

jurisdiction; and process may be sent to the county or counties wherein the defendants respectively reside, to be served by the sheriff of such county or counties upon the defendants named therein, and returnable as directed in the summons.

This section means that if all the lands to be affected by the suit are not situated in one county or in the city of Baltimore, or some of them are in one county and some in one or more of the other counties, or some in the city of Baltimore and some in one or more of the other counties, the proceedings may be commenced in either county or in the city of Baltimore where any part of the land is situated. Purpose of this section. *Roessner v. Mitchell*, 122 Md. 463.

This section does not oust the orphans' court of its jurisdiction under art. 93, sec. 302, 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.

Intent of this section. Notice should be given by record in the clerk's office of the county where the land lies, at least before a sale of the land. The better practice is to send to said court a certified copy of each proceeding as soon as it is filed. History of this section. Rights of innocent purchasers and mortgagees. *Murguindo v. Hoover*, 72 Md. 14. And see *Walker v. Cockey*, 38 Md. 78.

This section has no application to a bill to enforce the *assignment* of a lien, which is radically different from a bill to *enforce* a lien. Contingencies provided for by this section. The last sentence of this section must be read in connection with what precedes it. This section has no application to specific performance. *Dorsey v. Omo*, 93 Md. 81; *Hopper v. Brodie*, 130 Md. 446.

This section has no effect upon sales made pursuant to powers in mortgages executed under art. 66. *Walker v. Cockey*, 38 Md. 78.

The act of 1870, ch. 450, held to have no retrospective operation, and hence not to affect decrees passed before it went into effect. *Johnson v. Johnson*, 52 Md. 669. See notes to sec. 91.

An. Code, sec. 88. 1904, sec. 84. 1888, sec. 73. 1852, ch. 16, secs. 5, 6.

91. Where defendants reside in different counties or in a county and the city of Baltimore, the court where any one of the defendants resides shall have jurisdiction, and the bill or other proceedings may be filed or had in such court.

This section is applicable to all equity cases in which the defendants reside in different counties or in a county and the city of Baltimore, except where there is some other special provision, as for instance, sec. 90; this is true notwithstanding art. 75, sec. 157. *Hopper v. Brodie*, 130 Md. 445.

An. Code, sec. 89. 1904, sec. 85. 1888, sec. 74. 1840, ch. 109, sec. 6. 1841, ch. 303. 1870, ch. 450, sec. 2.

92. In case of the lands of any deceased person which may lie in more than one county, or in the city of Baltimore, and one or more counties, becoming liable to the payment of his debts, or where lands have been or may be mortgaged which lie in more than one county or in the city of Baltimore and one or more counties, then all such lands may be sold under a decree of the court of that county or of the city of Baltimore, in which the proceedings to sell the same shall be first commenced, and in such case a