

as to sales in equity shall be followed. After the audit has been stated and confirmed the Court shall, upon proper application by the guardian, committee or trustee, direct that the net proceeds of any sale or sales be transferred to the foreign jurisdiction wherein the *non compos mentis* resides and was adjudicated as such.

### Partition.

137.

The bill of a concurrent owner held to be in strict conformity with this section. The test of the court's jurisdiction is whether a demurrer will lie to the bill; the court is not divested of its jurisdiction merely because the answer and proof deny the plaintiff's legitimacy. *Barron v. Zimmerman*, 117 Md. 298.

### Pleadings, Practice and Process.

142.

The granting of an injunction and the appointment of a receiver prior to the filing of a bill of complaint condemned. *Dixon v. Dixon*, 119 Md. 415.

146.

A fee of a solicitor for infants appointed under this section, upheld. *De Bearn v. Winans*, 115 Md. 152.

155.

This section recognizes the principle that every bill in equity must contain a clear statement of the facts upon which the plaintiff relies for relief; requisites of a bill for specific performance and for an injunction. *McDowell v. Biddison*, 120 Md. 125; *Chesapeake Beach Co. v. Hall*, 121 Md. 654.

156.

The prayer for process in an amended bill held to be in conformity with this section. It is pointed out that the original bill contained the name and address of the then sole defendant and thus gave all the information that would have been given if such name and address had been repeated in the prayer for process. *Longley v. McGeoch*, 115 Md. 186.

See notes to section 36.

157.

A defendant should assign some satisfactory reason for the delay, and the petition should be verified by his oath, but the sufficiency of the reasons assigned are not reviewable by the Court of Appeals, nor are the terms upon which the defendant is allowed to answer, such matters being within the discretion of the lower court. Applying the above principles, a decree may be rescinded and a replication filed after a bill has been dismissed for failure to file it. The fact that a petition by a party in default was not sworn to and was in the names of the solicitors instead of the plaintiffs, does not justify the Court of Appeals in reviewing the action of the lower court. *Norris v. Ahles*, 115 Md. 67.

158.

Where there are no exceptions to the demurrers referred to in the court below, and an "additional demurrer" states the grounds of the demurrer and challenges the petitioner's right to the relief prayed, an order was not reversed because of such defects in the original demurrers. *Continental Trust Co. v. Balto. Refrig. Co.*, 120 Md. 460.