

Infants.

72.

See notes to section 74.

74.

Neither by virtue of this section nor of section 76 is a child adopted by "A" under section 72, entitled to take under a will whereby certain property is left to the testatrix's son "A" for life and after his death to his children equally, and if there are no children then to "the right heirs" of the testatrix. *Eureka Life Ins. Co. v. Geis*, 121 Md. 199.

76.

See notes to section 74.

Injunction.

81.

See notes to article 66, section 18.

83.

A case reversed because, since the adoption of the act of 1835, chapter 380, it has always been held error to proceed to final decree upon a motion to dissolve an injunction; the most that can be asked under such circumstances is a continuance of the injunction until final hearing. *Wilmer v. Pica*, 118 Md. 551.

This section referred to as authorizing a party, who upon his own motion is made a defendant subsequent to the filing of the bill, to apply to the lower court for a rescission of such prior orders as he thinks improper. See notes to article 5, section 36. *Carrington v. Basshor Co.*, 121 Md. 76.

Jurisdiction.

87.

This section does not oust the orphans' court of its jurisdiction under article 93, section 293, to order the sale of a decedent's real estate, the appraised value of which is not more than \$2,500, and this is true although the real estate is situated in a county other than that in which the estate is administered. Meaning of the word "charge" as used in this section. *Cain v. Miller*, 117 Md. 48. *Cf. Abramson v. Horner*, 115 Md. 246.

A bill to set aside a deed on the ground that it is in fraud of creditors is properly filed under this section in the county where the land lies. *Abramson v. Horner*, 115 Md. 246.

The circuit court for Prince George's County has jurisdiction under this section over a bill to enjoin the foreclosure of certain mortgages upon land in that county. *Fowler v. Pendleton*, 121 Md. 299.

89.

Where a substituted trustee has been properly appointed under this section and the court has jurisdiction, a mere irregularity in the proceedings will not sustain exceptions to the sale on the purchaser's appeal. *Sam'l. Ready School v. Safe Dep. & Trust Co.*, 121 Md. 518.

Upon the *ex parte* petition of any person interested in a trust estate, the court will appoint a trustee in place of a deceased trustee, this section being applicable. *Jencks v. Safe Deposit & Trust Co.*, 120 Md. 631.

Non Compos Mentis.

114.

An appeal lies under article 5, section 26, from a decree ratifying an inquisition of lunacy. There is no statute prescribing the method by which the mental capacity of a person is to be ascertained; such procedure remains as it existed, independently of statute, under the English practice. *Ex parte Bristol*, 115 Md. 618.