

and unqualified power of sale, coupled with the right to give receipts, such trustees shall represent the persons beneficially interested under the trust, in the same manner and to the same extent as the executors or administrators in suits concerning personal estate represent the persons beneficially interested in such personal estate; and in such cases it shall not be necessary to make the persons beneficially interested under the trust, parties to the suit. But any party interested may, upon his own application, be allowed to come in and be made a party to such proceeding, and the court or judge thereof may, upon consideration of the matter on the hearing, if it should be deemed proper, order such persons, or any of them, to be made parties.

A bill by church trustees to prevent the diversion of church property to improper purposes, to recover possession of the property and to set aside a deed, held not multifarious either as to misjoinder of parties or subject matter. Parties. Jurisdiction of equity. *Brown v. Scott*, 138 Md. 240.

The terms employed in creating a trust, held to bring it within the operation of this section. Testamentary trustees, the only necessary parties. *McDevitt v. Bryant*, 104 Md. 191.

This section referred to as illustrating statutory authority for the representation of absent persons in equity. The constitutionality of this section has never been called in question. *Kingan Packing Co. v. Lloyd*, 110 Md. 626.

As to trustees, see sec. 247, *et seq.*

An. Code, sec. 183. 1904, sec. 174. 1888, sec. 161. Rule 31.

198. It shall not be necessary to dismiss the entire bill or petition in any suit, because simply of the misjoinder of parties or the subject-matter of the suit; but the court may dismiss the bill or petition, as to such of the parties, plaintiff or defendant, as may be improperly joined, and may dismiss the bill or petition as to such of the subject-matter as may be improperly joined or included therein, so as to relieve the bill or petition of the objection of being multifarious. And the court may, according to the special circumstances of the case, to meet the requirements of justice, and to prevent a multiplicity of suits, decree as between the plaintiffs, as if they occupied positions of plaintiff and defendant upon the record, and may so decree as between co-defendants to the cause; provided such decrees shall be founded upon the allegations of the pleading between the plaintiffs and defendants, and have immediate connection with the subject-matter of the suit.

Where a bill is multifarious, a demurrer should be sustained and the bill, as to the matter misjoined, dismissed under this section. Complainants may then proceed as to subject-matter retained. *Belt v. Bowie*, 65 Md. 354.

The improvident joinder of one subject in a cross-bill, will not affect the jurisdiction of the court to decree relief as to other subjects properly included. *Hooper v. Central Trust Co.*, 81 Md. 582.

Relief may be given to plaintiffs against co-plaintiffs, and to defendants against co-defendants. *Whitridge v. Whitridge*, 76 Md. 62 (opinion of the lower court concurred in by dissenting opinion).

As to a decree against the plaintiff, see sec. 231.

Secs. 196 to 200 referred to—see notes to sec. 197. *Brown v. Scott*, 138 Md. 240.

An. Code, sec. 184. 1904, sec. 175. 1888, sec. 162. Rule 32.

199. If the defendant shall, at the hearing of the cause, object that the suit is defective for want of parties, not having by demurrer or answer taken the objection, and therein specified by name or description the parties to whom the objection applies, the court or judge thereof, if it be deemed