

the powers, duties and compensation of such special auditor shall be in all respects the same as those of the regular auditor of said court, and such special auditor shall in all cases, before acting as such, take the oath prescribed to be taken by the regular auditor.

Approved and in force March 2, 1870.

JURISDICTION.

1870, c. 450 repeals section 53 as amended and re-enacted by 1863, c. 348 and re-enacts the same with amendments as follows :

1870, c. 450
When lands or
persons partly
in one county
and partly in
another

58. Whenever lands be partly in one county and partly in another, or partly in a county and partly in the city of Baltimore, or whenever persons proper to be made defendants to proceedings in chancery reside, some in one county and some in another, or some in a county and some in the city of Baltimore, that court shall have jurisdiction in which proceedings shall have been first commenced; *provided*, that all proceedings for any partition of real estate, to foreclose mortgages on land, or to sell lands under a mortgage, or to enforce any charge or lien on the same shall be instituted in the court of the county or the city of Baltimore where such lands lie, or if the lands lie partly in one county and partly in another, or partly in one county and partly in the city of Baltimore, then such proceedings may be commenced in either county or in the city of Baltimore; but no sale or partition of lands under any such proceedings shall take place after the passage of this act, except under the decree of a court, as hereinbefore provided; *provided*, that in case of any sale of lands under a decree of a court in any county where part only of the lands lie, a copy of the bill, decree, and trustee's report of sale, and in case of partition of real estate, a copy of the bill and the final decree of partition, certified under the official seal by the clerk of the court in which the proceedings were commenced, shall be filed in the clerk's office of the court of the county, or of the city of Baltimore where any other

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