

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. *Murguiondo 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.

This section and sec. 97 have no application to a proceeding to foreclose a mortgage in Baltimore City under an assent to a decree. *Ahrens v. Ijams*, 158 Md. 413.

See notes to sec. 96.

An. Code, 1924, sec. 91. 1912, sec. 88. 1904, sec. 84. 1888, sec. 73. 1852, ch. 16, secs. 5, 6.

**96.** 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. 95; this is true notwithstanding art. 75, sec. 157. *Hopper v. Brodie*, 130 Md. 445.

This section referred to in construing Art. 11, Sec. 97. *Allender v. Ghingher*, 170 Md. 167.

Cited but not construed in *Evans v. Zouck*, 172 Md. 15.

An. Code, 1924, sec. 92. 1912, sec. 89. 1904, sec. 85. 1888, sec. 74. 1840, ch. 109, sec. 6. 1841, ch. 303. 1870, ch. 450, sec. 2.

**97.** 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 copy of the bill, decree and trustee's report of the sale shall be sent to the clerks of the proper courts where such lands may respectively lie, to be docketed, indexed and recorded, as provided in section 95.

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.

As to the sale of land for the payment of debts, see sec. 242.

Cited but not construed in *Evans v. Zouck*, 172 Md. 15.

See notes to sec. 95.

An. Code, 1924, sec. 93. 1912, sec. 90. 1904, sec. 86. 1888, sec. 75. 1787, ch. 30. 1852, ch. 16.

**98.** Where all the defendants are non-residents, the bill shall be filed in the court of the county or city where the property to be affected by such bill, or some part thereof, lies, or shall be at the time the suit is instituted.

As to non-residents, see sec. 137, *et seq.*

An. Code, 1924, sec. 94. 1912, sec. 91. 1904, sec. 87. 1888, sec. 76. 1785, ch. 72, sec. 13. 1841, ch. 303. 1852, ch. 16.

**99.** Where a decree has been made for a specific performance of a contract, or the conveyance of land, or for the sale of land, the court passing