to the suit, and are in no better condition than the person under whom they claim. *Shaferman v. O'Brien*, 28 Md. 565. Cf. *Alexander v. Ghiselin*, 5 Gill, 138, note, *ad finem*.

The doctrine of *lis pendens* does not apply to a case where a wife is suing for a divorce and alimony, but only to a case where the proceeding directly relates to the thing or property in question. *Feightly v. Feightly*, 7 Md. 538.

It is doubtful whether the doctrine of *lis pendens* applies to personal property or not. See *County of Warren v. Marcy*, 97 U. S. 96; *Murray v. Lylburn*, 2 Johns. Ch. 441; *McCutchen v. Miller*, 31 Miss. 65; *McLaurine v. Monroe*, 20 Mo. 462; *Chase v. Searles*, 54 N. H. 511; *Leitch v. Wells*, 48 N. Y. 602. But in 2 *Pomeroy Eq. Jur.* sec. 636, it is said to be the general rule that the doctrine does not apply to ordinary suits concerning personal property, except in the case of actions brought to enforce a trust extending over chattels and securities not negotiable in their nature.

A decree will not be binding upon a purchaser *pendente lite* unless the suit has been prosecuted in good faith and with reasonable diligence. *Price v. McDonald*, 1 Md. 412. But "the abatement of the suit by the death of a party will not destroy its effect as *lis pendens*, provided it is revived without unnecessary delay. Even a judgment in favor of the defendant does not necessarily at once terminate the *lis pendens*. If the unsuccessful party is entitled to an appeal, the constructive notice continues during a reasonable time for an appeal to be taken." 2 *Pomeroy*, sec. 634.