

and such defendants had appeared to such bill, and by answer admitted the facts thereof.

This section referred to in deciding that a party might file exceptions to a mortgage sale *in propria persona*. *Aukam v. Zantzinger*, 94 Md. 425.

Cited but not construed in *Benson v. Linthicum*, 75 Md. 143; *Newbold v. Glenn*, 67 Md. 491.

See notes to sec. 206.

1904, art. 16, sec. 200. 1892, ch. 654, sec. 186 A.

209. When any plaintiff, or any defendant, who has been duly summoned to answer a bill or petition in any of the equity courts of this State shall die before final decree, leaving heirs at law or representatives who should be made parties to said cause, or any one has been omitted as a plaintiff or defendant in any equity cause, it shall not be necessary to file an amended bill or petition in said cause, but on a short petition setting forth their interest in said cause they shall be made a party plaintiff, or if a defendant, the court shall cause a summons to be issued requiring said party or parties to answer said bill or petition as originally filed; and said short petition shall be taken and considered as part of said bill.

A suit to set aside a fraudulent conveyance, does not abate upon the death of the grantor leaving the grantee his only heir. This section, while not abrogating the practice of filing a bill of revivor under section 12, gives a new method of attaining the same object. Purpose of this section. A purchaser *pendente lite* is not a necessary party. The heirs at law of a deceased defendant may be brought in by petition when the matter in controversy is real estate in which the heirs have an interest. The term "legal representative," defined. *Sinclair v. Auxillary Realty Co.*, 99 Md. 231.

This section held to have no application—see notes to section 172. *Cockey v. Plempel*, 86 Md. 186.

See sec 1, *et seq.*

1906, ch. 373.

210. Whenever it shall be the duty of any fiduciary (meaning by the term "fiduciary" any trustee, executor, administrator, receiver, or other fiduciary) to make any delivery or distribution of any property in the possession or control of such fiduciary, and said fiduciary shall apprehend that there may be persons living unknown to such fiduciary who may be entitled to shares thereof, or whose rights will be affected by such distribution or delivery, said fiduciary may apply by bill or petition to the court of equity in the county or city in which said fiduciary resides or has his or its principal office or place of business, praying the said court to assume jurisdiction over the said property and the distribution and delivery thereof, or if a court of equity already has jurisdiction of said property, said application may be made to such court. All persons known to such fiduciary to have any interest in said property shall be named or described and made parties to the proceedings, and their interests shall be stated or set forth, and there shall be a statement in the bill or petition, by which said application to the court is made, showing why such fiduciary apprehends that there may be persons living unknown to him or it who may be interested in said