

An. Code, 1924, sec. 196. 1912, sec. 181. 1904, sec. 172. 1888, sec. 159. Rule 28.

202. In all cases where the plaintiff may have a joint and several claim or demand against several persons, either as principals or sureties, it shall not be necessary to bring before the court, as parties to a suit concerning such claim or demand, all the persons liable thereto; but the plaintiff may proceed against one or more of the persons severally liable. But the defendant may at once proceed by petition in the nature of a cross-bill, against such party as is liable jointly with him, and such party shall be permitted to make himself a party to the original cause, and defend the same, and the proceedings in the original cause shall, after the service of such petition, be conclusive as to such other party, and if he shall appear thereto, the same shall be conducted as if he had been made a party thereto in the first instance.

Secs. 202 to 206 referred to—see notes to sec. 203. *Brown v. Scott*, 138 Md. 240.

An. Code, 1924, sec. 197. 1912, sec. 182. 1904, sec. 173. 1888, sec. 160. Rule 29.

203. In all suits concerning real or personal estate, where the entire estate sought to be affected by the decree or order prayed for is vested in trustees, under any deed, will, or other instrument, with an immediate 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.

In bill by beneficiary against trustee to compel payment of trust fund created by will, held that it was not necessary to join as parties beneficiaries who had remote contingent interests in fund. *Safe Dep. & Tr. Co. v. Hutton*, 159 Md. 50.

Trustees do not, as general principle, represent their *cestués que trustent* in suits respecting the trust property but represent the beneficiaries, who may be made parties upon application. *Cottman v. Trust Co.*, 169 Md. 595.

As to trustees, see sec. 256, *et seq.*

An. Code, 1924, sec. 198. 1912, sec. 183. 1904, sec. 174. 1888, sec. 161. Rule 31.

204. 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